

## SENATE—Monday, October 31, 1983

The Senate met at 12 noon and was called to order by the President pro tempore (Mr THURMOND).

## PRAYER

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

Let us pray.

May we remember in silence Ben Firshein, one of our Official Reporters of Debates, who is very, very ill at this time in the hospital.

Let us praise the Lord in the words of Psalm 150.

*Praise ye the Lord. Praise God in his sanctuary: praise him in the firmament of his power.*

*Praise him for his mighty acts: praise him according to his excellent greatness.*

*Praise him with the sound of the trumpet: praise him with the psaltery and harp.*

*Praise him with the timbrel and dance: praise him with stringed instruments and organs.*

*Praise him upon the loud cymbals: praise him upon the high sounding cymbals.*

*Let every thing that hath breath praise the Lord. Praise ye the Lord.—Amen.*

## RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

## SENATE SCHEDULE

Mr. BAKER. Mr. President, pursuant to the order entered on Saturday and following the adjournment of the Senate over until today, the reading of the Journal has been dispensed with, the call of the calendar has been dispensed with, no resolution shall come over under the rule, and the morning hour is deemed to have expired.

Mr. President, after the two leaders are recognized today, there will be a period of 1 hour for the transaction of routine morning business, after which we will resume consideration of the debt limit bill, at which time the Tower motion to reconsider will be the pending question.

Mr. President, there was an order entered that no votes would occur prior to 5 o'clock today. To make sure that there is no misunderstanding about that, I have been asked whether or not that meant no rollcall votes or no votes of any type. I had thought that it was put clearly enough to mean

only rollcall votes and that we would not be precluded from acting by voice vote. But just in case there is an area of disagreement on that point, I wonder if the minority leader would object if I clarified that by unanimous consent at this point.

Mr. BYRD. Mr. President, the letter of the order would preclude any votes, but I think that the spirit of the order and the intent of the order were to protect Senators from rollcall votes. I certainly did not have in mind voice votes, and I doubt that anybody else did.

Mr. BAKER. Mr. President, I had thought that the order was no votes ordered prior to 5 o'clock. Apparently I omitted the word "ordered," which would mean by a show of the yeas and nays.

Mr. BYRD. May I say one further thing to the majority leader?

Mr. BAKER. Yes.

Mr. BYRD. I do not believe, in the past when we have used this language, that we have intended to preclude, or in fact precluded voice votes, and so I would want to hope that the Members on my side would share that feeling. Many times we have mentioned rollcall votes, which did not preclude voice votes, but there have been times when we said "no votes." I suppose we should be more careful in the future, and that includes myself as well, but I think that there would be no objection to have voice votes. If the majority leader would allow me, I could take a few minutes and ascertain that.

Mr. BAKER. Mr. President, I would be happy to do that. I agree with the minority leader that the request could have been put with greater precision, but I would not wish to acknowledge that this language automatically means that you cannot have voice votes. I do not wish this to be a precedent for that.

Mr. BYRD. Will the majority leader yield?

Mr. BAKER. Yes.

Mr. BYRD. I join him in that. If we are going to mean voice votes, we should say so, and we did not say so. Both of us had in mind rollcall votes.

Mr. BAKER. Mr. President, I agree with the minority leader, and we will take care of this situation ad hoc. I would urge that this transaction, if indeed we modify the order for clarification, not be taken as a precedent to support the contention that it prohibits the Senate from proceeding by voice votes or by unanimous consent.

Now, Mr. President, the debt limit will expire tonight at midnight. It is my hope that the Senate can and will

complete action on the debt limit bill before that. It is my sincere hope that we can do so much before that, say, about 5 or 6 o'clock this afternoon.

I was asked earlier by the press, what did I base that optimistic outlook on. I said I did not know, but I just want it to happen if we can make it happen. And I urge Senators to consider that it would be a good thing if it did happen. So the target for the Senate, as far as the leadership on this side is concerned, is to try to finish the debt limit bill this afternoon at a decent hour, but we are prepared to stay if we must stay. If we have not been able to finish it, we will stay until we do finish it, if it is possible to do so. But I urge reason and consideration and conciliation and compromise and accommodation by Members so we can at least get out of here at an early hour this evening by disposing of the debt limit bill. But for the sake of planning I urge Senators to consider that it may be a late evening if necessary.

Mr. President, after we finish the debt limit bill, it will be the intention of the leadership on this side tomorrow to ask, if we finish the debt limit bill, to go to the natural gas bill. That is also a controversial bill, but that has been announced for some time now and I feel a heavy obligation to ask the Senate to proceed to that matter. I hope that can be finished in short order, but I am not optimistic that it can.

We have other matters that must be dealt with, but one that comes to mind for this week in addition to natural gas and debt limit is the reauthorization of the Civil Rights Commission. It would be the intention of the leadership on this side, if at all possible, to ask the Senate to turn to the consideration of the bill which is on the calendar, which is the House-passed measure to reauthorize the Civil Rights Commission. The question is put whether or not that measure would be amendable, and, of course, it would be, although I support the bill as reported by the House and will urge its passage in that form.

Mr. President, as to a Saturday session this week, we are coming down the homestretch, and I have supplied the minority leader a list of items that I felt were essential to be taken up. He has provided me a list of other items that we will no doubt discuss now or later.

However, I still feel that we can finish by the 18th of November and adjourn sine die.

May I say, by the way, that I spoke with the minority leader this morning and indicated to him that I would agree with the suggestion that if we go out that early, we go out with a proviso that would permit the Speaker and the majority leader of the Senate, after consultation with their counterparts—in this case, Senator BYRD—to ask Congress to return at any time prior to our resumption of session in January. I will discuss that further with the minority leader as we get closer to that date and the happy ending of this session.

Mr. President, I could go on with other matters that are on the list. They are such things as Treasury-Post Office appropriations, Defense appropriations, the reauthorization of revenue sharing, the math-science bill, the reconciliation, the continuing resolution making appropriations for those agencies and departments that have not been provided for by regular appropriations bills.

One matter I have not included on this list which was originally on the list is the telephone bill.

As I indicated on the floor previously and have advised other Senators, I have made a representation to the distinguished chairman of the Commerce Committee, Senator Packwood, that I would be willing to bring up that bill as the first order of major business when we return, which probably means on the first day we return, unless there is some emergency matter which I do not anticipate. But that would be the first order of business when we return in January; therefore, I do not anticipate that the telephone bill will be up before we go out. But, goodness knows, there is enough without that to compel our attention.

Mr. President, I believe that is all I have at the moment on matters that we can discuss on scheduling and otherwise.

I yield now to the minority leader.

Mr. BYRD. I thank the majority leader.

#### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. KASTEN). Under the previous order, the Democratic leader is recognized.

Mr. BYRD. I wonder if the distinguished majority leader would have any objection to my proceeding as in morning business?

Mr. BAKER. Mr. President, I do not object.

Mr. BYRD. I thank the majority leader.

#### FACTFINDING MISSION RE- GARDING GRENADA—SENATE RESOLUTION 256

Mr. BYRD. Mr. President, the majority leader and I have had a discus-

sion this morning with respect to the resolution which I am going to introduce. I will introduce one resolution which will be referred to the appropriate committee. I will introduce the same resolution and ask for its immediate consideration.

Before I do that, I ask if there is any objection to sending the resolution to the desk, which I would expect to have read by the clerk before it is referred to the appropriate committee.

The PRESIDING OFFICER. The clerk will report the resolution.

The assistant legislative clerk read as follows:

#### S. RES. 256

Whereas it was the intent of the framers of the Constitution of the United States to insure that the collective judgment of both the Congress and the President will apply to the introduction of United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances;

Whereas on October 25, 1983, the President of the United States introduced armed forces into a situation in Grenada where imminent involvement in hostilities was clearly indicated by the circumstances;

Whereas United States armed forces have been engaged in hostilities in Grenada since October 25, 1983;

Whereas the President of the United States has informed the Congress that it is not possible to predict the duration of the presence of United States armed forces in Grenada;

Whereas the deployment of United States armed forces in Grenada was intended to fulfill foreign policy objectives of the United States;

Whereas the Senate has a major role to play with respect to the foreign policy of the United States;

Whereas the Senate has legislative responsibilities with respect to foreign policy and with respect to the deployment of United States armed forces pursuant to the provisions of the War Powers Resolution (P.L. 93-148);

Whereas the Senate has legislative responsibilities with respect to the intelligence activities of the United States pursuant to the Intelligence Oversight Act of 1980 (P.L. 96-450);

Whereas the media has been substantially restricted from obtaining and providing detailed information concerning the situation in Grenada; and

Whereas the Senate needs full and current firsthand information with respect to the situation in Grenada in order to fulfill adequately its legislative responsibilities; and

Whereas the Senate has concluded that a fact-finding mission to Grenada is essential in order to accomplish the objectives set forth above: Now, therefore, be it

*Resolved*, That

Sec. 1. The Majority and Minority Leaders of the Senate should appoint a Senate fact-finding mission to travel to Grenada and to submit a full factual report to the Senate as soon as possible thereafter.

Sec. 2. The fact-finding mission should include representatives of the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence.

Mr. BYRD. Mr. President, that resolution will be referred, under the rules, to the appropriate committee.

#### FACTFINDING MISSION RE- GARDING GRENADA—SENATE RESOLUTION 257

Mr. BYRD. Mr. President, I now ask unanimous consent that the Senate not necessarily proceed to the immediate consideration of another Senate resolution—which is a copy of the prior one and precisely like it—but proceed to the immediate consideration of the resolution at the close of morning business today.

The PRESIDING OFFICER. Is there objection?

Mr. BAKER. Mr. President, reserving the right to object, as the minority leader knows, because we have discussed it, I will in a moment lodge an objection.

I was fully aware of the proposed course of action by the minority leader in advance of the time he introduced his resolution for referral, to which I do not object, and that he intended to make this request. He is also aware of the fact that I will object to it.

Mr. President, I do object.

Mr. BYRD. I thank the majority leader.

The resolution reads as follows:

#### S. RES. 257

Whereas it was the intent of the framers of the Constitution of the United States to insure that the collective judgment of both the Congress and the President will apply to the introduction of United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances;

Whereas on October 25, 1983, the President of the United States introduced armed forces into a situation in Grenada where imminent involvement in hostilities was clearly indicated by the circumstances;

Whereas United States armed forces have been engaged in hostilities in Grenada since October 25, 1983;

Whereas the President of the United States has informed the Congress that it is not possible to predict the duration of the presence of United States armed forces in Grenada;

Whereas the deployment of United States armed forces in Grenada was intended to fulfill foreign policy objectives of the United States;

Whereas the Senate has a major role to play with respect to the foreign policy of the United States;

Whereas the Senate has legislative responsibilities with respect to foreign policy and with respect to the deployment of United States armed forces pursuant to the provisions of the War Powers Resolution (P.L. 93-148);

Whereas the Senate has legislative responsibilities with respect to the intelligence activities of the United States pursuant to the Intelligence Oversight Act of 1980 (P.L. 96-450);

Whereas the media has been substantially restricted from obtaining and providing detailed information concerning the situation in Grenada; and

Whereas the Senate needs full and current firsthand information with respect to the situation in Grenada in order to fulfill adequately its legislative responsibilities; and

Whereas the Senate has concluded that a fact-finding mission to Grenada is essential in order to accomplish the objectives set forth above: Now, therefore, be it

*Resolved, That*

SEC. 1. The Majority and Minority Leaders of the Senate should appoint a Senate fact-finding mission to travel to Grenada and to submit a full factual report to the Senate as soon as possible thereafter.

SEC. 2. The fact-finding mission should include representatives of the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence.

#### STUDY OF WEAPON SYSTEMS SPARE PARTS PROCUREMENT BY DEPARTMENT OF DEFENSE

Mr. BYRD. Mr. President, I have an amendment which I could offer to the debt limit bill. My amendment concerns cost control in the Pentagon. It would require a new and hard look at the Pentagon's procurement practice.

There have been a number of recent reports suggesting that there is entirely too much waste and sloppiness in the Pentagon with regard to procurement policy. This is particularly true, apparently, in the general area of procurement of spare parts.

In the interest of getting action on the debt limit bill today, if it would appear that my amendment would create enough of a debate to impinge heavily on the time, I would withhold offering this amendment until there is another vehicle before the Senate. What I am trying to do is to cooperate with the majority leader in reducing the number of amendments to this bill as much as possible.

So I alert the majority leader, and I will say to him that if other Senators on both sides will restrain themselves as much as possible in the offering of amendments, I will do likewise.

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

Mr. BYRD. I yield.

Mr. BAKER. I thank the minority leader for that consideration.

We both desire to see the debt limit bill dealt with in a reasonable and timely way.

I will consult with the managers of the bill on this subject, and I will try to have some further information to the minority leader before very long today.

I thank him for telling me this in advance.

Mr. BYRD. I thank the majority leader.

Mr. President, I will offer this not as an amendment at this point. When I say "at this point," I am referring to the point later in the day to which I earlier alluded. But I am going to offer this as separate measure to be appro-

priately referred, and as I say, I may or may not offer it as an amendment to the debt limit bill.

So if the majority leader has no objections to my proceeding as in morning business, I will send this joint resolution to the desk for appropriate referral, and I ask unanimous consent that it be printed in the RECORD.

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

S.J. RES. 191

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### STUDY OF WEAPON SYSTEMS SPARE PARTS PROCUREMENT BY THE DEPARTMENT OF DEFENSE

SECTION 1. (a) Not later than June 1, 1984, the Office of Federal Procurement Policy (hereinafter in this section referred to as the "Office") shall review the procurement practices, regulations, and reform proposals and programs of the Department of Defense relating to the procurement of spare parts for weapon systems and shall transmit to the Congress a report on the findings, conclusions, and recommendations of the Office relating to such matters. The report shall include (1) an evaluation of the adequacy of the reform proposals and programs to promote practices and the development of directives which will achieve control of costs, economy, and efficiency in the procurement of such spare parts and (2) such recommendations for legislation with respect to the procurement of such spare parts as the Office considers appropriate.

(b)(1) The Secretary of Defense shall furnish to the Office such information on the practices, regulations, and reform proposals and programs of the Department of Defense relating to the procurement of spare parts for weapon systems as the Office considers necessary to carry out subsection (a).

(2) The Inspector General of the Department of Defense shall furnish to the Office such information on the practices of the Department of Defense in procuring spare parts for weapon systems as the Inspector General acquires during his audits of such practices and the Office considers necessary to carry out subsection (a).

(c) The Inspector General of the Department of Defense shall have reasonable opportunity to review and comment on the report required by subsection (a) before the report is transmitted to the Congress. The comments of the Inspector General shall be included in such report.

#### PROCUREMENT PRACTICES OF THE DEPARTMENT OF DEFENSE AT THE END OF THE FISCAL YEAR

SEC. 2. (a)(1) Not later than February 1, 1984, the Office of Federal Procurement Policy (hereinafter in this section referred to as the "Office") shall review the procurement actions of the Department of Defense during the one-week period ending September 30, 1983, and transmit to the Congress a report on such review as provided in paragraph (2). In carrying out the preceding sentence, the Office shall review the regulations and administrative and managerial guidelines applicable to procurement actions of the Department of Defense during the final quarter of a fiscal year.

(2) The report required by paragraph (1) shall include (A) the number and dollar amount of contracts and purchases which were made by the Department of Defense during the one-week period referred to in

paragraph (1), (B) the findings and conclusions of the Office on whether the Department of Defense had a bona fide need for the property or services procured by each such contract and purchase, (C) a list of the contracts and purchases which were made by the Department of Defense during such period without formal advertising, including the dollar amount of each such contract or purchase, (D) a list of the contracts and purchases made by the Department of Defense during such period after soliciting bids or proposals from only one source, including the dollar amount of each such contract and purchase, (E) each justification for making each contract and purchase included in the list under clause (C) or (D) without formal advertising or soliciting bids or proposals from more than one source, (F) the findings and conclusions of the Office on whether any regulation or administrative or managerial guideline reviewed pursuant to paragraph (1) (including the requirements of Office of Federal Procurement Policy letter numbered 81-1) were violated in making any of the contracts or purchases reviewed pursuant to paragraph (1), and (G) such recommendations for legislation and administrative actions relating to the procurement practices of the Department of Defense as the Office considers appropriate to assure economy and efficiency in procurement actions by the Department of Defense during the final quarter of a fiscal year.

(b)(1) The Secretary of Defense shall furnish to the Office such information on the procurement actions of the Department of Defense and the regulations and administrative and managerial guidelines applicable to such actions as the Office considers necessary to carry out subsection (a).

(2) The Inspector General of the Department of Defense shall furnish to the Office such information on the procurement actions of the Department of Defense and the regulations and administrative and managerial guidelines applicable to such actions as the Inspector General has acquired and the Office considers necessary to carry out subsection (a).

(3) The Comptroller General of the United States shall furnish to the Office such information on the procurement actions of the Department of Defense and the regulations and administrative and managerial guidelines applicable to such actions as the Comptroller General has acquired and the Office considers necessary to carry out subsection (a).

(4) Each official furnishing information to the Office under paragraph (1), (2), or (3) shall include with such information all information furnished by such official to the Congress, any committee of the Congress, or any Member of the Congress relating to the procurement actions required by subsection (a) to be reviewed by the Office.

Mr. BYRD. Mr. President, there is a bill which is on the calendar of bills and joint resolutions read the first time, the school lunch and child nutrition amendments. I do not necessarily ask for its second reading right at this moment. If the majority leader has no objection, I will do so at the close of morning business.

Does the Senator want to do it now or wait until morning business?

Mr. BAKER. Why do we not wait?

Mr. BYRD. Mr. President, I yield to Mr. Ford for whatever length of time he needs.

Mr. BAKER. Mr. President, before that, I hate to ask for a matter of personal accommodation, but why do we not do this now because I have a meeting I need to attend off the floor and if the Senator has no more need for time we can start morning business early then.

Mr. BYRD. Very well.

Mr. BAKER. All right.

Mr. BYRD. So the majority leader wishes me to do it now?

Mr. BAKER. Yes.

Mr. BYRD. I thank the majority leader.

#### NATIONAL SCHOOL LUNCH ACT AND THE CHILD NUTRITION ACT OF 1966 AMENDMENTS

Mr. BYRD. Mr. President, I ask for the second reading of H.R. 4091.

The PRESIDING OFFICER. The bill will be read the second time.

The assistant legislative clerk read as follows:

A bill (H.R. 4091) to amend the National School Lunch Act and the Child Nutrition Act of 1966 to improve the operation of programs authorized under such Acts, and for other purposes.

Mr. BAKER. Mr. President, I object to further consideration of the bill at this time.

The PRESIDING OFFICER. Objection is heard.

Objection to further consideration having been heard after second reading, the bill will be placed on the calendar.

#### ROUTINE MORNING BUSINESS

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

#### THE REAL REASON

Mr. FORD. Mr. President, I am on record as being highly suspicious of the motives behind Canada's big push for the adoption of acid rain control legislation in the United States. In a floor statement given last September, I pointed out that,

While castigating the United States for doing nothing and lobbying us heavily for the passage of legislation, Canada's approach to the very same problem has been to do little more than talk.

Indeed, Canada has nothing comparable to the stringent restrictions on sulfur emissions that we have under the Clean Air Act. Furthermore, Canada does not have a single operating scrubber on a utility plant. The United States on the other hand, has almost 100 operating scrubbers in place with dozens more under construction.

I continued my speech saying,

H. L. Mencken used to hold that there are two reasons for doing everything: "there's the good reason, then there's the real reason." I find Canada's chagrin with the United States interesting in light of its own inaction, but it is even more fascinating when one considers the very real possibility that the export of Canadian power stands to make a quantum jump with the passage of an American acid rain plan.

Well, Mr. President, the very real possibility of a huge increase in power exports is rapidly becoming fact, and my suspicions of the real reason for Canada's intense lobbying efforts are rapidly becoming confirmed. Consider this one telling example, a forecast of things to come: on August 12, Vermont Electric Transmission Co., signed an agreement to build a line to Hydro Quebec Interconnection for a projected 2,000 megawatts of Canadian hydro and nuclear power.

The linkage between Canada's acid rain publicity campaign and additional Canadian electricity exports has been well documented in a study by James S. Friedman and Michael S. McMahon entitled, "The Silent Alliance: Canada's Efforts to Enact Acid Rain Controls in the United States and Gain Additional Electricity Exports." In their introduction, the authors quickly come to the real reason behind Canada's advocacy of control legislation: "The Canadian lobbying effort for electricity exports is rooted in Canada's need for the profits and increased employment from exploitation of its rich energy resources." But, perhaps even more chilling to some of my colleagues, is the declaration that "(W)ithout increased sales to the United States, the Canadian nuclear power industry will probably be dismantled \* \* \*"

Mr. President, I ask unanimous consent to have printed in the RECORD a report by James M. Friedman and Michael S. McMahon.

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

#### THE SILENT ALLIANCE: CANADA'S EFFORTS TO ENACT ACID RAIN CONTROLS IN THE UNITED STATES AND GAIN ADDITIONAL ELECTRICITY EXPORTS

(By James M. Friedman and Michael S. McMahon)

##### SUMMARY

For several years, Canadian officials have conducted an aggressive and highly visible lobbying effort aimed at the imposition of acid rain controls in the United States. During that same period, Canadians have mounted an equally aggressive, though not as visible, marketing effort designed to increase Canadian electricity exports to the United States. Although these same officials have denied that any connection exists between the two programs, the imposition of drastic acid rain controls on United States power plants, as requested by Canadian officials, would redound to Canada's competitive advantage. Recent studies and developments demonstrate just how close is the connection between the two issues.

The Canadian lobbying effort for electricity exports is rooted in Canada's need for the profits and increased employment from exploitation of its rich energy resources. Without increased sales to the United States, the Canadian nuclear power industry will probably be dismantled and then unable to meet the Canadian electricity demand which is expected to grow at the end of this century. Additional electricity exports also allow Canada to use American financing to develop generation facilities which may be turned to Canadian use once Canadian demand grows sufficiently.

These developments raise special national concerns which American lawmakers should carefully consider prior to the enactment of acid rain legislation. First, large scale importation of Canadian electricity would mean that employment and income would be created for Canadian workers and lost to American workers. The Canadians have proposed construction of generating facilities dedicated solely for export to the United States even though there may be excess generating capacity in the United States.

Second, the United States would be increasing its dependence upon another foreign source of energy just as it has begun reducing its reliance upon foreign oil. The Canadians have discussed terminating electricity exports to the United States in the future in order to satisfy future Canadian energy demand, demonstrating that Canada is not a dependable long-term supplier of electricity.

Third, the United States may be economically coerced into financing Canadian nuclear power plant expansion and disposing of Canadian nuclear waste in order to maintain an adequate supply of electricity. These and other developments should be carefully weighed by Congress before submitting to the dual Canadian lobbying efforts.

##### I. INTRODUCTION

For several years, Canadian officials have conducted an aggressive and highly visible lobbying effort aimed at the imposition of acid rain controls in the United States. During that same period, Canadians have conducted an equally aggressive, though not as visible, marketing effort designed to increase Canadian electricity exports to the United States. Although these same officials have denied that any connection exists between the two programs, the imposition of drastic acid rain controls on United States power plants, as requested by Canadian officials, would redound to Canada's competitive advantage.<sup>1</sup>

Several new studies and developments demonstrate that the Canadian export marketing effort is more serious and has deeper roots than previously identified. The recent urgency on the part of the Canadians to expand electricity exports coincides with Canada's increased efforts on the issue of acid rain.

These studies and developments also demonstrate that the enactment of acid rain controls will significantly enhance the demand for Canadian electricity. The implications of increased dependence upon Canadian electricity should be carefully examined before enacting legislation which may have irreversible economic effects.

##### II. CANADA AND ELECTRICITY EXPORTS

###### A. The significance of Canada's electricity exports

The United States and Canada have been exchanging electricity since 1901 when a

<sup>1</sup>Footnotes at end of article.

transmission line was constructed at Niagara Falls. Not long ago, the total amount of electricity exchanged between the two countries was still small. As recently as 1968, the United States exported more electricity to Canada than it imported.<sup>2</sup>

During the late 1970's, however, the electricity exchanges began to grow dramatically and increasingly favored Canada.

TABLE I.—TRADE IN ELECTRIC POWER<sup>3</sup>

Year	[Gigawatt-hours]		
	U.S. exports	Canadian exports	Net U.S. imports
1976	3,590	12,804	9,214
1977	2,690	19,957	17,267
1978	2,092	21,602	19,510
1979	2,114	31,378	29,264
1980	3,461	30,181	26,720
1981	1,473	35,272	33,899
1982	2,849	34,220	31,371

<sup>3</sup> U.S. Energy Information Administration, "U.S.—Canadian Electricity Trade" (November, 1982) p. 1 (data for 1976-81) (hereinafter cited as "EIA Report"); Canadian National Energy Board, 1982 Annual Report (March, 1983), pp. 37-38 (data for 1982). A kilowatt is 1,000 watts. A megawatt is 1 million watts. A gigawatt is 1 billion watts. A gigawatt-hour is the amount of the total energy developed by the power of 1 gigawatt acting for 1 hour.

As seen on Table I, exports of Canadian electricity increased between 1976 and 1982 from 12,804 gigawatt-hours ("GWh") to over 34,000 GWh, an increase of 267 percent. To examine the imbalance of this trade, consider that net United States electricity imports increased 340 percent, from 9,214 GWh to 31,371 GWh.

Not unexpectedly, the dollar value of these electricity exchanges increased dramatically over the same period.

TABLE II.—Gross dollar value of Canadian exports of electricity<sup>4</sup>

[In million Canadian dollars]	
1975	104.9
1976	173.8
1977	419.3
1978	478.6
1979	738.5
1980	793.6
1981	1,143.9
1982	1,105.9

<sup>4</sup> Ministry of Energy, Mines and Resources, Canada, "Electric Power in Canada," Energy Policy Sector, 1979, p. 26 (data for 1975-77); Canadian National Energy Board, 1982 Annual Report, p. 40 (data for years 1978-82).

In the eight years from 1975 until 1982, the gross dollar value of Canadian exports of electricity rose ten-fold to over \$1 billion dollars annually. A recent report prepared for the Canadian Electrical Association projects that Canada's electricity export revenues could rise to over \$4 billion by the year 2000.<sup>5</sup> Clearly, these exports constitute a significant amount of electricity and revenue.

Another test of the significance of these exports is to view them as a percentage of generation and projected demand. It has been estimated that Hydro Quebec has enough surplus capacity to provide up to 95 percent of New York State's new demand through the year 2000.<sup>6</sup> The electricity which Canada exported to the United States in 1981 would more than supply the annual electric needs of the approximately 4.5 million residential customers of the six New England states.<sup>7</sup>

Electricity exports constitute an increasingly large part of total Canadian generation. In 1978, net exports of electricity represented 6 percent of net Canadian electricity generation. By 1981, it represented 9 percent.<sup>8</sup>

Additional electricity exports are planned. The Power Authority of the State of New York plans to increase its annual imports from Quebec by 4,300 GWh and from Ontario by 3,200 GWh. The New England Power Pool could be importing up to 16,600 GWh when a proposed interconnection is expanded in 1990.<sup>9</sup> British Columbia Hydro recently signed a contract to sell power to the City of Seattle for \$21.8 million annually.<sup>10</sup> The fact that the Canadian government is considering construction of generation facilities solely for export is indication of the importance which the Canadians place on these exports.<sup>11</sup>

The growth of Canada's electricity exports, particularly in terms of size and dollar value, indicates that these exports are a trade commodity which should be monitored even if acid rain controls were not involved. The potential for huge increases in these exports as a result of American acid rain controls should be a matter of national attention.

#### B. Canada's lobbying for additional electricity exports

The steps which Canada has taken to build an internal consensus for additional electricity exports and then to aggressively seek such exports have been unmistakable.

In February, 1980, the Royal Commission on Electric Power Planning released its five year report on the long range planning concepts of Ontario Hydro. The Commission noted the "potential for profitable export sales, especially sales to the United States" and stated that the "advantages of interconnections between Ontario and Michigan, and Ontario and New York cannot be overemphasized."<sup>12</sup> In October 1981, Arthur Porter, former chairman of the Royal Commission, publicly urged the Province of Ontario to construct a nuclear power station dedicated for export to the United States.<sup>13</sup>

In 1981, Robert Bourassa, the former Premier of Quebec, extolled the benefits of increased hydro power exports to the United States.<sup>14</sup> Bourassa suggested that the then \$20 billion James Bay hydro project could be financed with American capital.<sup>15</sup>

The December 1982, report by the Canadian Energy Research Institute investigated potential benefits and costs of increased electricity exports to the United States and recommended that "a more vigorous export policy would be in the national economic interest." The report also recommended that the Canadian government undertake an extensive information campaign to convince United States utilities to purchase Canadian electricity.<sup>16</sup>

The then Canadian Minister of Energy, Marc Lalonde, travelled to the United States National Governors Conference in Afton, Oklahoma to advertise Canada's willingness to enter into long-term contracts up to 25 years, even though most previous contracts had tended to be short- or medium-term. Lalonde also expressed the willingness on the part of the Government of Canada to construct a nuclear generating station with most of its production destined for the United States.<sup>17</sup>

Lalonde made speeches across the United States in 1982 to promote Canadian electricity. At the New England Conference of Public Utility Commissioners in Rockport, Maine on June 23, 1982, Lalonde encouraged the commissioners to approve additional imports and prevent regulatory delays.<sup>18</sup>

When Jean Chretien succeeded Lalonde as Minister of Energy in 1983, he continued Lalonde's strong support for electricity ex-

ports and long-term dedicated exports of electricity, in particular.<sup>19</sup>

In November, 1981, Ontario Energy Minister Robert Welch flew to San Francisco to promote Canadian nuclear power at the Atomic Industrial Forum meeting.<sup>20</sup> Also in 1981, Canada's Federal Ministry of Energy, Mines and Resources sent two officials on a tour of the eastern United States to find a market for Canadian nuclear electricity.<sup>21</sup>

Several proposals to sell Canadian electricity deep into the United States, away from the border areas, have received serious consideration. For example, The MANDAN project, which consists of a 500 KV transmission line running from Manitoba through North Dakota and South Dakota to Nebraska, has been under development for years.<sup>22</sup> These proposals do not seem far-fetched in light of British Columbia Hydro's current electricity exports to San Diego Gas & Electric.<sup>23</sup>

Ontario Hydro officials have apparently joined the campaign for increased exports. In September 1981, Milan Nastich, President of Ontario Hydro spoke before the American Public Power Association. Nastich stated that there were no technical or financial obstacles to multi-billion dollar exports and only the "political will" was needed to resolve the issue.<sup>24</sup> A year later, Hugh Macaulay, Chairman of Ontario Hydro delivered a speech weighing the benefits of additional exports.<sup>25</sup> Ontario Hydro has even taken a quarter-page advertisement in the Wall Street Journal to promote additional power sales to the United States, further demonstrating Ontario Hydro's participation in the campaign to increase electricity exports.<sup>26</sup>

Quebec Hydro officials have also actively promoted increased electrical exports into the United States. Premier Rene Levesque and several Quebec ministers attended the Conference of New England Governors and Eastern Canadian Premiers in Rockport, Maine in June 1982, to boost energy sales to the United States.<sup>27</sup> At the June 1983 conference of premiers and governors in Charlottetown on Prince Edward Island, Canada, the Canadian premiers made a "massive energy sales pitch."<sup>28</sup> In October 1982, Quebec Hydro inaugurated a new control center to manage the generation and transmission of all Quebec Hydro's electric power. This new system better enables Quebec Hydro to judge the amount of surplus power available for export.<sup>29</sup>

The Quebec Hydro Development Plan for 1983-85, released in October 1982, places special emphasis on the promotion of exports. The plan recommends "intensified marketing" by Quebec Hydro including daily monitoring of market trends of neighboring American utilities to "identify sales possibilities and determine the situation of Quebec Hydro's competitors."<sup>30</sup>

The evidence of Canada's intentions and plans to export additional electricity to the United States is unmistakable. The seriousness of Canada's moves on electricity imports can be demonstrated by analyzing Canada's incentives and needs to export additional electricity.

#### C. Canada's needs and incentives to make additional electricity exports

Canada has at least three important incentives to export additional electricity to the United States.<sup>31</sup> First, electricity exports are profitable, especially under the Canadian method of pricing. Second, expansion of generating capacity would employ many Canadian workers. Third, Canada can

utilize American financial assistance in the development of additional generating capacity.

### 1. Profitability of Electricity Exports

The profitability of electricity exports is sufficient incentive for Canada to take steps to increase those exports. In 1982, the reported dollar value of Canadian electricity exports totalled over \$1.1 billion.<sup>32</sup> The recent study by the Canadian Energy Research Institute projected net revenues from Canadian electricity exports and the economic impact in terms of Canadian income and employment. Some of these results are displayed on Appendix I. That study concluded that the total regional impact of increased power exports exceeds the impact of most other commodities.<sup>33</sup>

In a speech to the Canadian Nuclear Association on June 14, 1983, R.F. Brooks, Vice-Chairman of the Canadian National Energy Board, revealed that the National Energy Board had estimated that Canadian utilities receive profits up to 39 mills per kWh on surplus hydro energy costing only a few mills per kWh. The National Energy Board also estimated that there have been profits of over 20 mills per kWh on exports of surplus coal produced energy.<sup>34</sup>

As further evidence to establish the importance of electricity export profits to Canada, consider:

(a) Ontario Hydro received governmental approval of its proposed sale to General Public Utilities ("GPU") after claiming that the Ontario economy would lose \$3.5 billion if the sale was prohibited.<sup>35</sup> The sale was approved by the Canadian National Energy Board but ultimately cancelled by GPU.

(b) Quebec currently purchases power from Newfoundland under a long-term contract and resells the Newfoundland power to the United States at a significant profit. Quebec Premier Rene Levesque has threatened to sabotage any trans-Quebec power lines built to carry Newfoundland power directly to the United States markets.<sup>36</sup> In return, Newfoundland has promised to challenge Quebec's electricity exports at the Canadian National Energy Board.<sup>37</sup>

(c) Canada prices its electricity exports at the highest price which is competitive with United States generating alternatives.<sup>38</sup> Since these prices are based on the buyer's avoided costs and not the seller's cost of production, this makes Canadian electricity exports very profitable, particularly in the case of cheaply produced hydropower. If American generation costs were to rise due to acid rain legislation, Canadian electricity prices and profits would rise accordingly and dramatically.

(d) Electricity exports help increase Canada's balance of payments surplus with the United States. In April 1983, Canada ran up a \$1.99 billion (Canadian) trade surplus, a record for any month. With 70 percent of Canada's foreign sales coming from the United States, increasing electricity exports adds to the surplus and supports the weak Canadian dollar.<sup>39</sup>

Increasing electricity exports is obviously in Canada's economic interest.

### 2. The Canadian Employment Situation

As demonstrated by the Canadian Energy Research Institute study, additional electrical exports would create significant new employment in Canada. See Appendix II. This comes at a time when Canadian unemployment is particularly high.<sup>40</sup>

More to the point, however, is Canada's desperate need to find sales for its CANDU nuclear reactors. Currently, the Canadian

nuclear industry employs 36,000, but nearly all plants under contract have been constructed.<sup>41</sup> The Canadians have been searching for additional sales as an alternative to the idling of these skilled employees which would result from dismantling the industry. Prime Minister Pierre Trudeau has travelled to Mexico and South Korea in search of sales.<sup>42</sup> Prospective sales to Egypt and Rumania have collapsed. Since Canada has an energy surplus, there is no opportunity for additional domestic construction, unless the electricity is originally dedicated for export to the United States.<sup>43</sup> Without additional reactor sales, all firms in this Canadian industry could be out of business by the mid-to-late 1980's.<sup>44</sup> Canada would then be without the expertise needed to develop the next round of CANDU generators projected for the later 1990's.<sup>45</sup> It is critical for the Canadians to "push hard" now on electrical exports in order to save its CANDU industry before the industry folds and its expertise is dissipated.<sup>46</sup>

Similarly, Quebec is desperately seeking sales of electricity to the United States in order to continue the James Bay project. Hydro Quebec has plunged deep into debt to finance this project and interest payments are projected to top \$1 billion annually by 1986, roughly \$14,000 for every Quebecer.<sup>47</sup> Success of the project and avoidance of financial collapse now depends on increasing electricity exports to the United States.<sup>48</sup> The James Bay project is as critical to Quebec as the CANDU industry is to Canada as a whole, if not more so. Significant construction business has been generated by the James Bay project, and termination of that construction would be a substantial blow to the Quebec economy.<sup>49</sup>

### 3. Use of U.S. Capital to Develop Canadian Electricity Resources

Canada is an energy rich country with much of its energy potential untapped. Canada has been unable to develop much of its natural resources without capital from abroad. However, after foreign capital assisted in the development of the oil industry in western Canada, the Canadian government adopted a National Energy Policy ("NEP") in 1981. The NEP was designed to increase Canadian ownership in the oil industry, particularly the share of the federal government, at the expense of foreign interests. There are indications that the Canadians likewise intend to use American capital to develop Canadian electrical resources and then turn those facilities over to supply future Canadian demand.

Several sources have reported Canada's willingness to expand generating capacity for exports to the United States in exchange for assistance for costs of construction and long-term, fixed contracts to assure a steady market.<sup>50</sup> Fewer sources have reported Canada's intention to use the American-financed facilities to supply future Canadian demand. Yet, the true motives behind this financing plan have surfaced on occasion. For example, as reported in the Canadian newsweekly *Maclean's*: The new plan may prove to be a crippling expensive failure—or a shrewd method of getting the Americans to help pay for part of Canada's future electricity supplies. The program calls for the immediate construction of at least one eastern Canadian CANDU reactor to supply electric power to utilities in the northeastern United States. At some time near the turn of the century the Americans would be cut off, and the reactor's electrical output could be redirected to meet domestic needs.<sup>51</sup>

In James Bay: Twice Over, former Quebec Premier and proponent of the James Bay hydro project, Robert Bourassa discussed the necessity of American investment in the James Bay project. Bourassa noted: We can anticipate that in order to make such investments profitable, American buyers will ask for guarantees concerning the delivery of electricity for periods ranging from ten to thirty years. Such contracts would, however, contain clauses concerning the repatriation of energy to Quebec if needed.<sup>52</sup>

A recent article in *Business Week* reported that most current export contracts contain such repatriation clauses.<sup>53</sup>

Jean Chretien, Canada's Minister of Energy, recently confirmed the existence of this Canadian policy.

Pre-building export facilities in advance of Canadian need is particularly attractive: It shares the benefits of power with our neighbours in the early years, and then allows Canada to recuperate an effective generating source, already partially paid for, when Canadian needs require it.<sup>54</sup>

There is precedent for Canada's use of this type of reversion. During the 1973-74 Middle East oil embargo, Canada refused to renew a renewable short-term electricity purchase arrangement, which led to charges that Canada had reneged on the contract. Canadian officials strongly deny that they reneged.<sup>55</sup> American utility officials still refer to this case as an "unpleasant experience."<sup>56</sup> Canada's incentive to use American capital to develop Canadian resources which will be turned back for Canadian use should not be overlooked. Any policy which encourages greater dependence upon Canadian electricity should be tempered by the fact that the Canadians intend to terminate those exports when it suits their needs.

### III. CANADA AND ACID RAIN LEGISLATION

#### A. Canada's lobbying for enactment of U.S. acid rain legislation

Canada's marketing efforts to boost its sales of electricity must not be examined in a vacuum. Over the last few years, Canadian officials have waged an expensive publicity campaign to impose acid rain controls upon American coal-fired electric plants. The costs of installing such controls have been estimated from \$4-8 billion per year, with significant unemployment resulting from some control options. Before examining how the imposition of acid rain controls would benefit the Canadian electricity industry, it is useful to briefly examine Canada's lobbying efforts on acid rain and the steps Canada has taken to control its own emissions. The disparity between Canada's preaching and practice on acid rain controls is the subject for an entire study in itself.

#### 1. Canada's Preaching on Acid Rain

The lead role in Canada's media campaign on acid rain is played by John Roberts, Minister of the Environment. Roberts' continual harping on the issue of acid rain has prompted one Canadian journalist to dub him "The Minister for Acid Rain."<sup>57</sup> Roberts has frequently travelled to the United States to give speeches on acid rain. Robert's main proposal, which he began offering in February, 1982, is that Canada is prepared to reduce SO<sub>2</sub> emissions by 50 percent if the United States also reduces its emissions by 50 percent.<sup>58</sup> If the Canadians are so concerned about acid rain, one wonders why they have not unilaterally reduced their emissions as soon as possible and then demanded that the United States follow suit.

Roberts is not the sole Canadian spokesman to speak in the United States. George Rejhon, Environment Counselor assigned to the Canadian Embassy in Washington, D.C. frequently speaks on acid rain, as does Allan Gottlieb, Canada's Ambassador to the United States. When Roberts is unavailable, Dr. Hans Martin of the Environment Ministry's acid rain project substitutes. Other speakers, including provincial environmental officers, also conduct speaking engagements.

Roberts' Ministry of the Environment has a budget of one million dollars this year to conduct its public awareness campaign on acid rain.<sup>59</sup> This amount is in addition to the \$650,000 increase which the Canadian government is spending on general lobbying through its embassy in the United States.<sup>60</sup>

The Canadian position on acid rain is essentially that enough information is known, and has been known for some time, to justify a 50 percent reduction in sulfur dioxide emissions. Any reference to the scientific uncertainty surrounding the formation, transformation and control of acid deposition is dismissed as an "information haze."<sup>61</sup> It is apparent that the Canadians have adopted highly emotional rhetoric to press their campaign. These sort of appeals and lobbying efforts are obviously aimed at an emotional, rather than an objective, examination of the available scientific evidence.<sup>62</sup>

2. CANADA'S PRACTICE ON ACID RAIN

Canada's aggressive, emotion-laden campaign on acid rain might have some merit if the Canadian federal and provincial governments were willing to accept the same degree of controls which they wish to impose on United States. As noted earlier, the Canadians will only implement their 50 percent reduction proposal if the United States agrees to implement the same reduction. In other terms, Canada is merely promising to reduce sulfur dioxide in the future. We can examine Canada's track record of such promises in the past.

The Province of Ontario and Ontario Hydro received much praise for two scrubbers which Ontario Hydro promised to install. After a large electricity export contract with General Public Utilities fell through, Ontario Hydro cancelled its plans to install the scrubbers.<sup>63</sup> Several months after the Province of Ontario noisily announced that it had imposed significant emission reductions on Ontario Hydro and that the reduction orders would make Hydro a "clear leader in the forefront of nitrogen oxides pollution control," Ontario quietly relaxed its reduction order on nitrogen oxides.<sup>64</sup> A deferral of a pollution control order was recently granted by Ontario to the Algoma Steel Corp. in order to spread the costs of necessary pollution abatement equipment over several years.<sup>65</sup>

These type actions are not limited to the Province of Ontario. The federal government's NOx limitations for new passenger cars is 3.1 grams per vehicle mile, allowing over three times the emissions as the American standard. In October, 1981, a Parliamentary Subcommittee states that it was "appalled" at this situation and recommended tightening of those standards.<sup>66</sup> As of August, 1983, the standards have not been tightened.

The 1981 report Still Waters, by the Parliamentary Subcommittee on Acid Rain, provided a rare self-examination of the Canadian record on acid rain. The Subcommittee noted that Canada, on a per capita basis, emits more SO<sub>2</sub> than the United States.<sup>67</sup> Among the recommendations of the Sub-

committee to enable Canada to control its own emissions were:

All conversions of oil-fired electricity plants to coal be carried out using best available emission control technology (i.e. scrubbers).

Ontario Hydro be required to utilize best available control technology at all existing and new coal-fired plants.

The Lingan Generating Station at Cape Breton, operated by the Nova Scotia Power Corporation, be required to utilize best available control technology.

There still are no scrubbers in Canada. In the United States, however, there are 87 scrubbers in place and 22 under construction.<sup>68</sup> In March, 1983, the Parliamentary Subcommittee was regrouped in order to press for more action on acid rain. One member noted that the federal and provincial governments in Canada failed to adopt the subcommittee's recommendations and that Canada's track record on acid rain was "abysmal."<sup>69</sup> Ordinary Canadians have also noted their government's failure to take serious steps to control emissions even as that government criticizes the United States.<sup>70</sup>

There are additional examples of Canadian preaching on acid rain diverging from Canadian practice. The continuation of these actions, contrary to the policy Canada seeks to impose in the United States, only serve to damage Canada's credibility on this issue. The systematic nature of these contradictory actions can only make an objective observer wonder what motivates these actions. Why don't the Canadians practice what they preach?

B. U.S. practice on acid rain

Before examining the linkage between Canada's acid rain publicity campaign and additional Canadian electricity exports, it is useful to examine the United States' record on acid rain. Surprisingly, this track record is very good, despite Canadian claims and stories in the news media.

From 1976 to 1980, states in the midwestern United States reduced their SO<sub>2</sub> emissions dramatically.

TABLE III.—Percent changes in selected State SO<sub>2</sub> emissions<sup>71</sup> from 1976 to 1980

Alabama .....	-23
Arkansas .....	-31
Illinois .....	-21
Kentucky .....	-33
Michigan .....	-36
Minnesota .....	-23
Ohio .....	-21
Tennessee .....	-24
West Virginia .....	-7

<sup>71</sup> E. H. Pechan Associates, "Estimates of Sulfur Oxide Emissions from the Electric Utility Industry," financed by grant from U.S. Environmental Protection Agency. (November, 1982) Vol. I, p. 29-30. Ironically, those "downwind" states, which always complain about midwestern SO<sub>2</sub> emissions, increased their emissions over that same period. (Massachusetts +73%, Connecticut +27%, Maine +26%, New Hampshire +60%, Vermont +35%, Rhode Island +73%).

Note: As noted earlier, the United States has installed many scrubbers with more under construction. Canada has no scrubbers.

From 1970 to 1980, emissions of primary sulfate in the United States dipped 30%.<sup>72</sup> In 1978, Canadian emissions of primary sulfate were 30% the size of American emissions, even though the Canadian economy and population is roughly ten times smaller than the American economy.<sup>73</sup> On a pro rata basis, then, the United States has far superior air pollution controls. The strict American controls on NO<sub>x</sub> emissions from new passenger cars were noted earlier. The

American public and industries have been bearing the costs of extensive pollution control for years.

Take one electric utility system as an example. From 1973 to 1982, The Cleveland Electric Illuminating Company spent \$320 million dollars for capital costs of air pollution controls. This figure does not include cost of operation and maintenance of those controls. The impact of these expenditures was reflected in a 37% reduction in SO<sub>2</sub> emissions from 1973 to 1982.<sup>74</sup>

These have not been inexpensive controls and the cost has been borne by the ratepayer. According to the United States Energy Information Administration, typical Ohio electric rates are higher than those in Vermont and Maine and roughly equal to those in the rest of New England. A mere 15 percent increase in Ohio's rates (for acid rain controls demanded by Canada) would make average Ohio rates more expensive than those in all the New England states except Connecticut.<sup>75</sup> Put in another context, while Americans are paying higher costs for pollution control, Canada's Minister of Energy is boasting that electricity rates across Canada average only 4 cents per kilowatt-hour.<sup>76</sup>

The United States' record on pollution control is an impressive one. There is something patently unfair about promising to reduce emissions in the future by 50 percent, but only if the United States will reduce emissions by 50 percent (or more in some proposals before Congress), without taking into account the sacrifices and reductions already made by the United States and the American public.

C. Costs of acid rain controls

The acid rain legislation favored by the Canadians and which is before Congress is not inexpensive. The proposals range from requiring SO<sub>2</sub> reductions of 8 million tons to reductions of 12 million tons. The 12 million ton reduction most closely approximates the 50 percent reduction sought by the Canadians.

Various macroeconomic studies have estimated that these proposals will cost from \$4-8 billion annually.<sup>77</sup> The variance is attributable to differing assumptions as to the method for controlling SO<sub>2</sub> emissions. The lower cost figures, favored by the Canadians and others, generally assume that utilities will switch from high to low sulfur coal. These studies further assume that sufficient quantities of low sulfur coal are available at a reasonable cost, and that the boilers of these plants may burn coal with a lower sulfur content. These studies also assume that states with high sulfur coal will not require the local coal to be burned in order to protect massive employment of high sulfur coal miners.<sup>78</sup> The high cost studies generally assume the scrubbers will be the preferred or imposed emission control technology.<sup>79</sup>

In an attempt to estimate, as accurately as possible, the costs and rate increases attributable to acid rain legislation the Edison Electric Institute organized a company specific study of 24 eastern electric utilities to analyze the effect of an 8 million ton SO<sub>2</sub> reduction. Some of the results are provided below:

TABLE IV.—INCREASE AS PERCENT OF 1982 RATES<sup>80</sup>

Utility	First year	5-year leveled
Tampa Electric Co.....	26.4	22.9
The Southern Co.....	14.9	12.2

TABLE IV.—INCREASE AS PERCENT OF 1982 RATES \*0—  
Continued

Utility	First year	5-year leveled
Illinois Power Co.	22.3	18.1
Central Illinois P.S.	24.3	20.8
Public Service Indiana	28.0	24.5
Indianapolis P & L	31.5	25.6
Cincinnati G&E	18.4	14.3
Indiana & Michigan (AEP)	53.8	34.2
Ohio Power Co. (AEP)	51.6	38.0
Pennsylvania Electric	23.4	20.3
Wisconsin Electric Power	15.0	12.3

\*0 This study was compiled and prepared for the Edison Electric Institute by National Economic Research Associates Inc. and released on June 20, 1983. Additional results are included in appendix IV.

Obviously, the costs and rate increases would be much higher if the 12 million ton SO<sub>2</sub> reduction requirement is imposed as requested by the Canadians.

No matter which emissions control level and method is selected, it is apparent that the costs imposed upon consumers in the United States will rise significantly, particularly those in the Midwest where most emissions reductions are targeted. This increase in costs and rates will make American coal-fired capacity less competitive to the Canada's electricity imports and will make Canadian electricity more attractive to all United States utilities, even those which distribute electricity generated in coal-fired capacity.

#### IV. ANALYSIS OF SUGGESTED CONSTRAINTS ON THE INCREASE OF CANADIAN ELECTRICITY EXPORTS

Various studies have identified several "constraints" on the potential increase of Canadian electricity exports. The most ambitious of these studies was performed by Larry Parker, an analyst in energy policy for the Congressional Research Services.<sup>81</sup> Mr. Parker's study, entitled "Acid Rain Legislation and Canadian Electricity Exports: An Unholy Alliance?" was released September 15, 1982 (hereinafter referred to as "CRS Study"). It concludes that technical, regulatory and political constraints negate much of the advantage acid rain legislation would give to Canadian electricity producers.

This CRS Study has been cited by the Canadian Embassy as downplaying the linkage between Canadian electricity exports and the Canadian lobbying efforts on acid rain.<sup>82</sup> When these "constraints" are examined in light of Canada's needs and incentives to export electricity, and Canada's shoddy record on acid rain control, the "constraints" become illusory. The fact remains that acid rain legislation would give Canadian electricity producers a significant competitive advantage over American producers.

##### A. Supply constraint

The most important constraint on the increase of Canadian electricity exports, although not specifically identified in the CRS Study as a constraint, is the potential availability of Canadian electricity for export.<sup>83</sup> The CRS study analyzed the costs which acid rain legislation would place on American utilities and the resultant competitive advantage provided to Canadian electricity exports.<sup>84</sup> According to the CRS Study, however, the availability of Canadian hydropower is in doubt. Many Canadian sources anticipate that the "export window" will close sometime in the 1990's.<sup>85</sup>

Assuming that the export window actually will close in the next decade, this fact explains the intensive Canadian effort to impose acid rain controls in the United

States as quickly as possible. The sooner acid rain controls are imposed, the more electricity Canada can export before the window closes. Since the Canadian prices are based on the buyer's avoided costs, they are designed to obtain the maximum profit possible, not the largest sales possible. In addition, given the long lead time needed for construction of new facilities, the Canadians would hope to obtain sufficient revenue from several years of sales to the United States before turning the new capacity away from the United States to meet future Canadian demand.

Even while it assumed that the supply of Canadian electricity would be limited, the CRS Study noted that decreased Canadian electricity demand and the construction of power plants dedicated to export could increase the availability of Canadian electricity.<sup>86</sup> Since the release of the CRS Study, both of these factors have moved closer to reality.

Quebec Hydro has reduced its long-range forecast of the annual increase in Quebec's electricity demand from 6.2 percent to an average of 3.7 percent for the period 1980-1998. The significance of this projected reduction was recognized by Quebec Hydro: "These factors have completely changed Hydro-Quebec's position. In the medium term, *Hydro-Quebec will have large electricity surpluses for which it must rapidly find new markets.*" (emphasis added)<sup>87</sup> Other Canadian utilities have recently had to revise their electricity demand growth estimates.<sup>88</sup> These reductions increase the amount of electricity available for export to the United States.

The potential for the construction of Canadian nuclear power plants dedicated to export has been discussed previously, but dedicated hydropower is also a distinct possibility. The James Bay project, recently delayed, could provide up to 10,000 MW of generating capacity for export.<sup>89</sup> Other projects could be accelerated or developed with American capital to produce export electricity.<sup>90</sup>

As for the availability of long-term contracts, it should be recalled that the Canadians have continually offered such contracts and that British Columbia Hydro entered into a 35-year agreement with the City of Seattle.<sup>91</sup> Any doubts over the potential supply of Canadian electricity would be removed by American utilities forced to bid for Canadian power due to the costs imposed by acid rain legislation.

##### B. Technical constraints

The one actual constraint on increased exports identified by the CRS study is transmission capacity.<sup>92</sup> The CRS Study devoted considerable discussion to the uneconomic aspect of transmitting power through several utilities very far from the border. Yet British Columbia Hydro currently sells power to San Diego Gas & Electric, and to Pacific Power & Light, Southern California Edison, Pasadena Water & Power, and the City of Burbank.<sup>93</sup> Obviously, long distance transmission is not per se uneconomic as concluded by the CRS Study. The MANDAN project, from Manitoba to Nebraska, demonstrates the attractiveness of Canadian power even for American utilities far from the border.

While the CRS Study only analyzed sales of Canadian power to the Midwest, the greatest potential for increased Canadian sales is to displace oil-fired capacity in the Northeast and Mideast.<sup>94</sup> The Canadian competition for these sales would be the coal-fired capacity in the Midwest, which

would be subject to similar wheeling and transmission distance difficulties as the Canadian utilities. Evidence of the competition between midwestern and Canadian utilities is the fact that the GPU-Ontario Hydro sale was cancelled because GPU was able to obtain surplus power more cheaply from Detroit Edison.<sup>95</sup> This competition was acknowledged recently by the Vice-Chairman of Canada's National Energy Board.<sup>96</sup> In addition, Ohio Edison has recently concluded a ten year contract to supply \$400 worth of electricity to General Public Utilities. In May, 1983, Ohio Edison signed a five year contract to supply electricity to Potomac Electric Power Co., in Washington, D.C.<sup>97</sup>

It is important to note that the Canadians do not view limited transmission capacity as a constraint. The Canadians are aggressively marketing their electricity across the United States. Milan Nastich of Ontario Hydro has stated that the only element needed for additional sales is "political will."<sup>98</sup> Nastich has also written in *Industry Week* that technical obstacles are not "insurmountable."<sup>99</sup> Increased economic incentives, such as higher costs, have a way of changing political will. Apparently, the Canadians are confident that where the political will exists, a way will be found to surmount the "constraint" of limited transmission capacity.

#### C. Regulatory constraints—Canada

##### 1. Permitting Procedures

The CRS Study briefly discussed the legal authority of the National Energy Board ("NEB") to limit electricity exports through its permitting process. Appendix V lists the exports of electrical power in 1982 licensed by the NEB.<sup>100</sup> The CERI Study indicates that export licenses are issued promptly, with the entire process from application to licensing averaging one year. The CERI Study also notes that the NEB has recently received new powers designed to streamline jurisdictional disputes among the provinces. This new authority should "facilitate a more vigorous electricity export policy."<sup>101</sup> Given Canada's desire to export, the internal Canadian permitting process should not be viewed as a constraint.

##### 2. Environmental Assessment Procedure

The CRS Study discussed the legal framework under which the National Energy Board is required to consider the environmental impacts of new facilities. Had the CRS Study reviewed the NEB's decisions in this area, it would not have considered this a "constraint."

In approving the electricity export application of the New Brunswick Electric Power Commission in 1982, the NEB found that the exports would "result in some increased incremental environmental impact and social costs from increased in-province fossil fuel generation."<sup>102</sup> Yet, since these costs would be "small relative to the value of the exports," the application was approved.<sup>103</sup> The CERI report concluded that the price which could be charged for electricity exports would be "more than sufficient" to cover environmental costs.<sup>104</sup>

Despite concerns expressed by members of Ontario's Parliament and several environmental groups, including the federal Ministry of the Environment, the NEB approved the application of Ontario Hydro to construct a cable under Lake Erie for sales to GPU.<sup>105</sup> In 1982, Ontario Hydro agreed to export \$100 million of power and increase its SO<sub>2</sub> emissions by over 37,000 tons without even consulting the Ontario Ministry of

the Environment.<sup>106</sup> Obviously, the Canadians pollute when it is profitable to do so.

With this record of addressing environmental concerns, it is clear that environmental considerations will not be a "constraint" on Canadian electricity exports.

### 3. Pricing Policy

The CRS Study identified the three criteria that an export price must meet under Canadian standards.

(1) It must cover fully the cost of the electricity being exported.

(2) It cannot be less than the price Canadians pay for comparable service.

(3) It cannot be materially less than the least-cost alternative to the United States utility.<sup>107</sup>

The first two times will be easily met by any proposed sale because the Canadians do not price their electricity exports on a cost generated basis. The third requirement likewise is of little importance since NEB officials state that a sale will usually result if a utility in the United States can save two-tenths of a cent per kWh.<sup>108</sup> The Price is usually set at 80% of the buyer's avoided cost.<sup>109</sup> The higher the cost of United States generating capacity, the more likely that these requirements will be met.

### 4. Acid Rain Reduction Requirements

The CRS Study contained a lengthy discussion of Canadian acid rain requirements and concluded that those requirements would increase the cost of Canadian coal-fired capacity "in a fashion similar to that which would occur to U.S. coal-fired capacity."<sup>110</sup>

Since the overwhelming amount of proposed export electricity is hydro or nuclear generated, this constraint is illusory. Even in 1982, a full 60 percent of the exported electricity came from hydro generators.<sup>111</sup>

### D. Regulatory constraints—United States

The CRS Study briefly discussed the federal permitting process as a "constraint" and accurately noted that permits are required only for additional construction, but not for additional sales over existing lines.<sup>112</sup> The General Accounting Office report, "Clear Federal Policy Guidelines Needed for Future Canadian Power Imports," was released at the same time as the CRS Study and examined this issue in depth. The GAO made these findings, among others:

(1) The Department of Energy (responsible for federal permitting in this area) has no direction on how to fulfill its permitting responsibilities and thus has no specific set of criteria to conduct its reviews.

(2) The Department of Energy current policy is to place no prescribed limits on Canadian electricity imports.<sup>113</sup>

With these policies in effect, CRS cannot credibly identify federal regulatory procedures as a "constraint."

The CRS Study also discussed several other federal and state laws, particularly siting requirements, with which a new transmission line must comply. While these laws may constrain imports of Canadian electricity, they also apply to and constrain construction of new transmission lines from existing capacity in the United States and the construction of new capacity in the United States. Since these laws apply across the board, their impact should not be considered a special constraint on Canadian electricity exports.

### E. Political constraints

The "political constraints" identified by the CRS Study are a euphemistic method of

saying that certain groups will oppose the export and import of Canadian electricity and may put pressure on the regulatory process to delay approvals in anticipation of preventing export sales. The Canadian incentives discussed previously will probably keep the Canadian dissent in check while the Canadian marketing campaign in the United States will encourage American utilities to deal with any opposition.

The most serious political constraints on Canadian electricity exports are those raised in the political battle over the imposition of acid rain controls. Since it is clear that acid rain legislation would greatly enhance the competitive advantage of Canadian electricity exports, the political opposition to acid rain controls becomes *de facto* political opposition to Canadian electricity exports.

### F. Summary—The CRS study refuted

The CRS Study analyzed three ways in which restrictive acid rain legislation would increase the demand for Canadian electricity. They are:

(1) discourage use of coal-fired capacity;<sup>114</sup>

(2) discourage oil to coal conversions;

(3) discourage the building of new coal-fired capacity.

The CRS Study overlooked a fourth development: acid rain legislation as proposed by the Canadians would eliminate midwestern coal-fired capacity as competition for displacing oil-fired capacity in the Northeast and Mideast.<sup>115</sup> As noted earlier, midwestern coal-fired utilities have provided stiff competition to Canadian utilities.

The CRS Study admitted that the three developments would result from acid rain legislation and would encourage the demand for Canadian electricity but that electricity exports would not increase due to the constraints previously discussed. As demonstrated, these "constraints" lack the ability to constrain anything, therefore, the proposition that acid rain legislation will encourage the export of Canadian electricity is valid.

### V. IMPACT OF ACID RAIN LEGISLATION ON CANADIAN ELECTRICITY EXPORTS

#### A. The Canadian linkage of electricity exports to acid rain legislation

Beyond the apparent fact that Canada would profit by the adoption of tighter acid rain controls in the United States, there is evidence that the Canadians publicly recognize the profit in the linkage between the two issues.

First, the Canadian National Energy Board considers the possibility of displacing capacity in the United States when it considers applications for export. In discussing the environmental considerations weighed by the NEB before approving an export application of Ontario Hydro, the NEB found that the export would not result in a net increase in emissions in Canada except, possibly, in 1985. It was also expected that the export would displace U.S. generation resulting in a decrease in emissions there.<sup>116</sup>

Second, after General Public Utilities cancelled the proposed purchases from Ontario Hydro, Ontario Hydro cancelled the two scrubbers which it had planned. Rather than install the scrubbers to decrease emissions in the "sensitive" Province of Ontario, Hydro opted to save \$240 million and continue emissions at higher levels.<sup>117</sup>

Third, Arthur Porter, former chairman of the Royal Commission on Electric Power Planning, has publicly called for construction of a nuclear plant for export to the

United States in order to reduce the United States' reliance on coal-fired generating stations and to turn a \$150 million profit.<sup>118</sup>

Fourth, in his book *James Bay: Twice Over*, former Quebec Premier Robert Bourassa linked Canadian acid rain efforts with the benefits of the James Bay hydro project. Bourassa stated:

Replacing thermal energy by Quebec hydroelectricity in Quebec's neighboring areas will considerably decrease polluting fallout, namely, acid rain, in these regions as well as in Quebec. . . . It is not only useful to increase the capacity of interconnections, but also necessary to study the means of increasing electricity exports so that both Quebec & Quebecers can profit without making any sacrifices.<sup>119</sup>

Certainly, a plan to increase American demand for Quebec power would make it easier to secure American capital for the James Bay project and make Quebec a profit without sacrifices.

Despite all protestations, Canadians do see the financial profit to be gained from increased electricity exports and the displacement of capacity in the United States.

### B. National policy considerations of increased dependence on Canadian electricity

There are several national consequences to the acceptance of increased Canadian power exports which should be carefully evaluated before acid rain legislation is adopted. First, employment and income would be lost. Since one of the Canadian goals is to increase Canadian employment and income, such increases must come from the United States. Every dollar sent to Canada for hydro or nuclear energy means income lost in the United States and jobs lost for American workers in mining, utility and related industries. Even where the Canadian electricity is generated from coal mined in the United States, the income effects, if not the unemployment effects, are felt. At a time when the unemployment in the United States is at record levels and the United States is running a record trade deficit with Canada, any program which would export jobs and income to Canada should be carefully examined.

Second, accepting imports would increase the dependence of the United States upon another foreign source of energy and threaten reliability of the electric utility industry in the United States. The United States is beginning to achieve independence from foreign oil, but increasing electricity imports from Canada would be a step backward. The GAO report, "Clear Federal Policy Guidelines Needed for Future Canadian Power Imports," analyzed this issue closely. The GAO reported that three councils of the North American Electric Reliability Councils felt that the eastern U.S. could withstand losses of imported Canadian power up to 2,400 MW and possibly 3,700 MW during light load periods. The three councils could not withstand a 3,700 MW loss during heavy period.<sup>120</sup> The New England Power Pool (NEPOOL) felt that a loss of 2,000 MW alone would put a strain on the spinning reserves available within the region and the ability of neighboring systems to help during NEPOOL's shortfall.<sup>121</sup>

There should be serious doubt as to Canada's willingness to honor long-term commitments to supply electricity. Canada's intention to terminate American exports when Canadian demand rises was discussed earlier. Moreover, the legal maneuvering of Newfoundland to break its long-term con-

tract with Quebec casts doubt upon the willingness of the Canadian provinces to live with the contracts they sign.

There is also serious doubt as to Hydro Quebec's ability to produce reliable amounts of electricity. On December 14, 1982 a blown transformer threw the entire province of Quebec into a blackout for 12 hours.<sup>122</sup> In 1981, energy consultant Amory Loving had written a memorandum to the New England utility commissioners warning about the susceptibility of Hydro Quebec's grid system to power failures.<sup>123</sup> The same fears were also expressed to the annual Canadian Nuclear Association conference in Montreal in June, 1983.<sup>124</sup> The issue of overdependence and jeopardized reliability cannot be taken lightly.

Third, a special danger exists in the large scale purchase of Canadian nuclear power. A combination of factors make this scenario likely to occur.

These factors are: (1) the stressed state of the U.S. nuclear industry in the United States, (2) Canada's need to maintain the CANDU nuclear industry, (3) the Canadian willingness to construct nuclear plants dedicated for export to the United States, (4) acid rain legislation which makes coal-fired generation in the United States economically unattractive and investment in Canadian power plants attractive. The only missing factor is the United States acid rain legislation and the Canadian government is lobbying vigorously for such restrictions.

Moreover, this situation might be beneficial, aside from the energy dependence issue, if the Canadians would be responsible for the hazards of the nuclear generation. Yet, it is likely that the United States will be the depository for much of the nuclear waste generated in Canada. Already, nuclear waste from Canadian reactors is shipped to the United States.<sup>125</sup> Under this likely scenario, the U.S. would have all the hazards and expenses of nuclear generated power, yet would not have the job, the income and, more importantly, the control of the electricity generating facilities.

These considerations are all costs which must be factored into the cost/benefit equation for acid rain legislation. The wide divergence between Canada's preaching and practice on acid rain and the numerous incentives to export additional electricity should cause the United States to examine Canada's lobbying efforts in a critical manner. A failure to carefully examine Canada's interests in this issue would be a poor reflection on those who would adopt acid rain legislation.

#### VI. CONCLUSION

Before enacting acid rain legislation, if it should be proven to be needed at all, Congress should examine the economic and national security aspects of vastly increased imports of Canadian electricity. Since acid rain legislation will have the effect of providing Canada's electric utilities with a competitive advantage over utilities in the United States, Congress should consider:

(1) Enactment of a clear federal policy limiting Canadian electricity imports. These limits should be sufficient to protect the reliability of the electricity supply in the United States and to protect American workers and companies from losses of jobs and income.

(2) The environmental impact of massive imports, particularly the necessity to construct additional transmission capacity. The fact that the United States may become the depository for Canada's nuclear waste should be examined.

(3) The regulation of pricing of Canadian electricity imports including the possibility of an excise tax to negate much of the competitive advantage which acid rain legislation on controls would give Canadian electricity producers.

Canada's economic interest in increasing electricity exports to the United States is very clear. Any policy or legislation which would tend to increase those exports should be reviewed to determine if the economic and national interests of the United States are being protected.

#### FOOTNOTES

<sup>1</sup> Canada's Minister of the Environment, John Roberts, has called this connection "nonsense." UPI Release, October 24, 1981.

<sup>2</sup> U.S. Department of Energy and the Ministry of Energy, Mines and Resources, Canada, *Electricity Exchanges*. Minister of Supply and Services Canada, May, 1979, p. 29.

<sup>3</sup> See footnote to table I.

<sup>4</sup> See footnote to table II.

<sup>5</sup> Canadian Energy Research Institute, *Potential Benefits and Costs of Canadian Electricity Exports*, December, 1982, Vol. I, p. xiv (hereinafter cited as "CERI Report").

<sup>6</sup> Holmes, P. A. "Pushing to Peddle Canadian Power," *Fortune*, September 20, 1982, citing Richard Poullot of Quebec's Ministry of Energy.

<sup>7</sup> General Accounting Office, "Clear Federal Policy Guidelines Needed for Future Canadian Power Imports," (September 20, 1982) p. 1 (hereinafter cited as "GAO Report").

<sup>8</sup> Ministry of Energy, Mines and Resources, Canada, *Electric Power in Canada*, 1979, p. 24; Canadian National Energy Board, *1982 Annual Report*, p. 38.

<sup>9</sup> GAO Report, supra note 7, p. 4.

<sup>10</sup> "B. C. nets huge sale in hydro deal with U.S.," *Toronto Star*, April 15, 1983, p. A9.

<sup>11</sup> Address by Marc Lalonde, Canadian Minister of Energy, Mines and Resources, to the National Governors' Conference, Afton, Oklahoma, August 9, 1982.

<sup>12</sup> Royal Commission on Electric Power Planning, *Concepts, Conclusions and Recommendations*, Vol. I, pp. 106, 148-49 (February, 1980).

<sup>13</sup> "Build nuclear plant to sell U.S. power, Ontario told," *Toronto Star*, October 25, 1981, p. A22.

<sup>14</sup> Robert Bourassa, James Bay: Twice Over, (March, 1981). Excerpts translated by Brigitte Boesenberg from book published in French (hereinafter cited as "James Bay").

<sup>15</sup> *Id.*

<sup>16</sup> CERI Report, supra note 5, pp. 119-120.

<sup>17</sup> Address by Marc Lalonde, Canadian Minister of Energy, Mines and Resources, to the National Governors' Conference, Afton, Oklahoma, August 9, 1982.

<sup>18</sup> "We've more power, gas to sell, Lalonde tells United States," *Toronto Star*, June 24, 1982, p. C3.

<sup>19</sup> Address by Jean Chretien, Minister of Energy, Mines and Resources, to the Canadian Nuclear Association International Conference, Montreal, Quebec, June 13, 1983.

<sup>20</sup> "Ontario; Powerhouse for United States," *Toronto Star*, December 13, 1981, p. C1.

<sup>21</sup> "Power Sale Studied," *Toronto Star*, August 25, 1981: Press Release, New Jersey Board of Public Utilities, August 20, 1981.

<sup>22</sup> The MANDAN project was delayed last year by a South Dakota court, but the MANDAN sponsors are pushing on. UPI Release, October 4, 1982.

<sup>23</sup> EIA Report, supra note 3, p. 66.

<sup>24</sup> "Nuclear power worth billions: Ontario Hydro," *Toronto Star*, October 4, 1981, p. A19. Ironically, in February, 1983, Environment Minister John Roberts stated that all that was needed to resolve the acid rain issue was "political will." "Roberts mocks United States 'looniness' on acid rain," *Toronto Star*, February 26, 1983, p. A1.

<sup>25</sup> Address by Hugh Macaulay, Chairman of Ontario Hydro, "International Energy Sales—Sensitivity versus Benefits," delivered to the Canadian German Chamber of Industry and Commerce, June 15, 1982.

<sup>26</sup> *Wall Street Journal*, December 9, 1981, p. 24.

<sup>27</sup> UPI release, June 11, 1982.

<sup>28</sup> UPI release, June 20, 1983.

<sup>29</sup> UPI release, October 12, 1982.

<sup>30</sup> Hydro-Quebec, *Hydro-Quebec Development Plan 1983-1985: A Synopsis*, October, 1982, pp. 11, 15.

<sup>31</sup> These were briefly discussed in somewhat different form in the *EIA Report*, supra note 3, p. ix.

<sup>32</sup> Canadian National Energy Board, *1982 Annual Report*, p. 97.

<sup>33</sup> CERI Study, supra note 5, p. 117.

<sup>34</sup> Address by R. F. Brooks, Vice-Chairman of the Canadian National Energy Board, before the Canadian Nuclear Association International Conference, Montreal, Quebec, June 14, 1983.

<sup>35</sup> "U.S. Export Ban Would Cost us Billions: Hydro," *Toronto Star*, February 12, 1982, p. A8.

<sup>36</sup> UPI Release, June 26, 1981: "The Newfoundland-Quebec power battle," *Toronto Star*, June 19, 1983, p. F7.

<sup>37</sup> UPI Release, June 21, 1983.

<sup>38</sup> EIA Report, supra note 3, p. 39.

<sup>39</sup> "Canada Trade Surplus Totaled \$1.99 Billion in April for a Record," *Wall Street Journal*, June 9, 1983, p. 36.

<sup>40</sup> Canadian unemployment recently reached 1.58 million. Over 300,000 Canadians joined the welfare rolls between March 1982 and March 1983. "Out of Work," *Macleans*, April 4, 1983, pp. 30-38.

<sup>41</sup> "One More Push to Rescue CANDU," *Macleans*, October 11, 1982, p. 50.

<sup>42</sup> "Trudeau in South Korea to seal Candu reactor sale," *Toronto Star*, September 26, 1981, p. A14; "Thousands of high-tech jobs hinge on Candu sale to Mexico," *Toronto Star*, December 13, 1981, p. E2.

<sup>43</sup> "One More Push to Rescue Candu," *Macleans*, October 11, 1982, p. 50.

<sup>44</sup> *Id.*, p. 52.

<sup>45</sup> Address by Jean Chretien, Minister of Energy, Mines and Resources, to the Canadian Nuclear Association International Conference, Montreal, Quebec, June 13, 1983.

<sup>46</sup> A recent editorial in the *Toronto Star* also exhorted Canadians to "push hard" on acid rain to get restrictive controls imposed in the United States. "Let's push hard on acid rain," *Toronto Star*, June 4, 1983, p. B2.

<sup>47</sup> Asinot, Richard, "Deluge," *Environmental Action*, March, 1983, pp. 12, 15.

<sup>48</sup> *Id.*, p. 10.

<sup>49</sup> Address by G. W. Nichols, New England Electric System, to the Canadian Nuclear Association International Conference, Montreal, Quebec, June 13, 1983.

<sup>50</sup> For example, see "Canadian Electricity May Be Cheaper, But it Doesn't Come Free of Problems," *National Journal*, May 22, 1982, p. 910; Address by Marc Lalonde, Minister of Energy, Mines and Resources to National Governors Association, Afton, Oklahoma, August 9, 1982; Address by Jean Chretien, Minister of Energy, Mines and Resources, to the Canadian Nuclear Association International Conference, Montreal, Quebec, June 13, 1983.

<sup>51</sup> "One More Push to Rescue Candu," *Macleans*, October 11, 1982, p. 50.

<sup>52</sup> James Bay, supra note 14.

<sup>53</sup> "The U.S. Slugs into Canadian Power," *Business Week*, May 23, 1983, p. 189.

<sup>54</sup> Address by Jean Chretien, Minister of Energy, Mines and Resources, to the Canadian Nuclear Association International Conference, Montreal, Quebec, June 13, 1983.

<sup>55</sup> Letter from Mark D. Segal, Canadian Ministry of Energy, Mines and Resources, reprinted in *GAO Report*, supra note 7, p. 66.

<sup>56</sup> Address by G. W. Nichols, New England Electric System, to the Canadian Nuclear Association International Conference, Montreal, Quebec, June 13, 1983.

<sup>57</sup> Frothingham, Allan, "The Liberals Sniff the Wind," *Macleans*, July 4, 1983, p. 56.

<sup>58</sup> "Canada will cut acid rain 50 percent if U.S. does same," *Toronto Star*, February, 1982, p. A4.

<sup>59</sup> UPI Release, October 24, 1981. Part of this public awareness campaign apparently involved the widespread distribution of the Canadian "propaganda" movies on acid rain.

<sup>60</sup> "Canada Tries to Organize Lobby in U.S.," *Wall Street Journal*, April 12, 1983; "How we're joining the lobbying game," *Toronto Star*, April 23, 1983, p. B6.

<sup>61</sup> Address by John Fraser, former Minister of the Environment, to the Izaak Walton League, June 15, 1982. Any request for further information to buttress the Canadian position has been termed "foot-dragging." "U.S. stalling on acid rain Roberts says," *Toronto Star*, June 16, 1982, p. A24.

<sup>62</sup> Even the Canadian scientific research on acid rain appears geared to headline hunting and public relations gimmicks rather than answering the genuine uncertainties which surround the acid rain issue. See, for example, "Rabbits sprayed with acid

rain in test." *Toronto Star*, April 22, 1982, p. A11. In this test the rabbits' eyes were sprayed directly with concentrated acids in excess of those found in nature.

<sup>60</sup> "Ontario Hydro Set to Shelve Major Anti-Pollution Project." *Toronto Globe & Mail*, July 20, 1982, p. 1.

<sup>61</sup> "Ontario lifts controls on Hydro pollutants blamed for acid rain." *Toronto Star*, February 3, 1982, p. A18.

<sup>62</sup> "Pollution Deferral Given." *Toronto Star*, June 10, 1983, p. A7. The actions of the Province of Ontario are similar to the contradictory actions of the State of New Hampshire. In March, 1983, over 190 town meetings in New Hampshire endorsed a resolution calling for a 50 percent reduction in sulfur dioxide emissions. (Canada's John Roberts identified these votes as an "encouraging" sign in a speech to the Parliamentary Committee on Acid Rain on June 21, 1983.) In April, 1983, the U.S. Environmental Protection Agency began a public comment period on a request by the State of New Hampshire to double its sulfur-in-oil content limitation. 48 Fed. Reg. 12109 (March 23, 1983).

<sup>63</sup> Parliamentary Subcommittee on Acid Rain, *Still Waters*, October, 1981, p. 47.

<sup>64</sup> *Id.*, p. 19.

<sup>65</sup> "U.S. taunts Canada on acid rain record." *Toronto Star*, February 11, 1982, p. A19.

<sup>66</sup> "MPs vow they'll play 'hardball' to stop acid rain." *Toronto Star*, March 16, 1983, p. A19.

<sup>67</sup> "Ottawa now gets blame for acid rain." *Toronto Star*, November 21, 1981, p. B5.

<sup>68</sup> See footnotes to table III.

<sup>69</sup> United States Environmental Protection Agency, *The Acidic Deposition Phenomenon and Its Effects: Critical Assessment Review Papers*. Public Review Draft (June, 1983), Vol. I, p. 2-70.

<sup>70</sup> *Id.*; U.S.-Canada Memorandum of Intent, Working Group 3B. Final Report, *Emissions, Costs and Engineering Assessment* (June, 1982), p. 160.

<sup>71</sup> Communication from official at The Cleveland Electric Illuminating Company.

<sup>72</sup> U.S. Energy Information Administration, *Typical Electric Bills*, January 1, 1982, p. 15.

<sup>73</sup> Address by Jean Chretien, Minister of Energy, Mines and Resources, to the Canadian Nuclear Association International Conference, Montreal, Quebec, June 13, 1983.

<sup>74</sup> A chart of these studies is contained in Appendix III.

<sup>75</sup> A study by the Congressional Research Service estimated that the total job loss in Ohio due to fuel switching in order to comply with an 8 million ton SO<sub>2</sub> reduction would be between 19,200 and 21,000. In some hard hit counties, the unemployment rate would rise to the 20 percent—25 percent range. Parker, Larry. "Mitigating Acid Rain: Implications for High Sulfur Coal Regions." May 19, 1983.

<sup>76</sup> It should not be assumed that the high cost studies, which entail high electricity rate increases, will not result in higher unemployment even though the jobs of high sulfur coal miners will be protected. The higher electricity rates will significantly raise costs of the manufacturing industries of the Midwest, still struggling to recover from the recent recession. The study has not yet been completed which projects the job losses due to higher electricity rates in the Midwest.

<sup>77</sup> See footnote to table IV.

<sup>78</sup> Larry Parker has written extensively on the acid rain and related issues. In the past year, at least the following studies have been released by the Congressional Research Service under Mr. Parker's name:

(1) "Distributing Acid Rain Mitigation Costs: Analysis of a Three-Mill User Fee on Fossil Fuel Electricity Generation," April 11, 1983.

(2) "Mitigating Acid Rain: Implications for High-Sulfur Coal Regions," May 6, 1983.

(3) "Impact of Proposed Acid Rain Legislation on the Illinois Coal Industry," February 21, 1983.

(4) "Summary and Analysis of Technical Hearings on Costs of Acid Rain Bills," July 26, 1982.

(5) "Opportunities for Increased Control of Nitrogen Oxides Emissions from Stationary Sources: Implications for Mitigating Acid Rain," December 9, 1982.

<sup>79</sup> See letter from George Rejhon, Environment Counselor, Canadian Embassy, to Senator Larry Pressler, Chairman, Senate Subcommittee on Arms Control, Oceans & International Operations, and Environment, October 5, 1982.

<sup>80</sup> *CRS Study*, pp. 6-9, 29-35.

<sup>81</sup> *CRS Study*, pp. 24-29.

<sup>82</sup> "One More Push for Candu," *Macleans*, October 11, 1982, p. 50.

<sup>83</sup> *CRS Study*, p. 8.

<sup>84</sup> Hydro Quebec, *Hydro-Quebec Development Plan 1981-1985: A Synopsis*, p. 2.

<sup>85</sup> *EIA Report*, supra note 3, p. 35.

<sup>86</sup> *James Bay*, supra, note 14.

<sup>87</sup> See *CERI Study*, supra note 5, pp. 47-51. Proposed additions to Canadian generating capacity through 1990, even without dedicated exports, total over 28,000 MW. *Id.* at p. 80.

<sup>88</sup> "B.C. nets huge sale in hydro deal with U.S.," *Toronto Star*, April 15, 1983, p. A9.

<sup>89</sup> *CRS Study*, pp. 9-14.

<sup>90</sup> *EIA Report*, supra note 3, p. 66.

<sup>91</sup> *CERI Report*, supra note 5, p. 111; Address by Robert A. Hiney, Senior Vice-President, New York Power Authority, to the Canadian Nuclear Association International Conference, Montreal, Quebec, June 13, 1983.

<sup>92</sup> Address by Hugh Macaulay, Chairman Ontario Hydro, "International Energy Sales: Sensitivity versus Benefits" delivered to the Canadian German Chamber of Industry and Commerce June 15, 1982.

<sup>93</sup> Address by R. F. Brooks, Vice-Chairman, Canadian National Energy Board, to the Canadian Nuclear Association International Conference, Montreal, Quebec, June 14, 1983.

<sup>94</sup> "Ohio Edison to sell excess power to GPU," *Cleveland Plain Dealer*, July 7, 1983, p. 1C.

<sup>95</sup> "Nuclear power worth billions: Ontario Hydro," *Toronto Star*, October 4, 1981, p. A19.

<sup>96</sup> Nastich, Milan. "Canadian Energy could lessen U.S. oil dependency," *Industry Week*, October 4, 1982, p. 13.

<sup>97</sup> Canadian National Energy Board, *1982 Annual Report*, Appendix E-V.

<sup>98</sup> *CERI Report*, supra, note 5, p. 22.

<sup>99</sup> *CRS Study*, pp. 16-17.

<sup>100</sup> Canadian National Energy Board, *1982 Annual Report*, p. 40.

<sup>101</sup> *CERI Report*, supra note 5, p. 114.

<sup>102</sup> Canadian National Energy Board, *1982 Annual Report*, p. 41; "Hydro plan will double sulphur in air, Ottawa," *Toronto Star*, February 12, 1982, p. A8. "560 lakes will die if Hydro plan to export power proceeds—Capps," *Toronto Star*, December 10, 1981, p. A 13; "Hydro's energy plan would kill 560 lakes, critics charge," *Toronto Star*, February 5, 1982, p. A3.

<sup>103</sup> "Hydro deal will kill 26 lakes, MPP says," *Toronto Star*, April 16, 1982, p. A12.

<sup>104</sup> *CRS Study*, p. 17.

<sup>105</sup> *GAO Report*, supra note 7, p. 9.

<sup>106</sup> *EIA Report*, supra note 3, p. 10.

<sup>107</sup> *CRS Study*, p. 19. That is, assuming that the Canadians stick to their proposed requirements. For example, Ontario Hydro has cancelled two planned scrubbers and the Province of Ontario has relaxed stringent NO<sub>x</sub> requirements on Ontario Hydro. "Ontario Hydro Set to Shelve Major Anti-Pollution Project," *Toronto Globe & Mail*, July 20, 1982, p. 1; "Ontario lifts controls on Hydro pollutants blamed for acid rain," *Toronto Star*, February 3, 1982, p. A18. A deferral was recently given to the Algoma Steel Corp in order to spread the costs installing necessary pollution abatement equipment over several years. "Pollution Deferral Given," *Toronto Star*, June 10, 1983, p. A7.

<sup>108</sup> Canadian National Energy Board, *1982 Annual Report*, p. 37.

<sup>109</sup> *CRS Study*, p. 20.

<sup>110</sup> *GAO report*, supra, note 7, pp. 23, 26.

<sup>111</sup> An ordinance has recently been submitted in Cleveland City Council to authorize Cleveland Municipal Power to purchase electricity from Ontario Hydro instead of electricity produced by nearby coal-fired plants.

<sup>112</sup> The *CERI Study* and others have targeted U.S. oil-fired capacity as the most likely target for displacement. See previous discussion under "Transmission Constraints."

<sup>113</sup> Canadian National Energy Board, *1982 Annual Report*, p. 41.

<sup>114</sup> "Ontario Hydro Set to Shelve Major Anti-Pollution Project," *Toronto Globe & Mail*, July 20, 1982, p. 1.

<sup>115</sup> "Build nuclear plant to sell U.S. power, Ontario told," *Toronto Star*, October 25, 1981, p. A22.

<sup>116</sup> *James Bay*, supra, note 14.

<sup>117</sup> *GAO report*, supra, note 7, pp. 10-11.

<sup>118</sup> *GAO report*, supra, note 7, p. 11.

<sup>119</sup> Asinot, Richard, "Deluge," *Environmental Action*, March, 1983, p. 14.

<sup>120</sup> *Id.* at p. 12.

<sup>121</sup> "Northern U.S. States hungry for Canadian power," *Toronto Star*, June 27, 1983, p. C9.

<sup>122</sup> "Our atomic waste feared in U.S.," *Toronto Star*, March 5, 1983, p. A12. Hoffman, Abbie, "Nu-

clear Waste Upstate," *New York Times*, September 27, 1982, p. A15.

Mr. FORD. Mr. President, I have not included the appendix of this report in order to cut down the number of pages in the RECORD. But I do encourage my colleagues to take the opportunity to read this most informative report.

I thank the Chair and I yield the floor.

#### CARL SAGAN ON THE CONSEQUENCES OF NUCLEAR WAR

Mr. PROXMIRE. Mr. President, few persons and no Members of Congress can speak with more authority on the consequences of nuclear war than Carl Sagan, the eminent scientist. Yesterday—October 30, Parade magazine carried an article by Dr. Sagan that spells out more vividly and expertly than I have ever seen it before, what nuclear war would bring.

As Sagan writes—no one can foresee for sure what would happen once nuclear war breaks out but in Sagan's view it could be far worse than anything we have envisioned to date. We all know that nuclear arsenals presently in being, contain the equivalent of thousands of pounds of dynamite for every man, woman, and child on Earth. I have pointed out on the floor before that the World Health Organization estimates that in an all out nuclear war between the United States and the Soviet Union a billion persons would die and another billion would be grievously wounded, that little or no medical help would be available for the wounded. They too would die and die agonizing deaths. Sagan recognizes all of this but then adds: "Unfortunately, the real situation would be much worse." How could anything be worse?

Sagan explains this. He argued that: "In technical studies of the consequences of nuclear weapons explosions, there has been a dangerous tendency to underestimate the results." He documents this with an analysis of nuclear explosions over the past 30 years. He then describes how he and a group of other scientists calculated the consequences of a 5,000-megaton war—we and the Soviet Union have 13,000 megatons; this would only be a part of our arsenal—on two natural phenomena:

First, sunlight on the Earth and; Second, the temperature of the Earth.

Sagan describes the result as "horri-fying." If anything, that is an understatement.

The amount of sunlight would be reduced to a few percent of normal, so dark that plants could not live. This would persist for weeks. Much more spectacular were the estimates of these scientists on the effect of such a nuclear war on the temperature of the

Earth. They found that temperatures—except for narrow strips of coastline—would drop to 13° below zero Fahrenheit and stay below freezing for months. And Sagan says he and his other experts may have underestimated how long the cold and dark would last. And we would suffer the cold and dark with little or none of the light or heat that comes from our big utility plants, they would die with our cities. Aside from the miserable struggle to exist in the cold and dark, the real disaster would come from starvation. Virtually all crops and farm animals would be lost—certainly in the United States and in the rest of the Northern Hemisphere. As Sagan writes: "Most of the human survivors would starve."

Mr. President, I hope and pray that we can find some way to bring this message to all Members of Congress. I am convinced that our biggest problem in stopping this arms race is the refusal of too many of our policymakers to look squarely and fully at reality. We still stumble along with many Americans, including some Senators and Congressmen and some members of this administration and more than a few widely read commentators, arguing that somehow we can win an arms race and in the process forestall a nuclear war. The administration's proposal to vastly step up the nuclear arms race in space represents an example of this. Unless we achieve arms control measures much more far reaching than anything yet proposed, we will spend \$64 billion next year fattening up our nuclear arsenal and \$450 billion over the next 6 years exclusively for more nuclear arms. The Russians will also spend hundreds of billions. Other nations will also work hard to get in the nuclear arms act. And as the nuclear arms technology races on, these other nations will find it cheaper and easier to join the nuclear club. Research, and development by the superpowers in nuclear arms relentlessly spills over to the rest of the world community, until somehow, somewhere through design or error, nuclear war will start. It is true that nuclear war is not likely to start with a planned, premeditated attack by one superpower on the other. Such an initiative would be an act of suicide. But as I have said on the floor previously, we have hundreds of fingers on the nuclear trigger in spite of the most comprehensive effort to centralize the nuclear decision in the hands of the President. The Russians too have many fingers on the trigger. Somewhere, somehow, sometime, someone will press the trigger. And then?

Every year more and more nations seek and some will find a way to build up their own nuclear war capability. Once a nuclear war starts, can we contain it? Some say yes. Now listen to the words of Sagan on the subject:

A number of detailed analyses, war games run by the U.S. Department of Defense, and official Soviet pronouncements all indicate that this containment may be too much to hope for. Once the bombs begin exploding, communications failures, disorganization, fear, the necessity of making in minutes decisions affecting the fate of millions, and the immense psychological burden of knowing that your own loved ones may already have been destroyed are likely to result in a nuclear paroxysm.

What answer do we have to this awful prospect? Well, Mr. President, there are no good answers, certainly no sure answers. But some things we know. We know that continuing the arms race will simply take us down the road to suicide. We know that the spread of nuclear weapons to more and more nations sharply increases the chances of nuclear war. We know that every twist and turn in nuclear weapons research and development brings the prospect of cheaper and more deadly nuclear explosives and relentlessly advances the likelihood of nuclear war. And we know that the one way to prevent nuclear war is to negotiate two agreements: First, we must negotiate a freeze on nuclear testing, production or deployment. And that agreement must be mutual and verifiable. Second, we must negotiate an antiproliferation agreement that includes every nation with nuclear know-how, materials or equipment. And we must give it teeth and insist on the strictest possible enforcement.

I ask unanimous consent that the article by Carl Sagan to which I referred be printed at this point in the RECORD.

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

#### THE NUCLEAR WINTER

(By Dr. Carl Sagan)

*"Into the eternal darkness, into the fire, into ice."—Dante, The Inferno.*

Except for fools and madmen, everyone knows that nuclear war would be an unprecedented human catastrophe. A more or less typical strategic warhead has a yield of 2 megatons, the explosive equivalent of 2 million tons of TNT. But 2 million tons of TNT is about the same as all the bombs exploded in World War II—a single bomb with the explosive power of the entire Second World War but compressed into a few seconds of time and an area 30 or 40 miles across . . .

In a 2-megaton explosion over a fairly large city, buildings would be vaporized, people reduced to atoms and shadows, outlying structures blown down like matchsticks and raging fires ignited. And if the bomb were exploded on the ground, an enormous crater, like those that can be seen through a telescope on the surface of the Moon, would be all that remained where midtown once had been. There are now more than 50,000 nuclear weapons, more than 13,000 megatons of yield, deployed in the arsenals of the United States and the Soviet Union—enough to obliterate a million Hiroshimas.

But there are fewer than 3000 cities on the Earth with populations of 100,000 or more. You cannot find anything like a million Hiroshimas to obliterate. Prime mili-

tary and industrial targets that are far from cities are comparatively rare. Thus, there are vastly more nuclear weapons than are needed for any plausible deterrence of a potential adversary.

Nobody knows, of course, how many megatons would be exploded in a real nuclear war. There are some who think that a nuclear war can be "contained," bottled up before it runs away to involve much of the world's arsenals. But a number of detailed analyses, war games run by the U.S. Department of Defense, and official Soviet pronouncements all indicate that this containment may be too much to hope for. Once the bombs begin exploding communications failures, disorganization, fear, the necessity of making in minutes decisions affecting the fates of millions, and the immense psychological burden of knowing that your own loved ones may already have been destroyed are likely to result in a nuclear paroxysm. Many investigations, including the number of studies for the U.S. government, envision the explosion of 5,000 to 10,000 megatons—the detonation of tens of thousands of nuclear weapons that now sit quietly and inconspicuously, in missile silos, submarines and long-range bombers, faithful servants awaiting orders.

The World Health Organization, in a recent detailed study chaired by Sune K. Bergstrom (the 1982 Nobel laureate in physiology and medicine), concludes that 1.1 billion people would be killed outright in such a nuclear war, mainly in the United States, the Soviet Union, Europe, China and Japan. An additional 1.1 billion people would suffer serious injuries and radiation sickness, for which medical help would be unavailable. It thus seems possible that more than 2 billion people—almost half of all the humans on Earth—would be destroyed in the immediate aftermath of a global thermonuclear war. This would represent by far the greatest disaster in the history of the human species and, with no other adverse effects, would probably be enough to reduce at least the Northern Hemisphere to a state of prolonged agony and barbarism. Unfortunately, the real situation would be much worse.

In technical studies of the consequences of nuclear weapons explosions, there has been a dangerous tendency to underestimate the results. This is partly due to a tradition of conservatism which generally works well in science but which is of more dubious applicability when the lives of billions of people are at stake. In the Bravo test of March 1, 1954, a 15-megaton thermonuclear bomb was exploded on Bikini Atoll. It had about double the yield expected, and there was an unanticipated last-minute shift in the wind direction. As a result, deadly radioactive fallout came down on Rongelap in the Marshall Islands, more than 200 kilometers away. Almost all the children on Rongelap subsequently developed thyroid nodules and lesions, and other long-term medical problems, due to the radioactive fallout.

Likewise, in 1973, it was discovered that high-yield airbursts will chemically burn the nitrogen in the upper air, converting it into oxides of nitrogen; these, in turn, combine with and destroy the protective ozone in the Earth's stratosphere. The surface of the Earth is shielded from deadly solar ultraviolet radiation by a layer of ozone so tenuous that, were it brought down to sea level, it would be only 3 millimeters thick. Partial destruction of this ozone layer can have serious consequences for the biology of the entire planet.

These discoveries, and others like them, were made by chance. They were largely unexpected. And now another consequence—by far the most dire—has been uncovered, again more or less by accident.

The U.S. Mariner 9 spacecraft, the first vehicle to orbit another planet, arrived at Mars in late 1971. The planet was enveloped in a global dust storm. As the fine particles slowly fell out, we were able to measure temperature changes in the atmosphere and on the surface. Soon it became clear what had happened:

The dust, lofted by high winds off the desert into the upper Martian atmosphere, had absorbed the incoming sunlight and prevented much of it from reaching the ground. Heated by the sunlight, the dust warmed the adjacent air. But the surface, enveloped in partial darkness, became much chillier than usual. Months later, after the dust fell out of the atmosphere, the upper air cooled and the surface warmed, both returning to their normal conditions. We were able to calculate accurately, from how much dust there was in the atmosphere, how cool the Martian surface ought to have been.

Afterwards, I and my colleagues, James B. Pollack and Brian Toon of NASA's Ames Research Center, were eager to apply these insights to the Earth. In a volcanic explosion, dust aerosols are lofted into the high atmosphere. We calculated by how much the Earth's global temperature should decline after a major volcanic explosion and found that our results (generally a fraction of a degree) were in good accord with actual measurements. Joining forces with Richard Turco, who has studied the effects of nuclear weapons for many years, we then began to turn our attention to the climatic effects of nuclear war. [The scientific paper, "Global Atmospheric Consequences of Nuclear War," is written by R. P. Turco, O. B. Toon, T. P. Ackerman, J. B. Pollack and Carl Sagan. From the last names of the authors, this work is generally referred to as "TTAPS."]

We knew that nuclear explosions, particularly groundbursts, would lift an enormous quantity of fine soil particles into the atmosphere (more than 100,000 tons of fine dust for every megaton exploded in a surface burst). Our work was further spurred by Paul Crutzen of the Max Planck Institute for Chemistry in Mainz, West Germany, and by John Birks of the University of Colorado, who pointed out that huge quantities of smoke would be generated in the burning of cities and forests following a nuclear war.

Groundbursts—at hardened missile silos, for example—generate fine dust. Airbursts—over cities and unhardened military installations—make fires and therefore smoke. The amount of dust and soot generated depends on the conduct of the war, the yields of the weapons employed and the ratio of groundbursts to airbursts. So we ran computer models for several dozen different nuclear war scenarios. Our baseline case, as in many other studies, was a 5000-megaton war with only a modest fraction of the yield (20 percent) expended on urban or industrial targets. Our job, for each case, was to follow the dust and smoke generated, see how much sunlight was absorbed and by how much the temperatures changed, figure out how the particles spread in longitude and latitude, and calculate how long before it all fell out of the air back onto the surface. Since the radioactivity would be attached to these same fine particles, our calculations also revealed the extent and timing of the subsequent radioactive fallout.

Some of what I am about to describe is horrifying. I know, because it horrifies me. There is a tendency—psychiatrists call it "denial"—to put it out of our minds, not to think about it. But if we are to deal intelligently, wisely, with the nuclear arms race, then we must steel ourselves to contemplate the horrors of nuclear war.

The results of our calculations astonished us. In the baseline case, the amount of sunlight at the ground was reduced to a few percent of normal—much darker, in daylight, than in a heavy overcast and too dark for plants to make a living from photosynthesis. At least in the Northern Hemisphere, where the great preponderance of strategic targets lies, an unbroken and deadly gloom would persist for weeks.

Even more unexpected were the temperatures calculated. In the baseline case, land temperatures, except for narrow strips of coastline, dropped to minus 25° Celsius (minus 13° Fahrenheit) and stayed below freezing for months—even for a summer war. (Because the atmospheric structure becomes much more stable as the upper atmosphere is heated and the lower air is cooled, we may have severely underestimated how long the cold and the dark would last.) The oceans, a significant heat reservoir, would not freeze, however, and a major ice age would probably not be triggered. But because the temperatures would drop so catastrophically, virtually all crops and farm animals, at least in the Northern Hemisphere, would be destroyed, as would most varieties of uncultivated or undomesticated food supplies. Most of the human survivors would starve.

In addition, the amount of radioactive fallout is much more than expected. Many previous calculations simply ignored the intermediate time-scale fallout. That is, calculations were made for the prompt fallout—the plumes of radioactive debris blown downwind from each target—and for the long-term fallout, the fine radioactive particles lofted into the stratosphere that would descend about a year later, after most of the radioactivity had decayed. However, the radioactivity carried into the upper atmosphere (but not as high as the stratosphere) seems to have been largely forgotten. We found for the baseline case that roughly 30 percent of the land at northern midlatitudes could receive a radioactive dose greater than 250 rads, and that about 50 percent of northern midlatitudes could receive a dose greater than 100 rads. A 100-rad dose is the equivalent of about 1000 medical X-rays. A 400-rad dose will, more likely than not, kill you.

The cold, the dark and the intense radioactivity, together lasting for months, represent a severe assault on our civilization and our species. Civil and sanitary services would be wiped out. Medical facilities, drugs, the most rudimentary means for relieving the vast human suffering, would be unavailable. Any but the most elaborate shelters would be useless, quite apart from the question of what good it might be to emerge a few months later. Synthetics burned in the destruction of the cities would produce a wide variety of toxic gases, including carbon monoxide, cyanides, dioxins and furans. After the dust and soot settled out, the solar ultraviolet flux would be much larger than its present value. Immunity to disease would decline. Epidemics and pandemics would be rampant, especially after the billion or so unburied bodies began to thaw. Moreover, the combined influence of these severe and simultaneous stresses on

life are likely to produce even more adverse consequences—biologists call them synergisms—that we are not yet wise enough to foresee.

So far, we have talked only of the Northern Hemisphere. But it now seems—unlike the case of a single nuclear weapons test—that in a real nuclear war, the heating of the vast quantities of atmospheric dust and soot in northern midlatitudes will transport these fine particles toward and across the Equator. We see just this happening in Martian dust storms. The Southern Hemisphere would experience effects that, while less severe than in the Northern Hemisphere, are nevertheless extremely ominous. The illusion with which some people in the Northern Hemisphere reassure themselves—catching an Air New Zealand flight in a time of serious international crisis, or the like—is now much less tenable, even on the narrow issue of personal survival for those with the price of a ticket.

But what if nuclear wars can be contained, and much less than 5000 megatons is detonated? Perhaps the greatest surprise in our work was that even small nuclear wars can have devastating climatic effects. We considered a war in which a mere 100 megatons were exploded, less than one percent of the world arsenals, and only in low-yield airbursts over cities. This scenario, we found, would ignite thousands of fires, and the smoke from these fires alone would be enough to generate an epoch of cold and dark almost as severe as in the 5000-megaton case. The threshold for what Richard Turco has called The Nuclear Winter is very low.

Could we have overlooked some important effect? The carrying of dust and soot from the Northern to the Southern Hemisphere (as well as more local atmospheric circulation) will certainly thin the clouds out over the Northern Hemisphere. But, in many cases, this thinning would be insufficient to render the climatic consequences tolerable—and every time it got better in the Northern Hemisphere, it would get worse in the Southern.

Our results have been carefully scrutinized by more than 100 scientists in the United States, Europe and the Soviet Union. There are still arguments on points of detail. But the overall conclusion seems to be agreed upon: There are severe and previously unanticipated global consequences of nuclear war—subfreezing temperatures in a twilight radioactive gloom lasting for months or longer.

Scientists initially underestimated the effects of fallout, were amazed that nuclear explosions in space disabled distant satellites, had no idea that the fireballs from high-yield thermonuclear explosions could deplete the ozone layer and missed altogether the possible climatic effects of nuclear dust and smoke. What else have we overlooked?

Nuclear war is a problem that can be treated only theoretically. It is not amenable to experimentation. Conceivably, we have left something important out of our analysis, and the effects are more modest than we calculate. On the other hand, it is also possible—and, from previous experience, even likely—that there are further adverse effects that no one has yet been wise enough to recognize. With billions of lives at stake, where does conservatism lie—in assuming that the results will be better than we calculate, or worse?

Many biologists, considering the nuclear winter that these calculations describe, be-

lieve they carry somber implications for life on Earth. Many species of plants and animals would become extinct. Vast numbers of surviving humans would starve to death. The delicate ecological relations that bind together organisms on Earth in a fabric of mutual dependence would be torn, perhaps irreparably. There is little question that our global civilization would be destroyed. The human population would be reduced to prehistoric levels, or less. Life for any survivors would be extremely hard. And there seems to be real possibility of the extinction of the human species.

It is now almost 40 years since the invention of nuclear weapons. We have not yet experienced a global thermonuclear war—although on more than one occasion we have come tremulously close. I do not think our luck can hold forever. Men and machines are fallible, as recent events remind us. Fools and madmen do exist, and sometimes rise to power. Concentrating always on the near future, we have ignored the long-term consequences of our actions. We have placed our civilization and our species in jeopardy.

Fortunately, it is not yet too late. We can safeguard the planetary civilization and the human family if we so choose. There is no more important or more urgent issue.

#### RESCUE OF THE DANISH JEWS: A LESSON IN CARING

Mr. PROXMIER. Mr. President, recently an exhibit detailing the history of Jews in Denmark opened at the Jewish Museum. The exhibition is part of an 18-month international arts festival called Scandinavia Today, and will be on view through February 20. One of the most interesting and important events the exhibition commemorates is the dramatic rescue of Danish Jews, 40 years ago this month, from the genocidal plans of Adolf Hitler.

An article in last Friday's New York Times details the rescue story, and describes the interaction of Danish and Jewish culture that puts the rescue in a historical perspective. The article describes how citizens of Denmark, upon learning of Nazi plans to round up all Danish Jews, provided a temporary haven for their Jewish neighbors in their attics and basements.

The Times details the ensuing effort by the Danes to save their threatened countrymen:

Over the next few days, in what amounted to a national effort by the Danish people, more than 7,000 Jews were spirited out of Denmark in a makeshift fleet of fishing boats and row boats to sanctuary in Sweden.

Mr. President, the compassion and activism of the Danish people 40 years ago can provide a model for us today. They risked their lives because they saw the shadow of the Holocaust descending, and realized they had to act. We have a similar opportunity to act, an opportunity that requires risking little, and provides a major return.

I am referring, of course, to ratification of the Genocide Convention. Ratification would simply mean that we recognize genocide as an international crime—and that we are prepared to do

all we can to guarantee people everywhere some protection from such an atrocity. We do not risk our lives, our fortunes, or our security in the process; in fact, we do nothing we have not done before. This body has previously recognized principles of international law, while at the same time maintaining our absolute national sovereignty. In fact, ratification would simply send a signal that says we recognize genocide for what it is, a crime against humanity, and we recognize the need for action to prevent such a crime.

In essence, this is the same signal that the Danes sent 40 years ago—a signal that indicated they would not tolerate genocide, and would do all they could to prevent it. Ratification of the Convention would show that we recognize the potential for genocide to occur, and we recognize the need to signal our position.

The article in the New York Times ends with the reflections of two brothers who were saved from the horror. They emphasize the warmth and compassion of the Danish people. "It is not something widely known," one of them says. "It is a story," his brother adds, "that has to be repeated constantly."

Mr. President, I ask unanimous consent that the article from the New York Times be printed in the RECORD.

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

#### AT JEWISH MUSEUM, A DRAMATIC RESCUE STORY FROM DENMARK (By Ari L. Goldman)

Word spread rapidly through Copenhagen that the Nazi were preparing to round up Denmark's Jews. But when the German force struck, the Jews were hidden away in the attics and basements of their Danish neighbors. Over the next days, in what amounted to a national effort by the Danish people, more than 7,000 Jews were spirited out of Denmark in a makeshift fleet of fishing boats and rowboats to sanctuary in Sweden.

The dramatic rescue of the Danish Jews, which occurred 40 years ago this month, is being commemorated at an exhibition at the Jewish Museum called "Kings and Citizens: the History of the Jews in Denmark 1622-1983." It is part of the 18-month international arts festival called "Scandinavia Today."

A major point of the Jewish Museum show, which will be on view through Feb. 20, is to put the rescue of the Danish Jews in the perspective of history. "It was not an isolated event at all, but characteristic of a tolerant attitude dating back 300 years," said Norman L. Kleeblatt, curator of the exhibition together with Dr. Vivian B. Mann.

The show includes oil portraits of once-prominent Jewish families, manuscripts documenting their lives in Denmark and the Jewish ceremonial objects they used—books, silver and linen. There is even a fishing boat in which Jews made their escape in October 1943.

#### STRONG DANISH INFLUENCE

Much of the material is from the store-rooms of the Royal Library in Copenhagen,

where the curators found many Jewish objects amid the paintings and artifacts of old Denmark. The influence of the Danish on the Jewish is obvious. For example, there is the Feibush Haggadah, which is decorated with the Danish coat of arms—two burly wild men with garlands of leaves adorning their heads and hips. The Haggadah, which contains the Passover service, is dated 1736.

From 1809, there is a long, scarflike piece of linen, which was used to tie up the Torah scroll after it was read in the synagogue. The Torah binder, a traditional gift to a synagogue after the birth of a male child, also interweaves the sacred and the secular. There is a picture both of the biblical King David and of King Frederick VI of Denmark, who granted the Jews civil rights in 1814.

From 1881, there is a formal portrait in oils of Abraham Alexander Wolff, for decades the chief rabbi of Copenhagen. In the portrait, done by the Jewish artist David Monies, the rabbi wears the crosses of the order of the Dannenberg, a high honor bestowed on him by the king.

The exhibition begins with a Danish coin that helps tell the story of the Jews of Denmark. In 1622, King Christian IV invited a Jewish minter, Albert Dionis, to move to Denmark to make new coins for the kingdom. The coin on exhibit was one of those in which Dionis used Hebrew lettering.

Happy with the minter's work and hoping to bring in enterprising merchants, Christian IV invited other Jews to come to his country. Although there were some restrictions placed on Jews, as well as attempts to convert them, the Jews were eventually granted full civil rights by King Frederick. In 1833, the Great Synagogue was opened in Copenhagen.

The Jews prospered, and some became subjects for Danish portrait artists. One wall of the exhibition has formal portraits of prominent 19th-century Jewish families, merchants, teachers and bankers.

Using photographs, documentary materials and recordings of witnesses, the exhibition continues with the story of the occupation of Denmark by the Germans and the attempt to round up the Jews for deportation to Nazi extermination camps. Many of these objects are drawn from the collection of the Freedom Museum in Copenhagen.

#### BROTHERS RECALL THEIR WELCOME

Bjorn and Ib Nathan Bamberger, two brothers who were fifth-generation Danes, remember hiding with their family over the store of a non-Jewish merchant in Copenhagen on Oct. 1, the night of the Jewish roundup in 1943. Within days, they were safely in Sweden. They remember not only the aid they got in escaping, but also the warmth with which they were welcomed back to Denmark after the war.

Bjorn Bamberger, now a New York businessman, tells of having been greeted at the Copenhagen dock in 1945 by a cheering group of his grade-school classmates. Ib Nathan Bamberger, now the rabbi of the Kingsbridge Heights Jewish Center in the Bronx, said that Denmark was the only nation that came to the rescue of its Jewish population during the war.

"It is not something widely known," he said, "It is a story," his brother added, "that has to be repeated constantly."

### AMENDMENT TO THE WAR POWERS ACT REGARDING THE GRENADIAN SITUATION

Mr. THURMOND. Mr. President, President Reagan is to be commended for his swift action to protect the safety of nearly 1,000 Americans in Grenada and thwart an effort by Cuba to establish another base from which to export its terrorist activities to peaceful nations.

I earlier expressed my belief that the President made a compelling and convincing case for our participation in this action. Based on this belief, and the fact that the President promptly notified Congress in accord with the War Powers Resolution of his decision to intervene in Grenada, I opposed an amendment which recently came before the Senate. This amendment, offered by the Senator from Colorado, was, in my opinion, premature and unnecessary.

It is imperative that the United States take steps to ensure the safety of our citizens and protect the interests of our Nation. I firmly believe that the President is acting in the belief that the responsibility for protecting our national security does not stop at the water's edge.

### CHICAGO WHITE SOX PITCHER LAMARR HOYT OF COLUMBIA, S.C., RECEIVING THE CY YOUNG AWARD

Mr. THURMOND. Mr. President, in the midst of sad news coming from Lebanon and the concern we share over the necessary intervention in Grenada, it is encouraging that America possesses the strength and resilience to maintain a normal style of life.

We are certainly shocked and saddened when such events occur, but so great is our national spirit that we never cease to be an optimistic nation which steadfastly marches forward.

While global attention was focused sharply on events in foreign lands, America proved its democratic resolution by ensuring that life, as normal as possible under the circumstances, continued in the face of adversity.

American history is filled with stories of heroes. To us, the achievers, whether they be military leaders, sports competitors or numerous extraordinary people from other walks of life, are public examples that success is the American way. They know that when they excel, they lift us all up as we follow their high standards of excellence.

I rise to take this opportunity to point proudly to a fellow South Carolinian, LaMarr Hoyt of Columbia, who has just pitched his way into the annals of baseball history. His stunning 24-10 season boosted the Chicago White Sox into the American League playoffs and made him the choice of

the Baseball Writers' Association of America for its "Cy Young Award" for the American League.

Mr. President, this young man, through hard work and dedication to his goal, has achieved the American dream. He gave all Americans a welcome diversion from the serious events overseas through his brilliant playing.

Mr. President, I ask unanimous consent that two articles from the Columbia Record be included in the RECORD at the conclusion of my remarks.

#### COLUMBIA'S CY YOUNG WINNER SHY SOX HERO

(By Dave Moniz)

LaMarr Hoyt stood with hands in pockets, looking every bit the modest hero that friends say he is.

In a few minutes he'd be on his way to Chicago, where a press conference and the title of best pitcher in the American League awaited him. He was wearing blue jeans, a striped short-sleeve sport shirt, Western boots and an easy smile.

"It's a hard feeling to describe; it's the ultimate compliment for what I do," Hoyt said, reflecting on the 1983 Cy Young Award he'd won two hours earlier.

His reaction to his accolade was one of mild shock.

"I'm a pitcher, and they voted me the best pitcher in the league," Hoyt said.

Even in his most glorious moment, one that arrived after several years of bitter frustration, the former Keenan High School graduate found it difficult to be anything more than a soft-spoken professional.

Hoyt wanted to talk about his team, and would relate personal feelings only when the conversation was channeled in that direction.

"I can't say enough about the team I played for," he said.

"They always seemed to get runs," Hoyt said.

In 1983, Hoyt led the American League in victories, compiling 24, and won his last 18 decisions. The White Sox won the AL's West Division in a runaway, and Hoyt was a major reason the Chicago team won its first title in 24 years.

He earned the White Sox only playoff victory, beating Baltimore 2-1. Right now, he's in a position to lease major portions of Windy City. His contract is up for renewal, but Hoyt said he envisions a long union with the White Sox.

"I'd like to stay there; I like the manager, the organization—it's the best place to play in the league," he said.

Six years ago, Hoyt's career took a dramatic turn when he was traded to Chicago by the New York Yankees. At the time of the trade, he was dejected and had left the Yankees' minor league organization twice.

"They had an overabundance of talent and I wasn't going anywhere," said Hoyt, who signed with New York after graduating from Keenan in 1973.

"It got to the point where I didn't like baseball. I was moving around a lot and not moving up in the chain," Hoyt said.

His seven-year minor league odyssey came to an end in 1980, when the White Sox promoted him to the major league club. Since that time, he's won 61 of 92 games and established himself as one of the better control pitchers in the American League.

"I think the key to my success is making people hit my pitch," Hoyt said.

"A lot of times, when they get a hit, I'm ahead 0-2, 1-2 on the count. They're hitting my pitch," Hoyt said.

The 28-year-old righthander began playing baseball at a very young age, prompted by his father, who played in the Detroit Tigers organization. Hoyt had several uncles who played semi-professional baseball in the South, and said his fascination with the game began when he was a child.

"I used to throw a rubber ball against the wall when I was a kid," Hoyt said.

Hoyt earned a reputation as a fine three-sport athlete at Keenan High School in the early '70s, and eventually chose professional baseball as a career when the New York Yankees offered him a contract in 1973.

"I've always been able to do the things which helped me as a pitcher, and throw the pitches that don't take a lot out of my arm. I think I've always had that ability," Hoyt said.

On the eve of what he hopes is a long-term marriage with his beloved White Sox, Hoyt pondered his future.

"I'd like to continue what I've started. Any time you get an advantage in something, you should continue. I don't have any arm or health problems, so I'd just like to keep winning for as long as I can."

#### LAMARR'S FAN CLUB: DREAM COME TRUE

(By Marvin Todd)

For the past four years the most effective pitcher in the American League has been LaMarr Hoyt of the Chicago White Sox. The right-handed Columbia native has compiled a 61-31 record since securing his spot on the White Sox roster in 1980.

Still, when Hoyt recently won the first game of the American League Championship Series, defeating the Baltimore Orioles 2-1 at Memorial Stadium in Baltimore, newspapers there proclaimed, "Mr. Anonymous Does It Again."

The winningest pitcher in the American League the past two seasons described as "anonymous?" According to Tommy Leaprot, Hoyt prefers to remain inconspicuous in spite of constantly being in public focus due to the nature of his job.

"LaMarr is very laid-back," Leaprot said. "On the field he is a well-oiled machine, with a casual, yet business-like approach towards the game. But off the field he just likes to spend his spare time with close friends."

These old friends knew Hoyt when no one else cared to, and they do not mind saying so.

"We started the LaMarr Hoyt Fan Club at the start of the 1980 season, right after we became sure that LaMarr had made the team," club president Leaprot said Tuesday while awaiting the announcement of Hoyt as the 1983 Cy Young Award winner.

"We were the first and, as far as I know, are the only LaMarr Hoyt Fan Club in America," Leaprot said. "We got a charter and LaMarr's permission to start the club, and anybody who wants to start another one for LaMarr has to get our permission."

Leaprot, Bobby and Tommy Bolton, Bill and Pat McCabe, Kent Lipton, Richard Price, Bobby Swartzler, Scott Robinson, Tommy Watson, Joe Brunson and Peanut are the more enthusiastic club members and Bob Mathias, a former University of South Carolina basketball player, is the most renowned.

Leaprot first ran into Hoyt when both played little league baseball at Pinehurst

Park and again when both played pony league ball at Trenholm Park.

"LaMarr was always the best player in the league," Leaprot said of a league that included future Gamecock baseball players Raymond Levine and Mike Sisk. "Nobody wanted to bat against La Marr. He was awesome."

Hoyt and Leaprot attended Keenan High School together in the early '70s. There they began a friendship that remained strong through Hoyt's minor league career and has continued until the present.

"LaMarr got drafted out of high school in '73, and he was gone two days later," Leaprot said. "Only his buddies knew where he was, and we stuck with him all the way through the minor leagues. Some of us went to spring training and to Knoxville to see him play, long before he ever got to the majors."

The New York Yankees drafted and signed Hoyt in 1973. In 1977 he was traded along with outfielder Oscar Gamble, pitcher Bob Polinsky and cash to the White Sox for shortstop Bucky Dent.

"At the time, I thought the trade to the White Sox was the worst thing in the world that could have happened to LaMarr," Leaprot said. "The Yankees were doing good and the White Sox weren't going anywhere."

"But as things turned out, (Yankee owner George) Steinbrenner has ruined the Yankees and (White Sox manager) Tony La-Russa has ruined the White Sox around. The trade turned out to be the best thing that has ever happened for LaMarr's career."

The trade soured the club members on the Yankees organization.

"We hope the Yankees enjoyed giving LaMarr away," Bill McCabe said.

"We hate the Yankees, but we sure do appreciate Mr. Steinbrenner's stupidity," Leaprot said.

Leaprot, Bill McCabe, Bobby Bolton, Brunson, and Peanut were in the stands when Hoyt beat the Orioles in the playoffs. The rowdy group said they had to put up with a lot of abuse from the partisan home crowd.

"We gave them a hard time, and, boy, did we hear a lot of fat jokes," Leaprot said. The unkind jokes were in reference of Hoyt's robust stature, but Leaprot said he and his friends were taking the jests personally.

"We do not appreciate fat jokes—most of us are fat, too," he said.

"We all love him," McCabe said. "If not, then we would not have spent \$5,000 on that trip to Baltimore."

The club members are just happy that Hoyt is getting the recognition that they feel is late in coming.

"It's about time he got what he deserved," McCabe said. "The best thing about it is that this is just the start of his career."

One thing that is certain—LaMarr Hoyt will not toll the rest of his career with the same anonymity that has hidden him thus far.

#### INFRINGEMENT UPON THE FREE PRESS IN ITS COVERAGE OF GRENADA

Mr. PELL. Mr. President, I want to join with the earlier statements of Senator SARBANES and Senator RIEGLE in voicing my total disenchantment with the administration's policy to

curb and restrict the press of this Nation in its attempt to relate the facts about the situation in Grenada to the American people. The management of the news from Grenada, in what amounts to an unprecedented infringement on the freedom of the press, has kept the American people, including the Congress, in the dark as to the actual events which involved 6,000 U.S. troops.

Members of the media were not only kept out of Grenada, but when a few managed to get on the island on the day of the invasion, they were taken out to the carrier *Guam* and were then prevented from filing their stories from the ship. When the first newsmen were allowed on the island they were taken on a tightly restricted tour managed by the U.S. military. Is it any wonder why there are so many questions unresolved about the Grenada situation? The information which has been managed by the U.S. military authorities has done nothing to clarify developments, and in many cases, the number of Cubans for instance, has seemed to further confuse the situation.

By the way of further illustration is the issue of Cuban weapons found in Grenada. The Washington Post, October 28, quoted from the President's speech of the evening before in which he said that U.S. forces had discovered a "complete—Cuban—base with weapons and communications equipment. \* \* \* The article then related that Pentagon officials showed reporters videotapes said to have been made on Thursday morning in Grenada "that showed six warehouses of Soviet-made small arms ammunition and weapons." In contrast are two articles published in the Washington Post the next day by reporters who managed to get onto the island. One of the articles relates that the arms found in the warehouses did not seem to jibe with the administration's statements. In one warehouse, were found boxes containing assorted ammunition for the standard issue Soviet assault rifle. In a second warehouse there were assorted weapons, mostly outdated, including 1870 vintage Marlin 30-30 rifles.

The media of this country has every right to protest the restrictions placed on their right to cover events in Grenada. The American Society of Newspaper Editors said that the restrictions "go beyond the normal limits of military censorship." I wholeheartedly concur with the statement of Walter Cronkite as quoted in the New York Times last Friday—October 28. He said.

This Nation is founded on the belief that people have the right to know and that we participate in our Government's actions. . . . This is our foreign policy and we have a right to know precisely what is happening, and there can be no excuse in denying the people that right.

Finally, I would like to cite the column by Haynes Johnson which was published in the Washington Post yesterday—October 30. "In the invasion of Grenada, we are witnessing what is probably the first official war in the history of the United States, produced, filmed, and reported by the Pentagon, under the sanctions of the President." He went on to say how American correspondents had participated in the most secret of military operations and landed with U.S. forces on countless beachheads, suffering many casualties and deaths. He concluded by saying that "It goes entirely against the best interests of a democratic society, for it is precisely at a time of crisis that the public most needs the unfettered information that only a free press can provide."

I understand that the Pentagon has now decided that Grenada can be opened to the media. I am glad, although I find it reprehensible that this was not the situation at the outset.

I ask unanimous consent that this statement include the articles from the Washington Post of October 28 and 29.

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

[From the Washington Post, Oct. 28, 1983]

#### CUBAN ARMS CACHE FOUND, REAGAN SAYS

(By David Hoffman and Fred Hiatt)

President Reagan, shifting his justification for the American invasion of Grenada, said last night that U.S. forces had discovered a "complete [Cuban] base with weapons and communications equipment" that made it "clear a Cuban occupation of the island had been planned."

Saying that U.S. troops found warehouses with "weapons and ammunition stacked almost to the ceiling, enough to supply thousands of terrorists," the president called Grenada "a Soviet-Cuban colony being readied as a major military bastion to export terror and undermine democracy."

While the administration presented only fragmentary evidence of what Reagan called the major Cuban buildup, the president said in his nationally televised address, "We got there just in time."

Hours earlier a senior Pentagon official, also referring to what he called signs of a Cuban buildup on the island, said U.S. forces may have to remain there "indefinitely" to combat likely Cuban efforts to return, inspire guerrilla activity and regain control.

"I don't think the Cubans are going to give up," said the official, who declined to be identified.

He observed that it would take a large naval and ground force to keep Cuba from sending small boats with weapons to Grenada in ensuing months.

The administration had said earlier—and still was saying officially yesterday—that the U.S. military operation on Grenada would be surgical and brief.

The Pentagon said yesterday that eight U.S. servicemen had been killed in the invasion, eight others were missing and 39 were wounded.

The theme of Cuban involvement on the island built in a crescendo yesterday, with administration officials repeatedly raising their estimates of the Cuban presence, saying they had been surprised by it and citing it as justification for the action.

There had been almost no mention of Cuban at the outset. Officials had said then that the invasion was ordered to protect U.S. citizens on the island and to support neighboring island governments that had asked for help.

Most of the Americans on Grenada were students and faculty members at St. George's University School of Medicine, 409 of whom had been flown to the United States by yesterday, officials said.

Administration officials said U.S. forces had encountered twice as many Cubans in Grenada as expected and discovered a "combat engineer battalion" and a Cuban colonel on the island. One official said the "indications are they were building a major Cuban base."

Late in the day, Pentagon officials showed reporters videotapes that were said to have been made early yesterday morning in Grenada and that showed six warehouses of Soviet-made small arms ammunition and weapons. An unidentified U.S. colonel narrating the tape said the weapons cache, discovered five miles north of Pt. Salines airport, was "far above what any force on any island this size would need for self-defense."

The weapons shown in the videotape were small arms, assault rifles, machine guns, mortars and, in one case, an antiaircraft battery that the unseen narrator described as "extremely lethal." It was impossible to gauge the amounts of weapons discovered, however, and the tape did not reveal any larger equipment that might belong to an aggressive or invading force such as helicopters, ships, tanks, missiles or armored personnel carriers.

After a White House meeting with Reagan yesterday, Prime Minister John Compton of St. Lucia, one of the eastern Caribbean nations that participated in the invasion, said the Cuban "military buildup" was the main reason that his nation and others had sought U.S. military help.

"The United States came to our aid because we thought the military buildup was threatening the whole of the southern Caribbean," he said.

In the one clear response to the invasion on Capitol Hill yesterday, the House Foreign Affairs Committee adopted, 32 to 2, a declaration that the War Powers Act of 1973 applied to the use of American troops in Grenada. As approved, the resolution would require the removal of the troops after 60 days with the clock starting Tuesday, when the invasion began.

Also yesterday, Federal Communications Commission officials said they were reiterating standing rules when they sent an advisory Wednesday to amateur or "ham" radio operators and commercial broadcasters that amateur frequencies could not be used to transmit news stories. The advisory was sent when administration officials still were refusing reporters permission to cover the invasion.

After sharp criticism from news organizations across the nation, the administration eased a news blackout it had imposed on coverage of the first two days of the invasion. The Pentagon late yesterday gave 12 reporters an escorted glimpse of Grenada.

On the Cubans, Reagan's new national security affairs adviser, Robert C. McFarlane, told reporters yesterday, "The discoveries

that have been made are extraordinary in terms of capability and infrastructure and what it portended for the future."

Reagan last night linked the Soviet Union to the Cuban presence. He said it was "no coincidence" that when a leftist military junta took over earlier this month, "there were 30 Soviet advisers and hundreds of Cuban military and paramilitary forces on the island." Administration officials had said previously that the 20 to 30 Soviets on the island were embassy officials.

A senior administration official, briefing reporters at the White House before the President's speech, said that there were about 1,100 Cubans on the island, more than twice as many as previously believed, and that several hundred remained at large.

It had been known that there were Cuban construction workers on Grenada helping to build a large airstrip that the administration had feared could be of possible military use to hostile powers. But the construction workers had not been considered a military force.

The official said the weapons stores on the island were "sufficient to equip terrorists in the thousands." He said this meant that the Cubans apparently intended to "exploit Grenada as a forward Cuban base." He added that the military preparations on Grenada were "enough to sustain a significant ground force or terrorist operations."

This official added that U.S. forces had discovered large quantities of automatic weapons, mortars, ammunition and equipment for light infantry during the invasion. He added that "extremely sophisticated" communications equipment had also been discovered.

Presidential spokesman Larry Speakes told reporters earlier yesterday, "Clearly you had a substantial Cuban organization there that was well equipped. It was following a pattern of previous Cuban behavior in Angola and Ethiopia."

The strong emphasis on Cuba's military buildup contrasted with the administration's insistence in the first two days of the invasion that the action was motivated by concerns about the safety of American citizens in Grenada and was designed only to restore order and "democratic institutions" on the island.

The eight-minute videotape which the Pentagon unveiled for reporters tonight was filmed at 5 a.m. yesterday, Pentagon officials said. It showed six moderate-sized warehouses roofed in tin or plastic sheeting, and at least two sheds covering what a narrator said were Soviet made heavy trucks and ambulances, all surrounded by a low barbed-wire fence.

[From the Washington Post, Oct. 29, 1983]

INFORMATION WARP ENVELOPS ISLAND  
CONFLICT

(By Loren Jenkins)

ST. GEORGE'S, GRENADA, Oct. 28.—The U.S. military today turned over command of this Caribbean seaside capital to a small Caribbean force, as U.S. troops continued the fight against what they said were an estimated 500 Cubans holding out in other parts of the island.

The unceremonious introduction into the Grenadian capital today of the first troops of the joint Caribbean Security Force came as both the U.S. military commander and the chief of the Caribbean nations force predicted that U.S. troops would have to remain in Grenada for some time to come.

"How long we continue operations here is a factor of how long the Cubans want to fight," said Admiral Joseph Metcalf III, commander of the U.S. joint task force that landed on Grenada four days ago. In an interview with a pool of 26 foreign journalists at the Cuban-built airport of Point Salines south of the capital, Metcalf said: "If the Cubans want to play games and go into those hills it will take quite a while [to end military operations]."

Metcalf said the United States was able to set the number of remaining Cubans at about 500 through information provided by captured combatants.

Col. Ken Barnes of Jamaica, the Caribbean Security Force commander, predicted the United States would not be able to leave Grenada "before a matter of months."

While his force would now take over security in the capital, Barnes said his men are not trained to fight the snipers thought to be in the city and in the hills beyond it.

Barnes made his comment here minutes after U.S. Marine Corps Blackhawk helicopters landed 250 of his 300-man force in Grenada at the Queen's Park cricket grounds.

There was no official handover ceremony and Barnes' men marched off the cricket grounds into the city immediately after landing, following two U.S. Marine Corps amphibious armed personnel carriers.

The decision to leave the security of the capital city to a force of about 250 soldiers and police from six Caribbean nations was designed to underline the allies' participation in the military occupation of the island.

The city was calm today, despite the evidence of recent bombings, looting and a fire in at least one police station.

But there were signs that the fighting on the island was still not over after four days of U.S. military operations.

Journalists saw evidence of continued military clashes on the outskirts of the capital as well as in the densely vegetated mountainous interior of this small island.

U.S. Rangers from the 82nd Airborne Division were reported by eyewitnesses to be still fighting against elusive bands of snipers in and around the holiday beach hotel strip along the Grand Anse Bay, just south of the capital.

The angry sounds of battle were also heard throughout the afternoon just east of the still-uncompleted air strip at Point Salines on the southern tip of the island. The air strip, which the Reagan administration claimed was being built not for the commercial traffic as the Grenadian government insisted but as an important strategic military base for Cuba and its Soviet sponsors, has been the main staging area for the U.S. military force.

Metcalf said the force had now reached about 5,000 men on the ground and another 10,000 men afloat with his battle group off the Grenadian coast. [In Washington, the Pentagon said more than 6,000 U.S. troops are participating in the invasion, including 5,000 from the 82nd Airborne, 500 Marines and several hundred support personnel, in addition to the Rangers already stationed on the island.]

In the rolling hills just a few miles off the air strip's 5,000-foot-long runway, the odd crump of outgoing mortar fire could be heard intermittently throughout the afternoon.

Overhead, a gray C130 "Spectre" gunship circled into the night, firing occasional deep-throated salvos from its awesome rapid fire 100mm howitzers.

Journalists, escorted by Rangers to view a cache of captured Grenadian arms and ammunition in a group of corrugated tin warehouses about a mile from the airport, saw a Ranger platoon deployed in a perimeter defense position just beyond the warehouses. The soldiers, their young faces smeared with green camouflage paint, were crouched in ditches along the road, their guns pointing east into the hilly tropical brush where the sounds of gunfire could be heard. Behind them, in a nearby truck park, a row of 80mm mortars had been mounted to provide protective covering fire if necessary.

Along the road back to the airport, less than a quarter of a mile from the runway, the dead body of a man in civilian clothes was lying on its back under a canopy of a frangipani tree. Both his legs had been blown off below the knee and his torso had begun to darken and swell in the stifling heat of a tropical sun.

According to the U.S. Rangers, the man was believed to have died Thursday evening when an air strike by two U.S. Navy A7 Corsair carrier-based fighter bombers were called in to blow up a concrete house where snipers were believed to have holed up. The house was demolished, but whether the snipers were ever found could not immediately be established.

Metcalf, a feisty and slight naval officer in gold-rimmed eyeglasses, insisted that "organized resistance" on the island had in fact already ceased.

His men, he said, were now just conducting a "bush operation of light fighting" to winkle out snipers who continued to make large parts of Grenada unsafe.

"Sniping is going to be a continuing problem," Metcalf said. "It has been a problem all along. They are still shooting at us but we have been lucky because they are bad shots."

Metcalf spoke with journalists from a press pool who had been flown here from Barbados for a five-hour guided visit. The interview was held in the still-unfinished airport terminal building before the troupe of journalists was helicoptered over sniper-threatened roads north to St. George's.

The admiral referred all questions about the total number of U.S. casualties during the operations to Department of Defense spokesmen in Washington. These spokesmen today gave the U.S. casualty toll as 11 dead, seven missing and 67 wounded.

Metcalf said however that his men to date had killed 36 Cubans or Grenadians who had resisted the U.S. advances with weapons. He gave the number of wounded enemy combatants as 56. Metcalf said his men had had no chance to break down this casualty figure by nationality. But he said he thought most of the resistance came from Cubans rather than Grenadians loyal to the island's now-toppled Marxist Revolutionary Military Council.

Despite the dead body of an unarmed man lying near where goats grazed and yellow butterflies flitted over purple bougainvillea plants, Metcalf said there had been no civilians killed since his force of U.S. Marines and Rangers assaulted the island in a two-pronged helicopter attack shortly after dawn Tuesday.

The admiral said that of the now estimated 1,100 Cubans believed to have been on the island at the time of the U.S. landings, almost 650 have now been captured and more are either giving themselves up or being captured by the hour. [The Pentagon today said 638 Cubans and 17 Grenadians had been captured.]

How many of those captured were actual combatants no one in the U.S. command here seems to know for sure. Cuba has insisted all along its men were mostly just construction workers laboring on the airfield while the Reagan administration alleged they were almost all armed members of an engineering battalion there not only to work on the airstrip but to help defend the island's pro-Cuban regime.

Just above the airport, on a hill dotted with ramshackle wooden barracks that once housed the Cuban workers, a prisoner of war center now holds more than 500 Cuban prisoners, according to a U.S. Ranger officer.

At least 200 of them were in three pens of razor-sharp rolls of concertina wire laid out on an asphalt parking lot between the barracks. The men looked relaxed and were all dressed in civilian clothes. Most wore straw hats or had bandanas tied around their forehead, and many joked amongst themselves while smoking long Cuban cigars. Most were either squatting or stretched out on small cotton mattresses that had been stripped from their barracks.

The only Cuban who could be interviewed through the wire before U.S. military officials forbade any talking to the prisoners said his name was Fulgencio Gonzalez Molina.

"We are noncombatants here; we are just laborers," he said through the wire enclosure. "I was just a cook here, not a fighter."

Chief Warrant Officer Rolf Milton, the 37-year-old Ranger in charge of the prisoners, said all of them were Cubans and most had come from the airport area. "Which are active combatants we really don't know," Milton said, "not one of them has admitted to being a soldier."

A Ranger officer showed journalists through the Cuban's barracks which has been looted and rifled. Family photographs of wives and children back in Cuba, personal letters, Cuban political magazines extolling Marxist/Leninism, clothes, assorted shoes and boots, and other personal effects, were scattered all over the floors.

Outside the barracks, Ranger officers pointed out half a dozen shallow rifle trenches that had been dug as proof that the Cubans had planned to resist from their barracks—although there were no signs of any fighting having taken place in the immediate area.

Ranger officers conducted journalists into the three warehouses that contained the arms and ammunition that President Reagan last night in a speech said were so extensive that they were proof that the ousted Marxist military government and its Cuban allies planned to convert tiny Grenada into an island of subversion.

Though the officers insisted that all the weapons and ammunition found there were still in place and that it was enough to arm at least a force of 8,000 men, the weaponry in the three warehouses did not exactly seem to jibe with the president's statement. One of the warehouses was stacked half-full—not up to the ceilings—with boxes of assorted Cuban, Soviet, and Chinese ammunition—mostly for the standard issue Soviet AK47 assault rifle and other small arms. There were also some boxes of 82mm mortars that had been made in China. In the second warehouse that contained most of the weapons, there was only five mortars to be seen, one recoilless rifle, one Soviet-made quadri-barreled anti-aircraft gun, and two Korean-vintage British Bren machine guns on display. There were also 190 crates of as-

sorted weaponry—much of it Soviet-made infantry weapons, but many of them also outdated, such as the 1870-vintage Marlin 30-30 rifles, undercutting the claims that all the guns were sophisticated modern weapons aimed to arm revolutions around the Caribbean. "Look at these, they are old saddle guns," said a Ranger corporal picking up one of the 90-year-old guns which would have been the dream of any Hollywood western director. "This is the sort of gun they used to kill Indians with."

[From the Washington Post, Oct. 29, 1983]

ADVANCING MARINES FOUND AN UNDEFENDED CAPITAL

(By Edward Cody)

ST. GEORGE'S, GRENADA.—Sometime in the early morning hours of Wednesday, the small organized resistance to the American invasion force advancing on this capital simply melted away, leaving an undefended city and a lingering mystery about the whereabouts of the revolutionary junta that provoked the U.S. landing.

I awoke at the St. James Hotel expecting to find the machine-gun nest and the dozen smartly dressed, coolly confident Grenadian soldiers who had occupied the street Tuesday night still there.

Instead, I found a group of civilians in swimming suits and shorts on their way down to gawk at the newly established U.S. Marine positions near the beach.

In the casually dressed group were three of the soldiers I had seen the night before. Now they were joking among themselves about their rapid change of clothes.

Within a few hours, heavily armed marines were moving down the street, crouching and bursting through doorways as if expecting house-to-house fighting. A French photographer who had passed through the same street earlier in the morning followed them, ignoring their repeated warnings to stay down.

The marines were passing through an information warp that extended not only all across the 133-square-mile island but all the way to Washington, where erroneous and out-of-sync official reports on the scale and intensity of the fighting in Grenada created conflicts and confusion that still have not been sorted out.

The Marines' exemplary caution in moving through an undefended city and the apparently misleading official statements in Washington appear to have flowed in part from the administration's reaction to unexpectedly strong resistance from Grenadian and Cuban combatants near the Cuban-built airport at Pont Salines south of the capital.

There, the going was tough, and, according to Marine officers, the reporting from the 82nd Airborne Division's commanders at Point Salines tended to eclipse that from Marine commanders at Pearls Airport across the island and at Queen's Park north of St. George's.

Resistance at those spots was virtually nonexistent.

While the intensity of the ground war was being magnified in statements in Washington and in Marine planning, a wide-ranging and vigorous air war carried out by warplanes and AE130 gunships—the rapid-fire "Puff the Magic Dragon" of Vietnam—attempted to knock out antiaircraft positions. It went virtually unreported in the statements coming out of Washington.

In other important aspects, the American invasion of Grenada looked different on the

ground from how it was being portrayed from the official reports here and in Washington.

The gap resulted in part from efforts by the Reagan administration to filter all information through official channels by restricting access to the little Caribbean island, in a manner similar to that used by British authorities in managing the news during the war in the Falkland Islands last year.

The gap grew as reporters sought to fill the information vacuum with dispatches based on fragmentary information relayed anonymously by U.S. and Barbadian officials, and as the U.S. task force denied reporters access to Grenada and then refused to send dispatches from those few of us who had reached the island on our own steam in the early hours of the invasion Tuesday.

Thus, as Secretary of Defense Caspar W. Weinberger and Gen. John W. Vessey Jr., chairman of the Joint Chiefs of Staff, were announcing in Washington Wednesday afternoon that Richmond Hill was one of the two major pockets of resistance, U.S. marines already had occupied the area after meeting no opposition. Explosions shook the hill because of an exploding ammunition dump and unanswered outgoing U.S. fire.

It was as if American officials were believing the desperate bravado that the troops I encountered on Tuesday night were mouthing in what would turn out to be their last moments in uniform in St. George's.

They did not display the signs of panic or hotheadedness that I had witnessed frequently in covering bombardments in the Middle East and other Third World countries. They assured me that Gen. Hudson Austin, the Army commander, was "very much in charge" and that the members of the junta that seized power Oct. 14 "are in battle" at the front.

There have been no confirmed reports since the United States took the island of the whereabouts of Austin and his associates who precipitated the crisis by deposing prime minister Maurice Bishop. Bishop was executed on Oct. 19.

Nor is it clear what happened to the island's 1,200-man Army. Official American reporting has suggested that virtually all of the fighting has been between U.S. Army troops and the Cubans.

It is unclear if any number of the Grenadian military have joined the Cuban stragglers the United States says have taken to the hills before the advancing American units.

One young Grenadian I saw Tuesday night clearly did not. He was relaxed on Wednesday morning as he offered to take me down to the seaside to see the marines who had landed near the capital earlier in the day.

They had taken Pearls Airport easily the previous day, boarded ships and come around the island during the night, marine officers said.

As we walked, Grenadians were gingerly coming out of their houses onto the streets that they, too, thought would be occupied by the People's Revolutionary Army.

Gradually they also began to head down toward Queen's Park. First arrivals were chased away by 10 marines lying in front of a bridge behind a machine gun. But the atmosphere eased as the morning went on.

By Thursday morning, young men were again playing soccer on the field that the marines had used as a landing zone for helicopters at Queen's Park.

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

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

Mr. METZENBAUM. Mr. President, will the Chair be good enough to advise the Senator from Ohio as to what the pending business is before the Senate?

The PRESIDING OFFICER. The Senate is conducting morning business. Under the previous order, there is a period for the transaction of routine morning business, in which Senators are limited to 10 minutes each.

Mr. METZENBAUM. Until what time does that morning business continue?

The PRESIDING OFFICER. Seven and a half minutes remain in morning business.

#### INCREASE IN PUBLIC DEBT LIMIT

Mr. METZENBAUM. Mr. President, I rise to address myself to the debt-ceiling issue which is before this body at the present time. I recognize that it is an issue that seems to have been lost while the Members of the Senate debate a host of peripheral issues. But I think it important that we take a look at what is really happening with respect to our national debt, because I believe that the issue before us today—and I hope we will conclude this issue before the end of the day—is the alarming fact that the national debt is rising at an absolutely disastrous rate.

On September 21, 1981, President Reagan said:

This administration is committed to a balanced budget, and we will fight to the last blow to achieve it by 1984. We will not sit on our hands and watch helplessly as the deficit swells and swells.

Well, that was September 1981. This is October 31, 1983. Today, we continue our debate on a new debt limit bill which, in its own way, is the acid test of the commitment which Ronald Reagan gave in the fall of 1981.

The original debt limit proposed in this bill was \$1.6 trillion, an increase of \$225.6 billion, the largest increase in our Nation's history. It is fair to point out that we have amended that figure downward to \$1.4 trillion. But the point should not be lost: When Ronald Reagan became President, our national debt was \$931 billion. We will need the full \$1.6 trillion as originally proposed in this measure before the year is out, which in essence means

that this President—the President who still stands before audiences and talks about a balanced budget constitutional amendment—has increased the national debt by \$683 billion, an increase of more than 70 percent.

It is estimated that by the end of this administration's first term Ronald Reagan will have increased the national debt by \$3,387 for every man, woman, and child in the United States.

There is no mystery as to why the national debt has skyrocketed. It is deficits, deficits, deficits. And as a matter of fact, those deficits can be directly related to the tax cuts that the administration put into effect with the consent of Congress. I am embarrassed to say that I voted for those tax cuts, which deprived the Treasury of \$860 billion through 1988. And any business person in his right mind knows that you cannot balance a budget, you cannot balance a corporation's financial sheet, unless there is enough money coming in to pay the expenses. If you do not have a sufficient flow of funds, the result is deficits, deficits, and more deficits.

In February 1981, the President promised a balanced budget by 1984. In February 1982, the President promised an \$83 billion deficit for 1984.

By 1983, that deficit projection had jumped from the original balanced budget the President had proposed, to the \$83 billion deficit he spoke about in February 1982, to an actual projection of \$180 billion for 1984.

The news last Thursday was that the budget deficit for fiscal year 1983 was \$195 billion, a bigger deficit than President Jimmy Carter rolled up in his entire 4 years in office.

Mr. President, the fastest growing item in the budget is not social security or defense spending or any one of a number of other items. It is the interest on the national debt.

In fiscal year 1983, interest on the national debt reached \$127 billion. That is \$4,000 a second, \$14.5 million an hour, or just under \$348 million a day in interest. Think of it as equal to the total of the annual personal savings of every man, woman, and child in this country.

And something new has been added to the pudding. The President and his crowd are now saying deficits do not matter. Faced with the disastrous rise in the Federal deficit, the administration has suddenly changed its tune and there is some talk that they are even thinking about changing their economic adviser, Martin Feldstein, because they do not like the way he is playing his violin. He says that deficits do matter and they do not like that tune. Treasury Secretary Regan totally reverses himself and now claims that there exists no necessary cause-effect link between deficits and interest rates.

And he says that:

Economists who continue to claim that deficits make for higher interest rates should climb down from their celestial observations and acquaint themselves with terrestrial fact.

It is good to know that Secretary Regan has now seen the light and deficits do not matter. But he spent a lifetime maintaining exactly the opposite of that position.

The administration's own Chairman of the Council of Economic Advisers, Martin Feldstein, is that kind of a star-gazing economist about which Secretary Regan speaks, because he put it in the following terms:

The reason for the very high level of long-term real interest rates in undoubtedly the unprecedented level of budget deficits that are now predicted for the years ahead if no legislative action is taken.

Deficits do matter, and anyone with claims to the contrary is unrealistic, and if not absurd, in this Senator's mind. The President himself once called deficits "a clear and present danger for the basic health of our Republic."

But the facts are that this body has not been willing to bite the bullet with respect to balancing the budget, and the reason they are not willing to do it is that the President of the United States stands in the way of their doing it. Sure there are some across the aisle who are very happy to make speeches about balancing the budget. But they want no new taxes.

This Senator thinks that it is not a new tax when you close some gaping tax loopholes that exist; when you make it possible for timber companies to pay their fair share of taxes; when you eliminate some of the special advantages that the oil companies have under the tax laws of this country; when you preclude the possibility of banks continuing to pay an average rate of 2 percent; and when you close some of the other loopholes that were given to the corporations and the wealthy in the last tax bill.

I just read in the Wall Street Journal this morning how the Southland Corp. was going to get all of the advantages of some big tax giveaway because they had bought Citgo's refining facilities in Louisiana. What kind of policy is that? What kind of policy is it that allows corporations to buy other corporations and wind up not paying any taxes? What kind of public policy sense does it make for one company to merge with another, just so that it can keep from having to pay any taxes?

The administration's commitment to the corporate income tax is not very strong. In its fiscal year 1983 budget the President promised he would get \$65.3 billion from the corporate income tax. The figures are in, Mr. President. And the facts are he did not collect \$63 billion. He collected only \$37 billion, a shortfall of \$28 billion.

And in 4 of the 12 months, corporations got back more in refunds than they paid in taxes.

If you want to know why we have deficits, why we keep increasing the national debt, why we have higher and higher deficits, look to the President of the United States who is refusing to accept his responsibility.

In all fairness, the chairman of the Finance Committee has indicated his willingness to move forward and to raise the necessary dollars, and in all fairness the leadership in the House of Representatives and the chairman of the Ways and Means Committee have indicated their willingness to move forward, but they do not want to be the fall guys. They do not want to be the ones at whom the President can point and say:

Look, I tried to protect you. I said there would be no new taxes but it is that crowd up there in Congress.

The President of the United States is being irresponsible. The President is unwilling to face the facts. The President is playing a political game. And the President is not doing what he should be doing with respect to the economy of this country.

We have to try to balance this budget, and we cannot afford to keep increasing the national debt at the rate that the President's policies dictate.

Deficits cause higher interest rates.

There are three major reasons that deficits threaten higher interest rates.

First, projected deficits threaten to absorb too much of our net private savings available for investment. Historically deficits have absorbed only about 20 percent of the net private savings. But high deficits between 1983 and 1986 will absorb an average of 70.7 percent of net private savings.

Projected deficits are also absorbing too much of our total domestic credit. Between 1960 and 1979, deficits averaged only 11.8 percent of total domestic credit. Over the period 1983 to 1986 Federal deficits will gobble up 34 percent of our total credit.

Third, the ratio between deficits and the nonborrowed reserves in the banking system has taken an ominous turn. From 1960-79, deficits averaged 70 percent of nonborrowed reserves. For the period of 1983-86, deficits are projected to be 343 percent of nonborrowed reserves.

Mr. President, I think it is time to act.

First, the President has declared that "We need a plan to overcome this danger of massive Federal deficits."

Second, the Congress, running the gauntlet of White House partisan rhetoric, produced such a plan. It is called the budget resolution. And what we need now is the political will to implement that resolution calling for \$73 billion in revenues and \$12 billion in reconciled spending cuts. Taking into

account nonreconciled spending reductions, this package represents a deficit reduction of nearly \$100 billion over 3 years.

I am one who believes that Congress would be willing to act provided the President is also willing to act on the deficit.

Third, the administration and others claim that they have not had enough spending cuts, and that is why the deficit is out of control. I would remind my colleagues, and I would also remind the President of the United States, that to date we have cut \$387 billion from nondefense programs, added \$285 billion to defense, and cut taxes by \$860 billion for the period 1982 to 1988. These actions, implementing the President's economic program, have added a total of \$757 billion to the deficit over this period.

Fourth, \$200 billion deficits have given the budget process a bad name. But the problem is not the process. The problem is this administration's fiscal policies that have slashed revenues by \$860 billion while embarking on the most rapid and most expensive military buildup in U.S. peacetime history—\$1.8 trillion over 5 years.

Fifth, that gamble has not paid off and now it is time to pick up the pieces. These deficit savings cannot be taken out of the hide of social programs—whose budgets have been cut to the bone over the last 2 years. I am pleased to say that there are many Members on both sides of the aisle who agree with that fact.

#### REVENUES

The issue comes down to revenues, and here the administration has been speaking with many voices.

Martin Feldstein wants the administration's standby tax to take effect at the beginning of 1985. Treasury Secretary Regan says we do not need that tax increase now.

Alan Greenspan, the close adviser to the Reagan administration, has said he expects a major tax increase in 1985—after the Presidential election. He suggested a value-added tax—a national sales tax—to raise from \$30 billion to \$50 billion.

And the President, where does he stand? It depends upon which Ronald Reagan you are talking about. The Ronald Reagan who promised a balanced budget in 1984, the Ronald Reagan who promised he would not "sit on his hands" while the deficit swelled and swelled, or the Ronald Reagan who now says deficits do not count.

The President claims tax cuts do not increase the deficit:

There is no relationship between cutting taxes and whether you are going to lose the same proportion in tax revenues, which would increase the deficit.

Yet, I have already mentioned the CBO figures. The President's tax poli-

cies will deprive the Treasury of \$860 billion by 1988. How can anyone maintain this does not produce deficits.

The President claimed his supply-side tax incentives were our road to prosperity and employment.

It turned out to be a disastrous cul-de-sac for American workers.

There were 7 million unemployed when the President took office. Today, we have 10.7 million unemployed—a 50-percent increase.

Mr. President, we are debating a debt increase proposal, but basic to that increase proposal is the fact that we have to find the dollars; we have to implement the budget reconciliation resolution; we have to do that which we are obligated to do under the law, and we have a right to expect the man in the White House to support our action.

Unfortunately, the President of the United States goes around making speeches about balancing the budget and attempting to place the blame on the Congress. It is time for the President of the United States to recognize that what we are voting on here today, a massive increase in the debt ceiling, directly falls at his doorstep. He caused it. He created the problem. We went along with his so-called supply-side economics and now the Treasury does not have the money.

It is time for us, the President and the Congress as well, to meet our responsibilities instead of pushing this debt figure up higher and higher and higher. Let us do what we have to do with respect to the legislative process. Let us bring in the dollars that it is possible to bring in. Let us do that which is called for by the budget reconciliation measure. Let us meet our responsibilities and let us do it with the help and support of the President of the United States.

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

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### INCREASE IN PUBLIC DEBT LIMIT

The PRESIDING OFFICER. The clerk will report the unfinished business.

The legislative clerk read as follows: A joint resolution (H.J. Res. 308) increasing the statutory limit on the public debt limit.

The Senate resumed consideration of the joint resolution.

#### AMENDMENT NO. 2471

Mr. TOWER addressed the Chair. The PRESIDING OFFICER. The Senator from Texas.

Mr. TOWER. Mr. President, last Saturday we had a rather spirited

debate on the matter of the press access in the operations in Grenada. Let me hasten to say that I believe that we should have the most extensive press coverage possible of our military actions, consistent, however, with the national security and consistent with the security of our troops; that is to say, I think our paramount concern should be the safety of our troops and not press access. I think we have traditionally recognized in this society that the broadest interpretation of the first amendment does not apply in terms of freedom of the press where the national security interest is involved and where the lives and safety of American troops are involved.

Now let me recount briefly what the situation was in Grenada. No media representatives were transported into or permitted into Grenada from the time the military operation began there on October 25 until October 27.

Now, this decision was consistent with the Department's policies and regulations and was based on the following factors:

The commander in charge of ongoing military operations could not guarantee the safety of members of the news media during the first stages of the operation.

Further, this was a surprise operation. Members of the news media could not be informed in advance and no transportation arrangements would be made.

If private aircraft or boats had been permitted unrestricted access, our forces would not have been able to determine whether such persons were Cuban reinforcements or some of the 400 news media representatives on Barbados. The landing of 400 news media representatives in Grenada in the midst of areas under siege would have resulted in chaos. If media representatives had reported on the whereabouts of U.S. troops on Grenada, the reports could have been attained or picked up by Cubans or members of the Grenada People's Revolutionary Army. These reports could have facilitated attacks on U.S. persons and resulted in deaths of Americans and U.S. soldiers.

Now, addressing myself to the implications of free access, as provided for in the amendment that was acted on and under discussion and on which there is a motion to reconsider at the moment, let me just note what would be the consequences of freely accessing news sources.

It could provide the enemy with information that would endanger military operations and the lives of our military people and, in view of the instant communication and rapid transportation, permit instant enemy response and the obvious advantage of knowing our strengths and our weaknesses.

If freely accessing news sources of its choice is interpreted as changing security laws, it will not only endanger this operation but also jeopardize future operations.

Access to headquarters will permit access to plans for defending the island and intelligence of the enemy.

Access to our classified documents risks military operations and personnel in Grenada and exposes classified military information to tactics and planning that has been sought by hostile forces for years.

Access to military positions would permit observation of strengths, weaknesses, deployments, and classified documents.

Access to captured enemy documents and other intelligence information would permit the enemy to know what we know about them and give insight on how acquired, that is to say, jeopardizing our sources of intelligence.

Large numbers of U.S. and foreign citizens would have to be transported to an area where the purpose of the operation was to evacuate U.S. and foreign citizens. The first priority must be the citizens' safety. Lack of information on enemy defenses, such as antipersonnel mines and booby traps, could result in injury to members of the press and/or those responsible for their safety.

The safety of noncombatants is paramount. Media presence may permit the enemy to escape and attack later.

A large press presence would require diverting personnel, material, and communications to provide for the safety of news media and still might result in hostage taking.

There are many instances, Mr. President, of situations in which the press reports have been useful to the enemy. That is not to suggest that the press has wittingly engaged in reporting useful to the enemy. I am sure in virtually every instance the press did not consider what the implications might be or were not aware of what the implications might be.

Let me cite a recent example. In the Falkland Island campaign press reports that some Argentine bombs hit the ship but did not explode provided useful information to the Argentine air force that permitted them to make adjustments by going to higher altitudes and changing the fusing of their bombs. So this is an instance where information available to the press was useful to an enemy and which cost human lives. It cost the British lives in that instance.

I cite that as only one example. There could be others.

I would hope that we could reconsider this.

I ask unanimous consent that the amendment that I intend to propose

to the amendment of the distinguished Senator from Michigan be printed in the RECORD in full.

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

Mr. TOWER. If the motion to reconsider prevails, then I will offer that amendment which does not change the thrust of the amendment of the Senator from Michigan. It does not really change it at all. It simply tightens it up to make sure that it does not force us to abandon the arrangements that are necessary, accepted as necessary, to protect the security of our military operations and more importantly the lives of American troops. That has to be a paramount concern.

I am a strong advocate of the people's right to know. I believe the people do have a right to know. I am sorry sometimes that the press, which advocates the people's right to know, does not give a little bit better juxtaposition in the press to matters of great importance. For example, the comings and goings of Jackie Onassis or a wreck on the freeway might get more prominent play than a matter of national security importance. But I am not going to second-guess the press on that. They have to sell newspapers. But the fact is I am not sure we always get both sides of every question in these presentations. Even at that, I would not advocate anything that would proscribe the press of this country or in any way impinge on their right to present the news as they see it. I would not want to tamper with the first amendment.

But at the same time I see the prospects of mischief in a matter of this kind. Certainly, mothers and fathers and wives and sweethearts, loved ones back home, have a right to some press reporting on what their loved ones are doing in a military situation. But I suggest that at some point the people's right to know could conceivably come in conflict with the military points to be secured, or as secure as they can be in combat situations, their right to have information protected and withheld from the public that might result in their being killed, wounded, or captured, or might result in the failure of their mission.

I think the paramount consideration has to be the security of our troops. If that means the imposition of some restrictions on the press that are not ordinarily imposed in a domestic reporting situation, then I think that is what we must do. In addition, we have always done that.

We censor letters sent home by servicemen. My mother showed me after World War II some letters I sent home that had great gaping holes cut in them, things I said in my letters that the censor felt were sufficiently sensitive to the military that they should not have gone back home, or where

they could have fallen into the wrong hands.

So I hope the motion to reconsider will prevail and we will have an opportunity to consider this amendment. I think it will not, again, change the thrust of what the Senator from Michigan is trying to do. As a matter of fact, I think a little better access by the press might better build the case for our being in Grenada in the first place. I would like for them to see the Cuban soliders, the cases of arms and ammunition stored there. I would like for them to see the situation firsthand so they can appreciate it and report it. But I think his amendment needs to be tightened up to make sure we provide as much security as possible for our troops.

Mr. LONG. Mr. President, will the Senator either read or have the clerk read his modification of the amendment so we can know what his change would be?

Mr. TOWER. I would be delighted to read it myself. I will read it as it would read if it were amended. I think it makes more sense that way.

Since a free press is an essential feature of our democratic system of government and since currently in Lebanon, and traditionally in the past, the United States has allowed the press to cover conflicts involving United States Armed Forces, to the extent consistent with national security and due regard for the protection from unauthorized disclosure of classified information and information relating to intelligence sources and methods, unreasonable restrictions imposed upon the press in Grenada shall cease. For the purpose of this section, 'unreasonable restrictions' mean:

In other words, strike out "shall include."

(1) unreasonably preventing the press from the freely accessing news sources of its choice;

(2) unreasonably limiting the number or representation of the press permitted to enter Grenada;

(3) unreasonably limiting freedom of unsupervised movement of the press in Grenada.

That is the same as set forth in Senator RIEGLE's amendment. So our points (1), (2), and (3), except for the word "unreasonably" has been inserted before the word "prevented."

*Provided, however,* That nothing in this resolution shall be construed to require any action which jeopardizes the safety or security of United States or allied forces or citizens in Grenada or the security of the United States; *Provided further,* That nothing in this resolution shall be construed to require that the press shall have access to or that the Department of Defense shall disclose matters set forth in Subsection (b) of the Freedom of Information Act, 5 U.S.C. 552(b); and *Provided further,* That nothing in this resolution shall be construed to require that the Department of Defense shall make available to the press access to news sources to which it is not otherwise entitled under the Constitution or laws of the United States.

That last simply makes it consistent with existing law.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I should like to make a couple of points with regard to the amendment that is pending, or the motion to reconsider the vote on the amendment that is pending. These points do not precisely deal with the proposed changes that have been suggested by the Senator from Texas but, rather, with the amendment as it was voted upon on Saturday. Three things, I think, need to be considered when talking about the amendment.

First, as was pointed out on Saturday, the amendment is prospective. It does not go back and, by its language, rehash the treatment of the press, which has gotten considerable publicity, during the early days of the invasion of Grenada. In fact, it would only deal with the situation from the effective date of this act forward; so, clearly, we are not talking about an initial period of hostilities. We are talking about, at most, some sporadic fighting which may continue to exist or may not. I am not clear what the situation is right now.

The second point that needs to be made about the amendment as it was adopted, is that the amendment limits itself to talking about unreasonable restrictions that might be placed by the Department of Defense or the Department of State upon access by the media. I think that is a crucial point as well. There is a great deal of subjectivity involved in this, a great deal of discretion left with the people who make the decision as to when they feel restrictions are reasonable and when those restrictions are unreasonable. I think that was intentionally left vague.

Then, Mr. President, I also point out that much of the concern—in fact, perhaps all of the concern—that the Senator from Texas has expressed with the amendment, was taken care of, if it existed in the further amendment that was agreed to during the debate of this amendment. At that time, a sentence was added to the end of the amendment, which I believe, is a very broad authorization for the officials in charge to take whatever action they deem necessary. Let me quote that to the Senate:

*Provided, however,* That nothing in this resolution shall be construed to require any action which jeopardizes the safety or security of the United States or allied forces or citizens in Grenada.

Clearly, if there was concern, as evidently there was in some quarters before that sentence was added to the amendment, that perhaps this language would unduly hamper or jeopardize the safety of troops or Ameri-

can citizens, I think that sentence adequately takes care of that situation. I think the concern which the Senator from Texas is raising at this point is not borne out by the language of that amendment.

I think clearly myself, at least, that most of us here—probably all of us—would agree that the safety of our troops and citizens is of paramount concern. But I believe we cannot allow the need for that safety to be used as an excuse for unreasonable restriction of the press in their efforts to report the facts to the people of this country. I think it is essential that we have a free flow of information so that we may judge the crucial issues that need to be judged as to the propriety of the action that was taken in Grenada.

There is no way that we in the Senate or the people of this country can make an informed opinion on those issues if we do not have that information and if we are not assured that that information is coming from an independent source, as independent a source as possible.

So I merely indicate that, as a co-sponsor of the amendment that was adopted on Saturday, I believe the concerns of the Senator from Texas have been adequately taken care of in the language of that amendment and I do not see a need to weaken further the amendment or to change it in any way. Of course, I shall defer to the Senator from Michigan as to his wishes with regard to any modification of his proposed amendment.

I thank the Chair.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2471, AS FURTHER MODIFIED

Mr. BAKER. Mr. President, the parliamentary situation, at this moment, as I understand it, is that the question pending before the Senate is the motion by the distinguished Senator from Texas (Mr. TOWER) to reconsider the vote by which the Riegle amendment was adopted.

I am happy to report that the distinguished chairman of the Armed Services Committee (Mr. TOWER) and the distinguished Senator from Michigan (Mr. RIEGLE) have agreed to a modification of that amendment, which I have in my hand.

So, Mr. President, I should like now to propose a unanimous-consent request which I have discussed with the minority leader and with the offerers of this amendment, Senator RIEGLE

and Senator BINGAMAN. Let me put the request.

First, I ask unanimous consent that the vote by which the Riegle amendment was adopted be vitiated.

Second, I ask unanimous consent that the Riegle-Bingaman amendment be modified in the form which I now send to the desk.

Third, I ask unanimous consent that the Riegle-Bingaman amendment, as modified, be adopted by unanimous consent.

Mr. BYRD. Mr. President, reserving the right to object, the majority leader, by use of the word "vitiating" does not mean that the vote will not be continued as a matter of record?

Mr. BAKER. No; I do not mean that. The point is well taken. Let me restate it.

I ask unanimous consent that the motion to reconsider be adopted; that upon reconsideration, the modification which I have sent to the desk be adopted; and that the amendment as modified be adopted by unanimous consent.

Mr. BYRD. Mr. President, I ask the majority leader if he will also consider including in his request that the amendment be considered as having been reconsidered and laid on the table.

Mr. BAKER. Yes, Mr. President, I include that in my request.

Mr. RIEGLE. Mr. President, if the Senator will yield, I appreciate the effort he is making.

I am told that in the second to the last line, the word "resolution" should be changed to "section."

Mr. BAKER. Mr. President, I was just told that, and I ask that that modification be incorporated.

The PRESIDING OFFICER. That modification has been accomplished.

Is there objection to the request?

Mr. BYRD. Mr. President, just for the record, both Mr. BINGAMAN and Mr. RIEGLE are on the floor, and they are here to speak for themselves. Mr. TOWER was here a moment ago, and both he and Mr. RIEGLE came to the distinguished majority leader and to me, and they have agreed. Therefore, I do not feel that I have a reason to interpose any objection.

Mr. BAKER. Mr. President, the distinguished chairman of the Armed Services Committee had to go to a closed session, I believe, of the Armed Services Committee which began at 2 o'clock, in connection with the Lebanon matter, and he asked me to propound this request on his behalf and to announce that he had arrived at this arrangement with the distinguished Senator from Michigan and the distinguished Senator from New Mexico and to express appreciation to them for this accommodation.

Mr. RIEGLE. Mr. President, if the Senator will yield, I hope that the

unanimous-consent request will be granted.

The Senator from Texas and I had spoken, and it was my feeling that what we intended to do with this resolution would be made consistent with the concerns he had in terms of additional language which he felt would leave unambiguous the aspects in this amendment which we already had covered in other language.

So I feel that what we have agreed upon here in the way of additional language changes this not at all. I think it clarifies it and in a fashion that is completely consistent with what was contained in the amendment in the original form.

I might say that under the parliamentary situation, I am under no requirement to accept that language unless I feel that it is language totally consistent with what we had, given the parliamentary situation. I think it is consistent and that it fits with the tone and purpose of the amendment in its original form. I am prepared to accept it because I want to try to accommodate the Senator from Texas and others who felt that some additional clarification was needed.

I might further say that we discussed this matter with some of the representatives of major press organizations in the country.

Their initial response was to the effect of what I have just said; namely, that the changes of the sort that we have talked about, do not change in any degree the amendment as it was adopted on Saturday.

So I feel that what we have here is language that seems to be something that the Senate as a whole can embrace.

On that basis, I am prepared to support the request for unanimous consent.

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

Amendment No. 2471, as further modified, reads as follows:

At the appropriate place in the joint resolution, insert:

Sec. . Since a free press is an essential feature of our democratic system of government and since currently in Lebanon, and traditionally in the past, the United States has allowed the press to cover conflicts involving United States armed forces, unreasonable restrictions imposed upon the press in Grenada shall cease. For the purposes of this section, "unreasonable restrictions" means:

- (1) unreasonably preventing the press from freely accessing news sources of its choice;
- (2) unreasonably limiting the number or representation of the press permitted to enter Grenada;
- (3) unreasonably limiting the freedom of unsupervised movement of the press in Grenada.

Provided, however, That nothing in this resolution shall be construed to require any action which jeopardizes the safety or security of the United States or allied forces or

citizens of Grenada or the security of the United States.

*Provided further*, That nothing in this section shall be construed to supersede any other provision of law.

Mr. BAKER. Mr. President, I wish to take this opportunity to thank the distinguished Senator from Michigan and the distinguished Senator from New Mexico for approaching this matter on not only a reasonable but I believe responsible way, and the Senator from Texas for agreeing to proceed in this manner. I think it was an act of high statesmanship and it materially facilitated the final disposition of this matter as soon as possible.

Mr. RIEGLE. I thank the Senator and thank my colleague from New Mexico and the minority and majority leaders.

Mr. BAKER. Mr. President, as I indicated this morning, I think on Saturday as a result of trying to forge a unanimous-consent agreement out of a colloquy involving several Senators it was done with less precision perhaps than it should have been done.

In a moment I am going to ask unanimous consent that the order No. 491 which is entered to provide that no votes shall occur before 5 p.m. be changed so that no rollcall vote ordered prior to 5 p.m. will occur prior to that time.

Mr. President, in doing so, however, I wish to reiterate that I do not believe that this will serve as a precedent for the contention that this formulation prohibits a voice vote, but rather because of the practice and precedent of the Senate and the clear meaning of the Senate on that day that it applied only to those votes which should be rollcall votes. But to remove any doubt about the subject, I discussed this matter with the minority leader, and I am prepared now to ask unanimous consent and I do ask unanimous consent that the order be modified so that it reads that no rollcall votes will occur on or in relation to the measure prior to the hour of 5 p.m.

Mr. BYRD. Mr. President, reserving the right to object, as the majority leader points out, the order does provide that there are no "votes" prior to 5 p.m. So the letter of the order would prevent voice votes. But it was not the intention of the majority leader, and it was not my intention, certainly never has been my intention, to forestall voice votes unless for some reason I thought they should be, in which case I entered a caveat. But it was clearly the intention and, of course, the majority leader's request, if granted, and I hope it will be granted, will not keep any Senator from asking for the yeas and nays on any matter until 5 p.m., in which case if the yeas and nays are ordered, that vote would occur at or around 5 p.m. or in sequence with other votes that would begin then.

So the majority leader's request does not take away anyone's rights, and it comports with the mutual intention of the two of us when the order was entered into.

I have no objection.

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

Mr. BAKER. Mr. President, I thank the minority leader, and once again I am sure this was clearly the intention of the Senate and I do not wish this to represent a precedent for another interpretation at a later time.

The distinguished chairman of the Finance Committee is here, and I am told that he is prepared to proceed now with the debt limit bill and I happily yield the floor for that purpose.

Mr. DOLE. Mr. President, it would certainly be agreeable to me if we proceed on the debt limit. It is the fourth day and we have not been on it yet. So if anyone has any germane amendments I think both Senator Long and I are ready to proceed. Again, I suggest that we have a real time problem.

One of the pressure points in our committee has been taken care of this morning. We were able to satisfy requirements of the budget resolution about 15 minutes ago at least in a minimal way.

But the next deadline I am concerned about is midnight tonight on this legislation, and with all the non-germane amendments that have been adopted. I do not know how we are going to resolve all of that in conference, but we are certainly prepared to receive amendments if anyone has amendments.

Mr. BYRD. Mr. President, will the distinguished Senator yield?

Mr. DOLE. I yield.

Mr. BYRD. What is the deadline?

Mr. DOLE. Midnight tonight.

Mr. BYRD. I have been told that nothing is going to happen if we reach the hour of midnight tonight and this measure is not passed.

I wish that matter were clarified for the record, and I am not pretending to know the answer myself.

Mr. DOLE. I understand there was a letter delivered here Saturday on that subject I think the letter to Senator BAKER says that by midnight tonight, we will trigger, if we do not move by midnight tonight, three or four things.

First, the Treasury will not be able to invest the \$13 billion transfer to the social security trust fund, violating the recently enacted social security amendments. There will be apparently no loss of interest to the trust fund. The Treasury says that the potential interest will be created to the trust fund retroactively and the checks will go out. So there is not a solvency problem.

The Treasury estimates that cancelling the quarterly refunding, which will be necessary if the limit is not increased tonight, will cause market dis-

ruption and raise the Treasury rates by at least one-eighth of 1 percent, resulting in an addition \$250 million interest cost over the life of the debt. Higher Treasury rates could affect other interest rates as well.

The Treasury maintains this will occur even with a short 7- to 15-day extension.

That is the one that I think they normally tell us is going to cost money.

There are two other concerns but I do not believe they have any—

Mr. BYRD. But as I understand, if I may interrupt the Senator with my apologies from what he was reading, even that would not happen if midnight were reached—the bewitching hour.

Mr. DOLE. I think that is correct. If we finish action tonight by midnight, I think this will not happen.

Mr. BYRD. I thought I understood the Senator to interpret that as meaning that even if we did not finish action tonight by midnight that that, per se, would not occur.

Mr. DOLE. No; it says that the Treasury estimates that cancellation of the quarterly refunding, which will be necessary if the limit is not increased tonight, will cause market disruption and raise Treasury rates by at least one-eighth of 1 percent, resulting in an additional \$250 million in interest costs over the life of the debt.

So if we do not increase the limit by tonight that is what they say will happen. I do not know if that is cast in stone.

Mr. BYRD. I understood the distinguished manager earlier to make some reference, and maybe I misunderstood him, to the fact that even that would not happen if a period of days had passed, a certain number of days. I cannot remember what figures he used.

Mr. DOLE. I think I may have used those figures. If in fact it looks like we cannot get to the conference tonight, we might try for a 7-day extension. They are suggesting here in a memo to Senator BAKER that even a 7- or 15-day extension would still cause the market disruption and still cause the loss. But I will go back to Don Regan, the Treasury Secretary again, and try to nail that down.

Mr. BYRD. In any event, I have no objection to passing the bill tonight. I do hope we do so in time to get home so that I can watch my wife hand out the candy to the evil spirits.

Mr. DOLE. I think Halloween night is a good night to pass a debt limit. We are certainly going to scare a lot of people if we do not.

Mr. BAKER. Mr. President, I do not know how we are going to get out of this thing, how we are going to pass this bill, but I hope we can do it by 6 p.m. or thereabouts.

Mr. DOLE. Six p.m.—great.

Mr. BAKER. Some may say that is an unrealistic ambition but, on the other hand, maybe everything we have done so far is unrealistic on this bill.

Mr. President, I have not talked to the chairman of the committee about this, and I do not know how he would feel about it, but I wish to see us finish this bill. I think we can.

Now, it may be that, in order to finish this bill, we are going to have to clean it up some, and it may be that we will have to recommit it with instructions in certain respects.

I personally would like to see us, for instance, maybe get it as clean as possible, with the exception of the amendment of the Senator from Colorado. That passed by an overwhelming vote. And while I did not support it and do not support it, I am realistic enough to know that it probably would pass again by such an overwhelming margin.

As I say, I have not discussed this with the chairman or the ranking minority manager. I did tell the minority leader that I entertained such seditious thoughts. But I would like to see us get on to the business of passing the bill, even if it means cleaning it up, perhaps with the exception of the Armstrong amendment.

Mr. DOLE. Mr. President, I say to the majority leader that I feel much easier than we did on Saturday, since we have been able to take care of our business in the Finance Committee on the budget. We had another midnight deadline on that. So I think we have taken care of that.

The only other big problem tonight is the Redskins are playing. But we can always get the score given to the conferees every quarter.

Would the Senator from Colorado be willing to recommit the bill and come back with just his amendment and he would then vote for it?

Mr. ARMSTRONG. Mr. President, if the Senator will yield, it is certainly tempting to say that I would like to support such an idea, because I am eager to get out of here, and not because of the Redskins.

But, Mr. President, I do not want to dissemble or beat around the bush and I am not trying to delay action final on the bill. There was some speculation at the outset that I might join with other Senators in filibustering this measure. I have not done that. I have not even spoken at great length, and I do not intend to now.

But I do not believe I would support a motion to re-refer because I think it would make it easier to pass the bill and I am deeply convinced that the best possible action we can take is to defeat this piece of legislation. Then, while there is pending a motion to reconsider our action in defeating the bill, everybody can go home and some of us will stay down overnight and

confer with our counterparts at the other end of Pennsylvania Avenue and see whether or not, in that atmosphere, we could get some cooperation to put together some reform measures, some measures of restraint in the spending process.

Since I am convinced that is the only way we are going to get those measures of restraint and reform, whatever advances us in the direction of that action is fine, so long as it is not the kind of action calculated to improve the prospect of the passage of the bill.

With respect, I would not be much inclined to support a motion to re-refer.

Mr. DOLE. Mr. President, I certainly hope that the White House would be a little more aggressive on deficit reductions. So far, the signals are not too strong; in fact, they can hardly be heard. In fact, they cannot be heard.

But, sooner or later they will have an interest in the deficits and, hopefully, it will be very soon. But that is a matter I cannot respond to.

I think I understand what the Senator wishes to do just in order to bring something to a head, just defeat the debt ceiling.

Mr. ARMSTRONG. If the Senator will yield, perhaps the Senator noted, in my discussion of a possible scenario, that I included leaving hanging a motion to reconsider our action because I recognize that, under some circumstances or another, Senators may wish to vote for it.

All I have urged is that Senators who share my keen desire and belief that this is the moment for some restraint in spending and for some institutional reform, to withhold their vote, to vote no the first time around, and then, in that atmosphere, I personally believe that there are a lot of people in this Chamber and elsewhere who would be ready, under that contingency, to help us solve this problem.

But, as long as we pass the bill, as long as they have this notion—our colleagues who are not on the floor and others who are interested in this at OMB or wherever they might be—as long as this notion prevails that finally we are going to pass it no matter what we say, then we will never get the kind of reform we need.

Mr. BAKER. Mr. President, I do not know that I profit the Senate any by bringing up this thought, but I have a feeling we are playing a giant game of chicken. I do not know who is going to blink; I do not know who is going to give in first. It may indeed be, as I said on Saturday, the first time I can recall that the Senate will just not pass the debt limit. I think that would be extraordinarily unfortunate, but that may happen.

But, Mr. President, it will not happen without us trying to the maximum extent to try to do what we can

do. And if we are not going to pass this thing, either by a motion to recommit with instructions and then final disposition of this measure, we are in for a long evening. That is not meant to be a threat, but just a simple statement of fact.

Mr. DOLE. Will the House be in this evening?

Mr. BAKER. The House will not be in; I am reliably informed that the House will not be in.

But I do not countenance the thought that we would go out before midnight if we have not acted on this bill; maybe not after midnight. But, Mr. President, I hope that Members will consider that we have a responsibility, in my opinion, to pass this bill and it will help us try to devise a way to see that that is done.

Mr. DOLE. Mr. President, I think we are making progress. I am not certain which way or what. But I do hope that those who advise the President will understand that we are concerned about the deficit up here. It is bipartisan. It is nonpartisan. We may have little different views on how we want to approach it, but at least we want to approach it. The clear signal coming from the White House is just forget about it until after the election. I do not really believe that is the mood of the Senate or, hopefully, the Congress as a whole.

I certainly sympathize or agree in part with what the Senator from Colorado is trying to do—padlock the Treasury or whatever. If I thought it would really get the attention of the White House, I would be glad to join the Senator from Colorado in trying to defeat this debt limit. I do not know how else to get their attention. Maybe it would precipitate a crisis.

But I doubt that is the way to proceed. I hope that sometime today we would have some signal from downtown that there is some concern about deficit reduction and that those of us who are sincere in trying to do it do not get shot down before we get our statement made.

Mr. BAKER. Mr. President, I just want the record to show clearly one thing. I do not believe it would be a good thing to precipitate a crisis. I am not trying to negotiate any arrangement with the President. The Senate is going to do what it thinks it should do and the President will do what he thinks he should do. I would be happy if those two things came together with a single meeting of the minds. But, regardless of that, we cannot control that end of Pennsylvania Avenue and they cannot control this end.

So I hope that we will meet our responsibility of dealing with this bill in a timely way.

But I want to say, Mr. President, there is a growing feeling in this Chamber, I am afraid, that it is safe

not to pass the debt limit, and I am saying that it is not.

I ask unanimous consent, Mr. President, that a statement by the Secretary of the Treasury in respect to the consequences of failure to pass this measure be printed at this point in the RECORD.

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

STATEMENT BY TREASURY SECRETARY DONALD T. REGAN

Secretary of the Treasury Donald T. Regan said the failure of Congress to act responsibly today to raise the debt ceiling could cause higher interest rates and, as a result, higher costs for the Government and the taxpayer. The increase to \$1,614 billion as requested by the Administration will provide for long-term orderly market financing.

Secretary Regan announced the following actions will be taken by the Treasury if the Congress fails to act on the Administration's request on the public debt limit:

The scheduled \$13 billion investment of the Social Security Trust Funds in Treasury securities cannot be made November 1 as required by law. Only about \$4 billion can be invested. The remaining \$9 billion will not be invested as scheduled in order to avoid exceeding the debt limit.

Sales of U.S. Savings Bonds will be suspended effective November 1. Notices were sent to about 40,000 issuing agents today. Approximately 6 million people currently purchase U.S. Savings Bonds.

Sales of special nonmarketable issues of Treasury securities to State and local governments (SLGs) will be suspended effective November 1. Telegrams have been sent to all governors announcing this. The over \$600 million of these issues now scheduled for early November will be cancelled.

The auction scheduled today of \$12 billion of 3- and 6-month Treasury bills has already been reduced by \$5 billion in order to avoid exceeding the debt limit.

The 3-year Treasury note auction scheduled for Tuesday, November 1, will be postponed.

Secretary Regan said that further announcements will be made by the Treasury regarding

The \$7.75 billion 52-week bill auction which was scheduled for October 27 but which was postponed because of the debt limit delay. These bills were scheduled to be issued November 3 to refund bills maturing on that date.

The 3-year, 10-year and 30-year issues scheduled for auction on November 1, 2, and 3. Secretary Regan has advised the Congress that postponement of these auctions could result in additional costs to the Treasury that could exceed \$250 million.

Other actions which must be taken on a day-to-day basis as a consequence of the failure to increase the debt ceiling.

COPY OF WIRE SENT TO ALL 50 GOVERNORS

"This is to notify you that as a result of the inaction to increase the public debt limit, the Department of the Treasury will be forced to suspend the sale of State and Local Government Series securities effective November 1, 1983. State and local government entities in your jurisdiction that have made previous application for SLG issues

will be notified of the suspension by a Federal Reserve Bank or Branch.

DONALD T. REGAN,  
Secretary of the Treasury."

Mr. ARMSTRONG. Mr. President, I am not trying to get the last word, unless it should work out that way, but I am not sure that the majority leader understands how many of us feel about it. There are at least many of us who are not trying to create a crisis but who believe the crisis exists.

I say to the majority leader that I, for one, do not think it is safe not to pass a debt limit bill, but neither do I think it is a course of wisdom to pass it. We have already been down that road. The debt limit has been raised, I guess, a dozen times since I have been around here. On every occasion, we have been told we had no other choice. During that same period of time, inflation has eaten away half or more of the purchasing power of the dollar and interest rates have gone up to previously unheard of levels and the Nation's economy, although it is now recovering, went through a period of stagnation caused, in the opinion of many, by the staggering burden of the debt.

So it is not really a choice between safety and hazardous. Between the two choices of action, each of which contain certain elements of danger, in my judgment and in the judgment, I hope, of the majority, the least dangerous and wise recourse would be to turn the bill down and hold out for the hope of some permanent reform rather than the temporary palliative of simply passing it again as we have done on so many occasions previously.

AMENDMENT NO 2474

(Purpose: to express the sense of the Senate regarding the dismantling of nontariff trade barriers of the Japanese to the importation of beef)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana (Mr. BAUCUS), for himself, Mr. GRASSLEY, Mr. TOWER, Mr. DANFORTH, Mr. MELCHER, Mr. BOSCHWITZ, Mr. HEINZ, Mr. BOREN, Mr. HOLLINGS, Mr. McCURE, Mr. SYMMS, Mr. HEFLIN, Mr. WILSON, Mrs. HAWKINS, Mr. NICKLES, Mr. ABDNOR, Mr. EXON, Mr. BENTSEN, Mr. HECHT, and Mr. LEVIN, proposes an amendment numbered 2474.

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

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

The amendment is as follows:

At the end of the bill, add the following new section:

NONTARIFF TRADE BARRIERS TO THE IMPORTATION OF BEEF

Sec. —. (a) The Senate finds that—

(1) the United States and Japan are signatories to the General Agreement on Tariffs and Trade (hereinafter in this section referred to as "GATT");

(2) in keeping with the provisions of GATT and the general principles of free trade, the United States has given Japan broad access to many United States markets;

(3) Japan has benefited from this broad access by becoming a major United States supplier and now has a \$16,000,000,000 annual trade surplus with the United States;

(4) Japan uses a system of quotas and other nontariff barriers to limit the importation of beef;

(5) such barriers force Japanese consumers to pay unreasonably high prices for beef and denies American cattlemen an opportunity to compete fairly in the Japanese market;

(6) such carriers are in violation of GATT;

(7) in 1979, the United States and Japan negotiated a bilateral agreement under which Japan would gradually increase its beef quota;

(8) such agreement expires on March 31, 1984, at which time Japan will no longer be under any agreement to increase its beef quota and the United States will no longer be under any agreement to forego trade law remedies against Japan;

(9) negotiations are underway to establish a new bilateral agreement; and

(10) Japan's barriers to beef imports undermine the principles of free trade, reduce the income of United States cattlemen, and obstruct the development of better trade relations between the United States and Japan. (b) It is the sense of the Senate that—

(1) in negotiations with Japan, the President and United States negotiators should insist that Japan dismantle all nontariff barriers to the importation of beef; and

(2) if negotiations do not result in satisfactory progress toward the dismantling of all such barriers by the time of the expiration of the current bilateral agreement between the United States and Japan prescribing the importation of beef into Japan, the United States Trade Representative should seek appropriate relief under United States and international trade law.

Mr. BAUCUS. Mr. President, this amendment I have offered on behalf of myself and 16 cosponsors is identical to a resolution I introduced on September 22 insisting that Japan dismantle its nontariff barriers to beef imports. I offered this resolution as an amendment because it is important that we send a strong message along with the President when he travels to Japan in a couple of weeks.

When I introduced this resolution on September 22, I gave an account of all the dialog that led up to the need for a resolution. I will not take the time to go through all of the details again. However, I will summarize the negotiations with the Japanese to date.

THE BILATERAL AGREEMENT

During the Tokyo round of multilateral trade negotiations concluding in 1979, the United States and Japan entered into a 5-year bilateral agreement. The United States essentially

agreed not to invoke remedies under United States and international trade laws. Japan agreed to gradually increase the quota for high-quality beef from about 16,000 tons to about 30,000 tons. And, Japan pledged to negotiate "on ways to further expand the importation of high-quality beef in 1984 and thereafter to the mutual benefit of both countries."

On March 31, 1984, this agreement expires. But so far, they have been unsuccessful. In fact, the Japanese seem to have become more and more intransigent.

#### UNITED STATES-JAPANESE DIALOG

Some influential Japanese are beginning to recognize how much Japanese agricultural protectionism threatens United States-Japan relations. Many of us in the United States have carried on a dialog with the Japanese over the past several months regarding this Japanese protectionism.

Fifty-one colleagues and I sent a letter to Japanese Prime Minister Nakasone over a month ago. This letter said that Japan's barriers to imports of U.S. beef remain one of our most important bilateral issues. The letter concluded by asking the Japanese to join us, in the spirit of free trade, "in reaching a new agreement liberalizing the treatment of American beef."

Japan's Ambassador to the United States, Mr. Okawara, gave Japan's side of the story at about this same time. He defends Japan's agricultural trade policy.

#### RECENT NEGOTIATIONS

The debate goes on. So do the negotiations to renew the bilateral agreement.

The most recent negotiations took place last month in Tokyo. U.S. negotiators raised the beef issue and asked the Japanese negotiators to make reasonable concessions. The Japanese refused. They offered simply to extend the current quota system. Eventually, the talks broke down and no progress was made.

Mr. President, a double standard exists. The Japanese sell Americans billions of dollars worth of cars, electronic devices, and other products. But they refuse to give us a fair chance to sell them American beef. They deny U.S. cattlemen the same treatment America routinely accords Japanese businessmen.

Given this situation, we in the Senate must convince the Japanese that we will not tolerate this double standard. Trade must be a two-way street.

My amendment reemphasizes the Senate's deep concern about the beef issue. That way, I hope it will encourage fruitful negotiations.

Offering the resolution at this time is extremely important. President Reagan travels to Tokyo in a few weeks. We need to let the President, and the Japanese, know that the

Senate supports the U.S. negotiators in seeking a liberalization of the current beef quotas.

I shall continue my efforts in seeking progress in the negotiations of new Japanese beef quotas. I believe this resolution will help convince the Japanese that we are serious about these negotiations.

I suggest, Mr. President, that we adopt the resolution and send a very strong signal to Japan. Accordingly, Mr. President, I ask for the yeas and nays on the resolution.

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

The yeas and nays were ordered.

Mr. BAUCUS. Mr. President, I see that the Senator from Wisconsin seeks the floor.

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

The PRESIDING OFFICER. While the Baucus amendment is pending, another amendment may not be offered.

Mr. KASTEN. It is my understanding that the Senator from Montana yielded the floor. I will offer my amendment at the proper time.

The PRESIDING OFFICER. He may have yielded the floor but the amendment is still pending.

Mr. ARMSTRONG. Mr. President, while we figure out what to do next, may I speak briefly on the Baucus amendment?

May I first ask my colleague from Montana if he would be good enough to add me as a cosponsor?

Mr. BAUCUS. I would be honored. Mr. President, I ask that the Senator be added as a cosponsor.

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

Mr. ARMSTRONG. I also want to make the observation that his initiative is very timely. The whole question of the trade relationships between the United States and Japan has been a source of great concern to me, and specifically the question for opportunity for U.S. farm producers to send their products into Japan. I visited Japan last year and came home very much impressed with the Japanese people, its customs, the energy, and enthusiasm with which they are developing their country, and with great admiration for them.

The one thing that I noted that might be taken as critical is the fact that they are not as forthcoming about opening up their country to imports as they are expert and desirous of exporting their products to the United States and other countries.

I believe that the Japanese people would, in the long run, benefit enormously from freer trade, just as I happen to think that our country benefits from the very free access which foreign producers of various products have to our own consumer markets.

I think this is an amendment which is not only good for the cattlemen of Colorado and of America, but I think this is an amendment that is indeed even more important over the long run for the consumers of Japan. So I congratulate the Senator and am delighted to be associated with him in this amendment.

Mr. BAUCUS. Mr. President, I thank the Senator from Colorado for joining me in advocating the adoption of the amendment.

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

Mr. ARMSTRONG. Mr. President, if the Senator will withhold, if he has completed his statement, I suggest that the Senator from Wisconsin, if he wishes to offer an amendment, simply ask unanimous consent that the pending amendment be temporarily laid aside so he may propose his amendment.

Mr. BAUCUS. Mr. President, I yield the floor.

Mr. KASTEN. Mr. President, I ask unanimous consent that the pending amendment be set aside so I may offer my amendment.

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

#### AMENDMENT NO. 2475

(Purpose: Expressing the sense of the Senate that no further tax increases should be enacted until substantial spending reductions are achieved)

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

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Wisconsin (Mr. KASTEN) proposes an amendment numbered 2475.

Mr. KASTEN. 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:

At the end of the resolution, add the following:

Since Congress passed the Tax Equity and Fiscal Responsibility Act of 1982 with the assumption that there would be three dollars in spending cuts for every one dollar in tax increases; and

Since recent Treasury Department figures show that spending has in fact increased by \$1.14 for every \$1 in tax increases; and

Since the increase in federal spending has resulted in the need to increase the permanent public debt limit to \$1.6 trillion; and

Since the United States is finally experiencing a strong economic recovery which would be endangered by a tax increase. Now, therefore,

It is the sense of the Senate that no further tax increases should be enacted until Congress fulfills the pledge made one year ago to reduce spending by three dollars for every one dollar in revenue raised by the Tax Equity and Fiscal Responsibility Act of 1982.

Mr. KASTEN. Mr. President, I ask at this time for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. KASTEN. I thank the Chair.

Mr. President, last year, when Congress passed the Tax Equity and Fiscal Responsibility Act, it was promised \$3 in spending cuts for every \$1 raised in revenue. According to recent Treasury estimates, this has not happened. In fact, their analysis shows that spending has increased by \$1.14 for every \$1 in increased revenue.

Although Congress has passed legislation—the Tax Equity and Fiscal Responsibility Act—to raise almost \$100 billion in revenue, we have not passed legislation to cut \$300 billion in spending. We did initially save \$53 billion through reconciliation. But since these savings were enacted, Congress has passed budget and spending increases that cancel these out. More importantly, Congress has failed to pass legislation that would produce further savings, such as the out-year savings for Federal pay, nondefense discretionary programs and management initiatives assumed in that 3-for-1 promise.

Mr. President, I am concerned that current deficit reduction plans being considered by this body are just more of the same. They all emphasize "revenue enhancement"—or tax increases—while we have yet to see any real progress on spending restraint.

This is why I offer this Senate resolution today. It is time to focus attention of the real cause of the deficits and the evergrowing public debt. I believe that we must live up to our promise to cut spending before we enact any new revenue increases on the American people.

Currently, the United States is experiencing an economic recovery so strong that it exceeds the 1961 record recovery. A tax increase would only endanger this recovery. Yes, the Federal deficits are too big, but the way to get them down is with a plan of economic growth—the sort we have now—and spending restraint. It is time to hold the line on taxes, not increase them.

In 1984, the Federal Government will take in revenues of \$677 billion—or roughly 19 percent of GNP. This is consistent with the revenues taken in during the 1970's—an average of 19 percent. Spending, however, will be approximately 25 percent of GNP this year—4 percentage points higher than the 1970's average of 21 percent. The problem is not that we are undertaxed; the problem is that we are overspent.

In 1980, President Reagan and many of us in this Chamber today ran on a platform of less Government spending

and lower personal tax rates. We believed that a well balanced program would bring about the economic revival this country desperately needed. In our first year in office, we passed the Economic Recovery Tax Act of 1981. The critical elements of this Tax Act—the Reagan-Kemp-Roth 25-percent tax rate reductions and indexing of tax rates—would restore the incentives to work, to save, to invest, and to produce our way to economic recovery.

However, since ERTA was signed into law, Congress has passed one tax increase after another. Thanks to these tax increases—the Tax Equity and Fiscal Responsibility Act of 1982, the 5-cents-per-gallon gas tax, the social security tax increases, and now the 1984 budget's promised \$73 billion in new taxes—there is little tax relief for the working American. In fact, in 1984 the net tax cut to the American taxpayers will be only \$3 billion. After 1984—even with indexing—Americans will face net tax increases over and above the 1981 tax cut. It will be as if we never passed a tax cut in the first place.

President Reagan has recently reaffirmed his opposition to congressional tax increase proposals until we make good on the promise of substantial spending reductions. I could not agree more. I will vote to sustain his actions against legislation that attempts to reduce deficits with disproportionate emphasis on tax increases, rather than spending reductions. I hope that my colleagues here in the Senate and the House of Representatives will join me. The first step is to publicly show the President that we support him.

Mr. President, my resolution expresses the sense of the Senate that no further tax increases should be enacted until substantial spending reductions are achieved.

I urge my colleagues to support and vote for it here today.

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

Mr. KASTEN. I shall be pleased to respond to the Senator from Louisiana.

Mr. LONG. Mr. President, I wish the Senator would inform those of us on this side of the aisle: Who made the commitment that the Senator is referring to? The Senator said a commitment was made that spending would be cut \$3 for every \$1 of tax increase. Could the Senator tell the Senate who made that commitment to whom?

Mr. KASTEN. If the Senator will yield, first of all, this was assumed in the budget resolution for fiscal year 1983, which passed in 1982. Furthermore, it was assumed by the President of the United States, when he discussed support for TEFRA. He came to a number of us, and said "Support us, we shall have a bipartisan effort; we shall then work together to get

roughly \$3 in spending reductions for \$1 in real tax increase."

I also remember—and I can go back to the clips to review it further—that in a number of public discussions on the floor of the Senate, on the floor of the House of Representatives and in press reports from the various committees involved, it was widely assumed that there would be a 3-for-1 deficit reduction program. As the Senator knows, another spending and tax package is now under debate. The plan proposes a rough 1-for-1 ratio between spending and taxes.

But, we never reached that 3-for-1 ratio that we agreed to last year. We have to go back to the record for the specifics of that statement, but it was widely assumed and, clearly, the President thought this was part of the agreement.

Mr. LONG. Mr. President, I do not think I am talking out of school to tell the Senator that the question was asked of the Democrats on the Finance Committee and the Democrats on the Budget Committee and in a Democratic conference: What was the President talking about? Who made any such commitment as that?

Mr. CHILES, the ranking member on the Budget Committee, informed those of us who were there at that time that if any such commitment were made, it must have been a commitment made by Republicans to Republicans, because he had no knowledge of any such commitment.

I must say, Mr. President, as the ranking Democrat on the Finance Committee, I have no knowledge of any such commitment. In searching my recollection as to what the President might be talking about, when he said something about a commitment of that sort, and I saw it on television, he said "they," whoever "they" might be.

That is the question I asked—who is "they?" "They" promised "they" were going to cut spending \$3 for every \$1 of tax increase.

I searched my memory for months before the thought occurred to me that I had been with what was called the "gang of 17," a group of 17 Members of Congress and White House people who sat down together and talked about the possibility of getting together on a package to cut spending and to raise taxes to try to reduce the budget deficit. Mr. BAKER, speaking for the President, had insisted on talking in those general terms, in terms of trying to reduce spending \$3 for every \$1 of tax increase. But there was no agreement reached and nobody made any commitment to anybody.

That hopeful meeting eventually came to an end without achieving anything and without any commitments being made because those who spoke for the Speaker of the House, and pre-

sumably for the more liberal members of the Democratic Caucus on the House side, were not willing at that time to make any kind of commitment for any cut in social security.

In view of the fact that nothing could be achieved in that area, the Senator may recall that the whole thing kind of went for naught.

Mr. KASTEN. Will the Senator yield at that point?

Mr. LONG. Yes.

Mr. KASTEN. I have in front of me a summary of the conference agreement of the first budget resolution for fiscal year 1983 which we adopted. There is in the suggested deficit reduction measures no reference to social security, so I would agree with the Senator that no one made any specific commitments vis-a-vis social security. The Senator is correct.

Mr. LONG. Does the Senator find anything in the language of that budget resolution that says anything about a 3-for-1 agreement or anything of that sort?

Mr. KASTEN. Madam President, what I would like to do is ask unanimous consent that I insert at this point in the RECORD a summary of the conference agreement for the first budget resolution for fiscal year 1983, a summary of the changes from the baseline.

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

CONFERENCE AGREEMENT—FIRST BUDGET RESOLUTION FOR FISCAL YEAR 1983; SUMMARY OF CHANGES FROM BASELINE

	Fiscal year—			Total fiscal year 1983-85
	1983	1984	1985	
Baseline deficit	182.0	216.0	232.5	
Adjustment to baseline <sup>1</sup>	-1.3	-1.4	-1.5	
Adjusted baseline deficit	180.7	214.6	231.0	
Deficit reduction measures:				
Revenue increases	20.0	35.0	40.0	95.0
User fees (revenue increases)	0.9	1.0	1.4	3.3
Defense (except pay and entitlements) <sup>2</sup>	7.8	8.3	10.3	26.4
Federal pay raises	5.1	8.9	12.1	26.1
Nondefense discretionary programs	5.9	10.1	18.8	34.8
COLAs	0.5	1.8	3.1	5.4
Other entitlement savings	6.1	9.0	10.3	25.4
Management savings	13.7	17.1	15.8	46.6
User fees (spending offsets)	1.1	1.4	1.7	4.2
Other program reductions	1.2	1.3	1.1	3.6
Net interest:				
Lower rates	8.0	19.1	27.8	54.9
Lower deficits	6.5	17.7	28.6	52.8
Total deficit reduction	76.8	130.7	171.0	378.5
Remaining deficit	103.9	83.9	60.0	

<sup>1</sup> Reflects actual cost-of-living adjustment for retirement programs of 7.4 percent in July 1982 (baseline assumed 8.1 percent).  
<sup>2</sup> Assumes lower OMB estimates of defense outlays (baseline assumed higher CBO estimates).

Mr. KASTEN. In summary, the agreement lists deficit reduction measures: \$95.0 billion in revenue increases and \$378.5 billion in total deficit reduction. This is my effort to establish the rough 3-to-1 ratio of spending reductions to tax increases as reflected

in the conference agreement of the first budget resolution which was agreed to.

I am aware, as is the Senator from Louisiana, that there was a good bit of debate on this 3 to 1. A number of people may have thought it was an agreement. I recognize that we did not bind ourselves; the first concurrent budget resolution is not a binding resolution. Nevertheless, I think this document indicates that it was at least the intent to go forward. The same resolution was affirmed in the second budget resolution as well.

Mr. LONG. I am glad the Senator has enlightened us on that subject because some of us had been completely baffled wondering what the President was talking about, what anyone was talking about when they had in mind that the Congress had committed itself to reduce spending \$3 for every \$1 of tax increases. I was totally unaware of it. I know on the Democratic side of the aisle all of our group seems to have been totally unaware of a commitment of that sort.

What the Senator placed in the RECORD gives us an indication of where we should go to find out what this thing is all about, because those of us on this side of the aisle are just not informed on that subject. We do not agree with it.

Mr. KASTEN. I would like to point out to the Senator that I believe the first budget resolution, the conference agreement, and also the second budget resolution were in fact supported by a strong number, perhaps a majority, of the people on that side of the aisle. I am suggesting that we have not reached the goals that we set forward in the first budget resolution or the second budget resolution. We did increase taxes by \$95.0 billion, but we did not enact the other deficit reduction measures of roughly \$283.5 billion. That is the 3-to-1 ratio that has been referred to. As the Senator knows, there was a good bit of discussion of the 3-to-1 ratio in the press and at the White House.

Frankly, I am not hung up on the 3-to-1 ratio. I would hope that we could broaden the debate. The fact is that we are not going to reach the goal we all have to reduce deficits simply by increasing taxes. It is going to take a mixture of both.

Some of the suggestions that have been floating around in the newspapers over the past 2 or 3 weeks have suggested a 1-to-1 trade, a \$1 tax increase and \$1 spending reduction.

That is not going to be enough to solve the long-term problem of this country. We are going to have to cut spending more. I am not sure that 3 to 1 is right as well. But what I would like to do is to shift the emphasis away from the need to increase taxes to a recognition that Congress made a commitment in our budget resolution

that we were going to work to reduce the rate of growth of Government spending. We have failed on that commitment.

We also made a commitment to increase taxes. We carried through on that commitment. TEFRA was passed, and it is now law.

So far, we have been unsuccessful in dealing with the spending side of the budget. What I would like to do, if I could, is to switch the nature of this debate so that we look at the whole budget and the spending side as well as simply the revenue increases that are now being debated.

Mr. LONG. Mr. President, if the Senator will yield to me just for a moment to conclude my views on this, it seems to the Senator from Louisiana that we would be better advised to try to follow the suggestions of Paul Volcker, who is a responsible member of the Federal Reserve, and simply reduce spending as much as we can. Having reduced spending as much as we can, we should then turn to the revenue side and raise revenue. I would hope that for every dollar we tax, we could reduce at least \$1 in spending. I have no objection to a 3-to-1 ratio if we can achieve it. But my thought is that, it is going to be difficult to achieve, and if we can raise a lot of money just on a 1-for-1 ratio, we will still have done a lot of good. But if we place a condition that we are not going to raise taxes unless we economize to a specified extent, we are not going to do either one. That is what bothers the Senator from Louisiana.

Mr. BAUCUS addressed the Chair.

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

Mr. BAUCUS. Several points come to mind. The first is that I hear the Senator from Wisconsin saying that he is not sure whether 3 to 1 is the right proportion, but he is trying to raise the issue so that we get on with the business of cutting deficits both by raising revenue and by cutting spending.

My point, Madam President, is that if the Senator means he does not know whether 3 to 1 is the precisely right ratio, but that we have got to get on with the business of both cutting spending and raising revenue, then I am concerned about the wording of this sense-of-the-Senate resolution.

Madam President, the resolution says that we have to be bound by a 3-to-1 ratio, not 1 to 1, not 2 to 1 but 3 to 1. The language is very precise. I think if the Senator from Wisconsin really means what he says—that he does not know whether 3 to 1 is right or not but that we have to get on with the business of both cutting spending and raising revenue—then perhaps we should reject this sense-of-the-Senate resolution.

tion, because it imposes a standard we are uncertain about.

Furthermore, Madam President, this Senator, too, is unaware of any 3-to-1 spending cut to tax increase agreement.

The Senator read from a document. I do not know what that document is or what it states, but the budget resolution under which the Congress is now operating has approximately a 6-to-1 ratio in the other direction. That is, it calls for 3-year reductions in spending of about \$12 billion but also calls for increases in revenue over a 3-year period of about \$73 billion. I disagreed with this resolution and voted against it, primarily because it increased taxes too much and cut spending too little. But it is the best record of any pledge that we have.

I think the Senator is correct in saying that, we should reduce spending and raise revenue, and that we should work much more assiduously and much more aggressively in reducing the deficits. But I wonder if it is appropriate to adopt a resolution which, as I understand it, is not really on all fours with what Congress has actually pledged to do.

Mr. KASTEN. Madam President, briefly, in response to the Senator from Montana—and then I intend to yield to the Senator from New York to speak in behalf of the amendment—I say to the Senator that this is a sense-of-the-Senate resolution and is not binding in law.

I want to emphasize the fact that, although we got the roughly \$100 billion worth of tax increases a couple of years ago, we have not gotten the reductions in spending that we had hoped for. I recognize that 3 to 1 might not be the correct ratio. I suggest to the Senator that 4 to 1 or 5 to 1 might be the correct ratio as well, recognizing the fact that this year the Federal Government is spending in the neighborhood of 25 percent of GNP.

During the 1970's, we were spending an average of only 21 percent.

So the problem, as I stated earlier, is not that our tax rates are too low; it is not that we are not taxing ourselves enough. The problem in this country is that spending is too high. Whether we do it at 3 to 1 or 1 to 1 or whatever, we want to emphasize the spending side of the budget. Therefore, I hope the amendment will be agreed to.

I am pleased to yield to the Senator from New York.

Mr. D'AMATO. Madam President, I rise in support of the resolution offered by the distinguished Senator from Wisconsin, (Mr. KASTEN) which would express the sense of the Senate in opposition to any tax increases.

I think that a tax increase at this time would do irreparable damage to the economic recovery that has begun, and it has begun. Tax hikes of the

nature being considered in the Finance Committee would cripple the burgeoning recovery and stifle further business expansion.

Congress should focus on cutting spending to ameliorate the deficit, especially the explosive growth in entitlement programs. For example, medicare has grown tenfold in the past 15 years, to over \$57 billion in fiscal year 1983. Medicare will continue to grow at this rate unless Congress takes action. We need a bipartisan national commission to deal with the medicare crisis similar in nature to the National Commission on Social Security.

Of course, the economy cannot tolerate the shock of raising \$55 billion of new taxes over the next 3 years as proposed by some members of the Finance Committee. I think the recovery, which is only 10 months old, would be seriously endangered if major tax increases were to be levied. Allow me to cite examples of the current strength of the economy.

First, the GNP grew at a 10-percent annual rate in the second quarter and at a 7-percent annual rate in the third quarter.

Second, unemployment has fallen from a high of 10.4 percent in February to 9.3 percent in September. Since the recovery began, total employment has increased over 2.5 million to 101.9 million.

Third, the factory utilization rate has risen by nearly 10 percent, from a low of 68.8 percent to 78.4 percent in September.

Fourth, GNP and industrial production growth have been achieved without rampant inflation. In the 12 months ending in August, prices have risen a mere 2.9 percent.

Raising Federal revenue through higher taxes has only led to more Government spending and larger budget deficits. This process must be reversed. Spending is the root cause of the budget deficit dilemma.

Congress promised in "TEFRA" that for every dollar of higher taxes, Government spending would be reduced \$3. Despite \$98 billion in new taxes mandated in "TEFRA" for fiscal years 1983 through 1985, CBO estimates that the Federal deficit will approximate \$190 billion each year through 1985. Clearly, higher taxes have caused more spending and, thus, larger Federal deficits.

Many of the so-called loophole closers proposed by the Finance Committee would shift the tax burden onto individual taxpayers and especially the middle class.

Some of these proposals, many of which could be disastrous, include modification of income tax indexing, now scheduled to become effective in 1985. Inflation forces the middle class into higher marginal tax brackets, and the net result is less disposable income. Altering indexing will not

hurt the wealthy. It will only injure the middle class.

The committee also proposes to defer or repeal the 15-percent net interest exclusion, scheduled to become effective in 1985. This savings incentive would allow an individual to exclude from taxation 15 percent of interest income—less interest expenses—up to a total of \$3,000. This provision is intended to encourage saving. The net interest exclusion would benefit the middle class, not the wealthy, who already utilize a wide variety of tax shelters to reduce their taxable income.

In fact, with Senator McCURE and Senator SYMMS, I have introduced S. 1602, a bill to make the 15-percent net interest exclusion effective in 1983 and to include stock dividends in the formula.

Another option being considered by the Finance Committee is an increase in certain excise taxes. This will primarily hurt middle and lower income taxpayers. These are regressive taxes.

Finally, a 5-percent corporate surtax is an option under consideration. This would be a major blow to the economic recovery. What would corporations do if higher taxes were mandated? They would either pass this tax on to consumers in the form of higher prices, or it would cause companies to postpone future employment additions and capital investment. Ultimately, the consumer bears the cost.

I applaud Senator DOLE's call for an economic summit. However, the economic summit should only address the rapid growth of Government spending. We should focus on the evil of Government spending.

In fiscal 1983, entitlement programs consumed over 35 percent of the total Federal budget. Are we going to continue feeding this growth by raising taxes? That has not been the answer in the past, nor is it the answer in the future.

So it is important to bring together an economic summit but to concentrate our efforts on how we can reduce the growth of Government spending. Tax increases will not reduce the budget deficit.

Mr. DOLE. Madam President, we have been trying to get some information on this. I understand this is a sense-of-the-Senate resolution. I do not quarrel with the overall thrust. Again, I am not certain who determines it is going to be a ratio of 3 to 1. But there may be some record of that, and there may be some record in the debate on the TEFRA itself where that was stated. I have not even checked my own statement. But there may be some information there.

We did not really get the full \$100 billion in revenues because we lost withholding, as the Senator from Wisconsin knows. That takes out about \$8

billion or \$9 billion, and the provision dealing with insurance companies fell about \$1 billion or more short. So we are not talking about \$100 billion, but probably much less on the revenue side.

Plus, the record should show that we added about \$80-some billion in the 1981 act that the President did not ask for. Congress in its wisdom added about \$80 billion in revenue losers to the bill. They are all very good amendments for the most part.

In addition, we did not adopt about \$20 billion over a 3-year period that the President wanted in revenue measures. So that is another \$100 billion I guess we could argue about, saying "But the President signed that bill," and I guess if we assumed in the 1983 budget resolution a savings of \$283 billion, as I understand, that figure included about \$107 billion in interest savings: Based on assumed lower deficits, and a decline in interest rates generally. An additional \$47 billion was to be saved through administrative action, something not within control of Congress. That left about \$126 billion to be achieved through congressional action, plus \$98 billion in taxes.

So the 1983 budget resolution assumed about a 1.28-to-1 ratio of spending to taxes. If we added in the interest savings, and administrative savings, and congressional action actually taken to reduce spending, it would be about a 2.4-to-1 ratio.

Again, I assume we could all find some comfort in what we have either done or not done. My point is we should be addressing the budget deficit. The only way to address the budget deficit is to find a package that will satisfy a majority of this body and a majority of the Members of the House of Representatives and that would include primarily spending restraint but also some revenue changes, and it is still my view there are a lot of revenue changes that can be enacted that are not direct tax increases. If someone has a very good deal now, and we tighten it up a little bit and they have to pay a little tax, I assume that is a tax increase, but it is not an increase in the marginal rates.

There are a lot of things we think we can do on the tax side, even though it might have some impact on the economy, but there are many areas of tax loopholes that should be closed as recommended by the President in September 1981. We have not done all those things he recommended, whether it is a health care cap or whether it is other things.

I guess my point is that the important thing, as I see it, is getting a proper mix of spending restraint, and that is where I put my priorities, just as the Senator from Wisconsin and I think other Senators, but also some revenue changes to bring the deficit down.

I am more concerned with those, including the realtors and the homebuilders and the others who are already starting to be concerned about high mortgage rates at 13½ percent average across this country, and we are told by these same people that 14 percent is sort of the barrier. Last week, about 14 members out of the 20 members on our committee met with the Fed Chairman, Paul Volcker, and while I cannot quote Mr. Volcker I certainly gained the impression that responsible fiscal action would be very helpful to the economy and also give him a little more freedom on the monetary side.

So I cannot support the amendment, but I have no quarrel with the discussion. It seems to me that we can all stake out positions, but unless we face up to the deficit, it is not going to make much difference what the ratio is.

I voted against the budget resolution because it was all taxes, \$73 billion, I think, in taxes, and I think a maximum of about \$12 billion on spending restraint, and some of that was smoke. So it really was not \$12 billion, and I share the frustration of the Senator from Wisconsin.

But I also believe that whether the White House wants to participate or not, we are going to have to hammer out some deficit reduction package in Congress because we have a responsibility.

The budget process is a congressional process. The President is not involved in it. And we have tried to meet some of our obligations in the Finance Committee. We cut spending almost twice as much as the Budget Committee recommended. We have also made savings in some of the measures that have been reported out of our committee, so we have done fairly well on the spending side.

On the revenue side, we have reported to the Budget Committee today a package of about between \$12 billion and \$13½ billion in revenues over a 3-year period. But again much of that is in areas that should be addressed.

So I hope that, while this debate may be helpful, the greater debate will be hopefully before we adjourn, as to how we reduce the budget deficit, bring down interest rates, sustain recovery, and put people back to work. And if it takes some revenues to do that, I do not think I am going to stand here and say we cannot do anything on the revenue side, we should do it all on the spending side. What the proper ratio should be, I think, is a matter of how we raise the revenue. If we are going out there and raise the marginal rates, which I would be opposed to, I am not so certain that a surtax is a good idea, but there has to be some ways to put together a revenue package that would take effect primarily in 1985 and 1986 that would

not disrupt the economy recovery, that might underscore or strengthen the recovery, and that is what many of us hope we can put together, not just in the Finance Committee, because we do not have all the jurisdiction, but with the help of the Appropriations Committee and other authorizing committees.

But I must say I am willing to suggest that I believe in the Finance Committee we have the votes for a responsible package and if we focus on spending restraint as the No. 1 priority, and then turn to revenues, I am convinced there are enough Republicans and Democrats on that committee to report to the full Senate a responsible proposal.

Even though there has been something less than enthusiastic support from the President's advisers at the White House and perhaps the President himself, I do not believe the deficit is going to go away, not by speeches or any other thing, except legislative action.

So I hope that, while I share the concern of the Senator from Wisconsin, the sense-of-the-Senate amendment would not be adopted.

Mr. KASTEN. Madam President, I thank the Senator from Kansas for his statement in opposition to my amendment. He and I are both working together to shift the emphasis of this debate. I think in the last half hour to 45 minutes we, in the Chamber have begun to shift the emphasis of this debate from tax increases to spending reductions.

The Senator from Kansas and his Finance Committee have shouldered a disproportionate share of the burden of deficit reduction. In fact he has carried out their instructions to increase the revenues that were necessary. Congress, through things that were planned and some that were not, has increased spending. I say to the Senator from Kansas, that the assumed \$100 billion from interest savings are due to lower interest rates—\$55 billion—and to lower deficit projections—\$45 billion. But, the latest projections for those deficits are higher.

All of us in the Senate are concerned about the dangers of a 13- or 14- or 15-percent prime rate of interest coming back again. I even think that 11½ or 12 percent prime is too high. If we could knock that rate down 1 or 2 points, we would be in a position to see the kind of expansion and growth that we need in the critical interest rate sensitive sectors of our economy, specifically homebuilding, construction, automobiles, and consumer durables.

Although the Senator from Kansas cannot support my sense-of-the-Senate resolution at this time, it is true that we both want to shift the emphasis of this debate to the spending side of the budget.

I ask unanimous consent to have printed in the RECORD some additional information that we have on the spending assumptions included in the first budget resolution for fiscal year 1983.

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

**RESPONSE TO THE STATEMENT THAT CONGRESS ACTUALLY CUT \$2.33 FOR EVERY \$1 IN REVENUE INCREASED BY TEFRA**

In estimating those savings, the budget reestimates for fiscal year 1983 that were adopted in the budget resolution for fiscal year 1984 were not included. The budget reestimates show that outlays in 1983 would be \$43 billion more than originally assumed in the 1983 budget.

(In billions of dollars)

Outlays	Fiscal year—			Total
	1983	1984	1985	
Fiscal year 1983 budget.....	769.8	821.9	881.4	.....
Fiscal year 1984 budget.....	812.8	858.9	911.6	.....
Increase in 1984.....	43.0	37.0	30.0	110

In fact, the estimate does not include any budget or spending adopted after the end of last session.

The 3-for-1 promise assumed that over the fiscal years 1983 through 1985, we would cut approximately \$300 billion in spending and raise approximately \$100 billion in revenues. Congress passed TEFRA, which increased revenues by \$98 billion—and the Omnibus Reconciliation Act of 1983, which reduced spending by \$53 billion for fiscal years 1983 through 1985.

In calculating the \$2.33-to-1 savings ratio, savings in fiscal years 1984 and 1985 were incorrectly assumed.

Those savings are actually assumed and not real, since:

(1) The Savings assumed for defense were in part based on lower OMB estimates of defense outlays, instead of the higher—and more accurate—CBO estimates.

(2) The defense, federal pay raise, and non-defense discretionary program savings assumed that the outyear savings would be achieved, even though appropriations are only done one year at a time.

The outyear estimates are: Defense, \$18 billion; Federal pay, \$21 billion; discretionary, \$5 billion.

These savings were not reconciled last year. Since we have no way of knowing if they will really be achieved, they should not have been included.

(3) The estimates assume the Administration's action on management savings—\$46.6 billion over fiscal years 1983 to 1985—which included debt collection, increases in outer continental shelf leasing, \$3 billion in waste, fraud and abuse, surplus property disposal, etc.

Yet these savings have not actually been achieved.

(4) Of the \$2.33 assumed in savings, \$100 billion comes from net interest savings. Approximately \$55 billion is due to lower rates, and \$45 billion is due to lower deficits. Given the increase in deficit projections from fiscal year 1983 to fiscal year 1984, how can this not hold true.

The interest savings are also based on the assumption that 85 percent of the savings in the resolution were achieved. Given the points just made, this, too, cannot be true.

Mr. BAUCUS. Madam President, I do not intend to prolong this debate unnecessarily, but I think it is important to clarify the facts just a little bit here.

The Senator from Wisconsin earlier suggested that a document he was introducing to the RECORD would substantiate his view that Congress

pledged to reduce spending by three times more than it raised revenues. The documents he had in mind, at least so far as this Senator, is aware, is essentially a "wish list" passed out by the Budget Committee for fiscal 1983.

Madam President, I think the best evidence of what Congress had in mind with respect to fiscal 1983 is the reconciliation conference report Congress actually adopted. Under that document, the Congress agreed, for the period from 1983 to 1985, to reduce spending by \$27 billion and to raise revenue by \$98 billion. That is approximately a 3-to-1 ratio in the other direction; that is, it would increase revenue by three times the amount it would reduce spending.

Furthermore, Madam President, as this Senator indicated not too long ago, with respect to the present budget resolution Congress operates under, the Budget Committee has asked the committees to reduce spending by \$12 billion and increase revenue by \$73 billion. Again, solid evidence of what the Congress has pledged to do.

I only mention this, Madam President, because I want to set the RECORD straight here as to what Congress has, in fact, pledged to do, as compared with what somebody's assumptions were of what Congress pledged to do.

Madam President, I ask unanimous consent that an excerpt from that conference report dealing with the first concurrent budget resolution for 1983 be printed in the RECORD.

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

EXCERPT FROM SENATE REPORT 97-478, THE CONFERENCE REPORT ON THE FIRST CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1983: CONFERENCE SUBSTITUTE RECONCILIATION INSTRUCTIONS—SENATE COMMITTEES

(In millions of dollars)

	Fiscal year—							
	1983		1984		1985		1983-85	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
<b>Spending reductions:</b>								
Agriculture.....	-779	-779	-1,083	-1,083	-1,428	-1,428	-3,290	-3,290
Armed Services.....	-213	-213	-693	-693	-1,231	-1,231	-2,137	-2,137
Banking.....		-695		-697		-687		-2,079
Commerce.....	-4	-4	-15	-15	-27	-27	-46	-46
Finance.....	-1,106	-4,429	-1,444	-5,564	-1,740	-5,976	-4,290	-15,969
Foreign Relations.....		-2		-8		-15		-25
Governmental Affairs.....		-374		-240		-1,793		-774
Veterans' Affairs.....		-77		-155		-155		-387
Total spending reductions.....	-2,179	-6,573	-3,632	-9,268	-5,119	-11,312	-10,930	-27,153
<b>Revenue increases:</b>								
Finance.....		+20,900		+36,000		+41,400		+98,300
(User fee portion).....		(+900)		(+1,000)		(+1,400)		(+3,300)
Total reconciliation instructions.....		-27,473		-45,268		-52,712		-125,453

Mr. KASTEN. Madam President, I, too, do not want to prolong this discussion or debate. I do want to point out to the Senator from Montana that the numbers he picked were the reconciled deficit reduction measures. But when we passed the first budget resolution, it was not just the reconciled numbers that we were voting on. We were

voting on overall spending and revenue totals with the goal of lower deficits in mind.

The Senator is exactly right. We only reconciled a small portion of what we intended to, in fact, cut. And that is the point. We got every single dollar of the tax increases, and we reconciled a very small percentage of the

suggested spending cuts. That is the problem. Had we gotten the spending cuts that were suggested as well as the revenue increases, this sense-of-the-Senate resolution would not be before us today.

Mr. HECHT. Mr. President, I rise today as a strong advocate and cosponsor to the amendment offered by my

good friend and colleague, Mr. KASTEN. The resolution brings into focus the responsibilities that Congress must continue to address.

When President Reagan came to Washington in 1981, sky-high interest rates, uncontrollable inflation, excessive Government spending, and too high taxes were the unfortunate facts of life. No real relief seemed imminent. I can tell you that as a small business man at the time, things could not have been worse.

As the President gradually exerted his considerable will on Congress, his economic program slowly but surely reversed the trends set in the past. To the begrudgement of his critics, the President, along with many in Congress, was able to reduce interest rates by almost half, cut Government spending, and nearly eliminated inflation. Taxes, which had consistently been raised to pay for a free-spending Congress, were reduced, putting money back into the pockets of the individual American. Today, though we are still not out of the woods, we are finally on our way to the strong economic recovery.

We cannot buckle in the face of our responsibilities. We in Congress must continue to make the necessary adjustments needed to maintain and enhance the current recovery so as to build a strong foundation for future generations. The true issue of fairness will be the passing on of a solidly based economy.

Mr. President, I join with my colleagues in expressing opposition to the current proposals to reduce the deficit. These proposals rely too heavily on revenue enhancements, which no matter how you try to disguise it still means a tax increase. Unfortunately, we have yet to see any real progress on spending restraint.

It is for this reason that I strongly endorse the amendment before us and urge my colleagues to join in passing this important restatement of our resolve to live up to our difficult responsibilities.

Mr. DOLE. Madam President, as I understand it, if there is no further debate, the Senator from Illinois is prepared to propose an amendment. We notified Senator WALLOP, who has an interest in that amendment. Perhaps I could suggest the absence of a quorum while he is on his way to the floor.

Mr. DIXON. I would be prepared to proceed, I say to the manager, if you think he is on his way.

Mr. DOLE. Why do we not do that? Is there some agreement to have the vote on this amendment?

Mr. LONG. Mr. President, I discussed this matter with the majority leader. At the moment, we have no agreement.

I would have no objection to agreeing that after we dispose of the

Baucus amendment, we then turn to the Kasten amendment. But the majority leader indicated that if we are not going to have an agreement as to a precise time of voting on one amendment, he would just as soon not agree to a precise time to vote on another amendment.

I suggest that at 5 o'clock, if the Senate is ready to vote, we vote on the Baucus amendment. After that, we can talk about the Kasten amendment and we can vote on that when we are ready.

Mr. DOLE. I think that is a good suggestion.

I ask unanimous consent that we may temporarily lay aside both the Baucus and Kasten amendments and move on to the amendment of the Senator from Illinois.

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

Mr. BAUCUS. Madam President, I was just informed about a half-hour ago that the Senator from Florida, Mr. CHILES, wanted to speak on the Kasten amendment. I do not know whether he wants to speak now.

Mr. DOLE. Under the procedure, he would be able to speak after the vote on your amendment.

Mr. BAUCUS. I am informed that is fine with the Senator from Florida.

#### AMENDMENT NO. 2465

(Purpose: To amend the Internal Revenue Code of 1954 to limit the amount of severance taxes imposed by States on oil, natural gas, and coal)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Illinois (Mr. DIXON) proposes an amendment numbered 2465.

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

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

The amendment is as follows:

At the end of the joint resolution, add the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Severance Tax Equity Act of 1983".

#### SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds—

(1) the Federal decision to allow the price of domestic crude oil to rise to the world price has unintentionally contributed to fiscal disparities between States, as a few energy-producing States seek to gain the greatest possible economic advantage from their positions as net energy exporters, at the expense of the other States;

(2) severance tax revenues in some States greatly exceed the amount necessary to recover the public costs attributable to the economic activity being taxed; and

(3) excessively high severance taxes constitute a burden on interstate commerce.

(b) PURPOSE.—The purpose of this act is to impose an effective and reasonable limit on State energy severance taxes on certain minerals.

#### SEC. 3. LIMITATIONS ON CERTAIN STATE SEVERANCE TAXES.

(a) IN GENERAL.—Notwithstanding any other provision of State or Federal law, the aggregate revenues from State severance taxes imposed by any State (and any political subdivision thereof) with respect to crude oil, natural gas, or coal transported outside such State in any State fiscal year shall not exceed the costs incurred by the State (and any political subdivision thereof) during such fiscal year which are directly attributable to the production within the State of crude oil, natural gas, or coal, as the case may be.

(b) ENFORCEMENT.—

(1) IN GENERAL.—

(A) ACTION BY ATTORNEY GENERAL.—The Attorney General may bring a civil action against any State (or any political subdivision thereof) which is in violation of subsection (a) in any appropriate district court of the United States.

(B) ACTION BY TAXPAYER.—Any person who has paid a State severance tax which is imposed by a State (or any political subdivision thereof) in violation of subsection (a) may bring a civil action against such State (or political subdivision) in any appropriate district court of the United States.

(2) RELIEF.—The district court of the United States shall have jurisdiction to grant such relief (including injunctive relief) as may be appropriate in any action brought under paragraph (1).

(3) BURDEN OF PROOF.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the burden of proof in any action brought under paragraph (1) shall be upon the petitioner to prove that the aggregate revenue from the State severance tax imposed by the defendant during the State fiscal year exceeds the costs incurred by the defendant during such fiscal year which are directly attributable to the production of crude oil, natural gas, or coal, as the case may be.

(B) RATES IN EXCESS OF 1978 LEVELS.—Upon introduction of evidence in any action brought under paragraph (1) that the rate of the severance tax imposed by the defendant during the State fiscal year exceeds the higher of—

(i) the adjusted 1978 State tax rate for such State for such fiscal year, or

(ii) the adjusted 1978 national average tax rate for such fiscal year,

the burden of proof in such action shall be upon the defendant to prove that the aggregate revenue from such severance tax for such fiscal year does not exceed the costs incurred by the defendant during such fiscal year which is directly attributable to the production of crude oil, natural gas, or coal, as the case may be.

(c) ADJUSTED 1978 STATE TAX RATE; ADJUSTED 1978 NATIONAL AVERAGE TAX RATE.—For purposes of this section—

(1) IN GENERAL.—The terms "adjusted 1978 State tax rate" and "adjusted 1978 national average tax rate" mean the 1978 State tax rate, or the 1978 national average tax rate, as the case may be, plus an amount equal to—

(A) such tax rate, multiplied by

(B) the inflation adjustment for the State fiscal year involved.

The amount determined under the preceding sentence shall be rounded to the nearest cent.

(2) 1978 NATIONAL AVERAGE TAX RATES.—The term "1978 national average tax rate" means, with respect to crude oil, natural gas, or coal—

(A) the aggregate amount of revenue from State severance taxes imposed on such natural resource determined under paragraph (5) to have been collected by all States (and all political subdivisions thereof) during State fiscal years ending with, or within, calendar year 1978, divided by

(B) the aggregate quantity of such natural resource determined under paragraph (5) to have been produced from within all States during such fiscal years.

(3) 1978 STATE TAX RATES.—The term "1978 State tax rate" means, with respect to crude oil, natural gas, or coal produced from a State—

(A) the aggregate amount of revenue from State severance taxes imposed on such natural resource determined under paragraph (5) to have been collected by such State (and any political subdivision thereof) for the State fiscal year ending with, or within, calendar year 1978, divided by

(B) the quantity of such natural resource determined under paragraph (5) to have been produced from within such State during such fiscal year.

(4) INFLATION ADJUSTMENT.—The inflation adjustment for any fiscal year is the percentage by which—

(A) the first revision of the implicit price deflator for the gross national product for the third calendar quarter of the calendar year ending with, or within, the State fiscal year preceding such fiscal year, exceeds

(B) such deflator for the calendar quarter ending December 30, 1979.

(5) SECRETARY OF ENERGY DETERMINATIONS.—

(A) IN GENERAL.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Energy shall determine (and publish in the Federal Register) with respect to crude oil, natural gas, and coal—

(i) the amount of State severance taxes collected by each State (and all political subdivisions thereof) during the State fiscal year ending with, or within, calendar year 1978 for each such natural resource, and

(ii) the quantity of each such natural resource produced from within such State during such fiscal year.

(B) CENSUS DATA.—The Secretary of Energy shall base the determinations under this subsection on data which the Director of the Bureau of the Census shall provide, unless the Secretary finds that more appropriate information is available from an agency hearing described in subparagraph (C).

(C) PROCEDURES FOR DETERMINATIONS.—The Secretary of Energy shall make the determinations under this paragraph on the record after an opportunity for an agency hearing under section 554 of title 5, United States Code.

(D) JUDICIAL REVIEW.—

(i) FILING OF PETITION.—At any time before the 60th day after the date on which any determination is published under subparagraph (A), any person may file a petition with the United States Court of Appeals for the circuit in which such person resides, or has his principal place of business, for judicial review of such determination. A copy of the petition shall be transmitted by the clerk of the court to the Secretary of Energy. The Secretary of Energy

thereupon shall file in the court the written submissions to, and transcript of, the written or oral proceedings on which the determination was based as provided in section 2113 of title 28, United States Code.

(ii) JURISDICTION.—Upon the filing of the petition referred to in clause (i), the United States Court of Appeals shall have jurisdiction to review the determination in accordance with chapter 7 of title 5, United States Code, and to grant appropriate relief as provided in such chapter.

(iii) APPEALS.—The judgment of the United States Court of Appeals affirming or setting aside, in whole or in part, any such determination shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(iv) LIMITATION.—Any determination of the Secretary of Energy under this paragraph shall be subject to judicial review only in accordance with the provisions of this subparagraph.

(6) UNITS OF MEASURE.—The 1978 State tax rate and the 1978 national average tax rate determined under this subsection shall be—

(A) per barrel, in the case of crude oil;

(B) per Mcf, in the case of natural gas; and

(C) per ton, in the case of coal.

(d) DEFINITIONS.—For purposes of this section—

(1) STATE SEVERANCE TAXES.—The term "State severance tax" means any tax or fee established by any State (or any political subdivision of a State) and levied on, measured by, or otherwise imposed with respect to crude oil, natural gas, or coal produced in such State. Such term does not include any income, sales, property, or any other similar tax or fee if such tax or fee—

(A) applies with respect to a broad range of business activities or types of property, and

(B) does not result in a significantly higher rate of tax or fee than is generally applicable to the other activities or property with respect to which it is imposed.

(2) STATE.—The term "State" includes the District of Columbia.

(3) CRUDE OIL.—The term "crude oil" includes a natural gas liquid recovered from a natural gas well in lease separators or field facilities.

(4) NATURAL GAS.—The term "natural gas" means any product (other than crude oil) of an crude oil or natural gas well; except that such term shall not include any geothermal energy.

(5) COAL.—The term "coal" includes lignite.

(6) BARREL.—The term "barrel" means 42 United States gallons.

(7) MCF.—The term "Mcf" refers to 1,000 cubic feet of natural gas measured at a pressure of 14.73 pounds per square inch (absolute) and a temperature of 60 degrees Fahrenheit.

(8) TON.—The term "ton" means 2,000 pounds. (e) Effective Dates.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the limitation provided by subsection (a) shall take effect 1 year after the date of enactment of this Act.

(2) 2-YEAR PERIOD FOR STATES IN EXCESS OF LIMITATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), in the case of any State (or any political subdivision thereof) in which any State severance tax on crude oil, natural gas, or coal would otherwise exceed the limit under subsection (a), such limit

shall not be applicable with respect to such tax at any time during the 2-year period beginning on the date of the enactment of this Act.

(B) EXCEPTION IF TAX IS MODIFIED DURING 2-YEAR PERIOD.—Subparagraph (A) shall cease to apply to any State severance tax if the rate at which the tax is imposed on the date of enactment of this Act is revised by the State or political subdivision involved.

Mr. DIXON. Madam President, the amendment I am offering effectively prohibits States from imposing excessively high severance taxes on coal, oil, or natural gas. It is identical to S. 463, the Severance Tax Equity Act, which I introduced earlier this year.

Over the past decade, the United States has seen the price of energy rise dramatically. Energy prices are an increasing burden on American business, and on the average working men and women of this country. Increasing numbers of Americans have to worry whether they can afford the gas to commute to work, to look for jobs, or even to heat their homes this winter.

The recent recession we are only now recovering from had a significant impact on most State and local governments. They were and are caught in a squeeze between revenue sources that rise slowly, if at all, and ever increasing needs. The result is an increasing inability to continue providing necessary governmental services.

In my own State of Illinois, for example, the recession has meant that the State's infrastructure continued to deteriorate, and that substantial increases in State taxes were needed. Illinois needs over \$1 billion more annually than it raised in 1982 just to maintain its investment in highways and transit systems. Education needs and social services are increasingly jeopardized.

The revenue sources of eight States, however, seem to be relatively unaffected by current economic conditions. In 1981, Alaska's tax revenue rose by 51.3 percent; New Mexico's by 30.3 percent; Oklahoma's by 24.2 percent; North Dakota's by 21.9 percent; New Jersey's by 21.6 percent; Wyoming's by 19.2 percent; Texas' by 17.9 percent, and Louisiana's by 17.5 percent. Except for New Jersey, which has rapidly growing tax revenues from Atlantic City casinos, these are all States with significant severance tax revenues.

In 1981, State severance tax revenues rose by an astonishing 53 percent.

Think of it. With a revenue resource that rose by 53 percent annually even as the economy was sliding into the depths of a recession, Congress would have no difficulty at all in balancing the budget. The severe budgetary problems that generated the support for a constitutional amendment to balance the budget would disappear.

Severance tax revenues, however, currently accrue solely to the States. Unfortunately, this resource is not available to all States. In fact, over 85 percent of severance tax revenues go to only 8 of the 50 States. For these lucky few, severance tax revenues are a major component of State finances. Fifty-one percent of Alaska's revenues comes from severance taxes, while seven other States—Louisiana, Montana, New Mexico, North Dakota, Oklahoma, Texas, and Wyoming—derive more than 20 percent of their revenues from this source.

There has been much discussion about whether or how much the burden of severance taxes is shifted to the citizens of States that buy, rather than produce, energy. Economists do not agree on that answer.

Now, I am not an economist, Mr. President. But it seems to me this question of the economic burden that might or might not be created by severance taxes is not exactly the most important one we ought to address.

The most important question before us is whether we are going to treat our natural energy resources as truly national resources, or whether we are going to let them be controlled—and make no mistake about it, the power to tax is the power to control—by States which, through an accident of geography, are the sites of our energy supplies.

I say those natural resources are national resources, and it is clear we are not now treating them that way—not when one State can raise 95 percent of its revenues by various energy taxes, and when nearly all of that energy is consumed in other States; not when citizens of many States pay large annual State income taxes, while those in some severance tax States pay none.

No, the time has come for a national approach to this most vital issue.

Illinois is a major coal producing State. It has no severance tax at the moment. However, evolving market conditions could soon make it very attractive for my State to impose a severance tax on coal.

And coal is not the only resource on which a severance tax can be imposed. Governors in the Great Lakes States have been seriously discussing imposing a severance tax on Great Lakes water that could, in the future, be piped to water-starved western and southwestern parts of our country. I have seen newspaper accounts indicating that the Midwest could be the future OPEC of water.

I find that idea disturbing, Madam President. The United States is much more than a collection of 50 States. It is a Nation. It cannot and should not let control over what are truly national—not just natural—resources, be decided principally by the individual States.

I believe that States are entitled to tax economic activity within their borders. Our Constitution makes it clear that they have that right. I have no quarrel with the desire of States to impose limited severance taxes to compensate for the impact of energy production activities on the State. However, I do not believe States should be able to impose severance taxes that raise revenues far in excess of the amounts needed to recover those costs.

The amendment I am proposing today, therefore, prohibits States from imposing severance taxes on coal, oil, or natural gas, except to recover the public costs directly attributable to the energy extraction activities. This legislation does not prohibit States from taxing energy activities in other ways. States would continue to be free to impose income taxes, sales taxes, and other taxes that other businesses pay. Further, this legislation does not affect in any way the States' right to collect royalty income in appropriate situations. However, it will effectively prevent use of the severance tax mechanism to raise revenues for general government and other unrelated activities.

The amendment does not impose a numerical test; it does not attempt to dictate that severance taxes above a particular level are, per se, excessively high. It does establish a standard, a standard that is both flexible and reasonable. It permits States to impose severance taxes to raise amounts sufficient to recover the direct public costs attributable to the energy extraction activity. For example, States would be able to impose severance taxes to recover the costs of necessary highway upgrading or of new sewer lines needed to service the energy extraction facilities.

The amount necessary to recover associated public costs will vary from State to State and make a single national standard inappropriate. The test in the Severance Tax Equity Act will permit States to respond to their own unique circumstances, while insuring that energy activities are not singled out to bear a disproportionate share of the necessary costs of government and that energy activities are taxed in a nondiscriminatory way.

The related to public costs test is not without problems. An inventive State could try to contend that many activities that most reasonable people would believe are unrelated to the energy activity were somehow distantly related and therefore should be covered by the severance tax. Years of litigation could result, as clever States tried to stretch the standard to its limits—and beyond.

Therefore, the amendment established a presumption that State severance taxes above their own 1978 level, or the 1978 national average, whichever is higher, are not related to the

energy activity. A State would have to bear the burden of demonstrating that revenues above the 1978 level, adjusted for inflation, were necessary to cover directly attributable costs. 1978 was chosen because it reflects the level of taxation States felt was necessary before decontrol of oil prices began in 1979.

In my own view, it is possible, and perhaps even likely, that even the 1978 level could be too high. However, for taxes below the 1978 level, the Federal Government or the party paying the tax would have to prove that the tax was excessive.

I believe, Madam President, that energy severance taxes in some States have risen to a level that constitutes a burden on interstate commerce. My amendment will eliminate that burden, insuring that State severance taxes are related to the public costs directly attributable to energy activities.

This legislation addresses the core of the severance tax issue, but does not attempt to address the numerous related issues. For example, it does not impose a Federal severance tax or create or increase any other Federal energy tax.

I believe a strong case can be made for a new Federal energy tax. However, resolution of that important issue can proceed separately from the State severance tax preemption issue. Further, a new Federal tax is likely to be extremely controversial, and could impede action on the State severance tax limitation question.

Madam President, I realize this proposal is controversial and that there are many that will oppose it, even though it does not call for a new Federal tax. I think it is worth remembering, however, that one of the major reasons the 13 Colonies came together to form the United States after the Revolutionary War was to form a customs union, to insure the free and unfettered flow of trade between and among the States-to-be. I think that objective was a sound one, and that it remains sound today.

Unrestricted severance taxes by the States have the potential to undermine the free flow of trade among the States, and to incite regional strife. Uncapped, these taxes work contrary to the interests of the Union. We do not have to look very far to see the unfortunate consequences caused by placing State or regional interests above the national interest.

I think it is imperative, therefore, to enact this legislation, and to enact it quickly. Our energy resources are part of our national treasure, and their benefits should be shared by the entire Nation.

I am under no illusions about the outcome of a vote on this issue here today. I am offering this amendment here today, however, because I think it

is time for the Senate to begin to think seriously about this issue. State severance taxes raise public policy issues of the greatest importance. We should begin the process of examining those issues in a comprehensive but expeditious manner.

I hope, therefore, that my amendment will stimulate my colleagues to think seriously about this issue. This matter needs and deserves the Senate's closest attention.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, in my judgment, the amendment offered by the Senator from Illinois is one of the most pernicious attempts to divide this country that I have seen in a long time. This amendment simply, directly, and severely limits the revenue-raising power of States.

No power could be more fundamental to a State. When our Constitution was drafted, our Founding Fathers wisely established a form of government in which the Federal Government could bring continuity, cohesiveness, if you will, togetherness, to the many States. Specifically, article I of the Constitution, the interstate commerce clause, gives Congress the power to regulate interstate commerce.

But our Founding Fathers also provided, in the 10th amendment, that States have the authority to control their own destiny. That authority included the power to raise revenue. In fact, in the Federalist Papers, Alexander Hamilton, arguing for the adoption of the Constitution, said that States' power to raise revenues is essential, because if they lack that power, they really have no power at all.

Mr. President, let me read exactly what Alexander Hamilton said:

The individual States should possess an independent and uncontrollable authority to raise their own revenue for the supply of their own wants and should retain that authority in the most absolute and unqualified sense.

Madam President, if, as Hamilton said, the individual States should possess the independent and uncontrollable power to raise their own revenues to supply their own wants, and if they should retain their authority in an absolute and unqualified sense, then this amendment would directly contradict what Hamilton said, by directly limiting the States' power to raise revenue. And if Congress begins to go down that road, then sooner or later all States' authority may be severely undermined.

Madam President, that is why this amendment sets a pernicious precedent. Now, it is aimed only at one form of raising revenue—severance taxes on energy resources. But who is to say that if this amendment were to

become law, some other amendment might not be offered some other day restricting State sales taxes, State individual income taxes, State corporate taxes, any of the various taxes a State may choose to use to support State functions?

This amendment really says, "Watch out, States, here we come. Whether you are an energy-producing State like Montana, Alaska, Oklahoma, Louisiana, California, Texas; whether you are a sunshine State, like Florida; whether you are a New England State; or whether you are the State of Illinois, watch out. Here we come to limit your ability to raise revenue."

Furthermore, Madam President, this amendment overlooks the simple fact that different States are different. Some are resource States; some have other advantages. For example, some are sunshine States and raise substantial tourist-derived revenue. Others are port States and enjoy the advantage of convenient transportation and productive commerce.

Madam President, what I am saying is that different States have different advantages and therefore must raise revenue in different ways. That is why it is important to leave States the power to raise revenue however they think most appropriate.

The State of Illinois has sales taxes and other forms of taxes that the State of Illinois, in its wisdom, thinks are appropriate. Other States have other mixtures of taxes. Given these differences, it would be absolutely wrong for us to tell a State, "No, you have to limit that tax," even though that may be one of the only ways that State can raise revenue. Certainly it would be wrong to say that. And certainly it would be inconsistent with the intent of the Founding Fathers.

Madam President, this amendment, if adopted, is going to incite a war among States—not just between North and South or East and West, but among all States.

Madam President, the Senator from Illinois has suggested that already there is an unfair burden on interstate commerce because of the severance taxes. However, the U.S. Supreme Court has already addressed that issue, just a couple of years ago, in the Commonwealth Edison against Montana case. The question there was whether the severance tax of the State of Montana burdens interstate commerce.

The Supreme Court answered that question. Montana's severance tax, it said, does not burden interstate commerce. The Court did hold out the possibility that, at some later date some severance tax might violate the interstate commerce clause. But Montana's does not. So not only is Montana's severance tax constitutional, but this amendment's limitation on that tax might be unconstitutional, as

I said earlier, under the 10th amendment.

Now, Madam President, I can stand here forever giving all the reasons why I think we should not adopt this amendment. I may need to do so at a later date. But, Madam President, let me make a couple of points before I close.

The underlying assumption of the pending amendment is that all those blue-eyed Arabs out there or those American ayatollahs out there in energy-producing States are taking unfair advantage of energy-consuming States because some energy-producing States have severance taxes on their coal or on their oil or natural gas. Madam President, to the degree that Americans are paying high utility bills, it is not because of the severance taxes that the State of Montana and other States levy. In fact, Madam President, the largest percentage, the biggest portion by far of a consumer State's utility bills is attributable to the transportation costs, the costs that railroads charge, and to the production costs and not to State severance taxes. Let me present some figures that document this.

If one looks at 1980 figures, the latest year for which this Senator has data available, with respect to the charge for Central Illinois Light, 62 percent of the delivered price of that coal is attributable to transportation cost, whereas only 7 percent of that total cost is attributable, say, to the severance tax of the State of Montana. Sixty-two percent for rail transportation costs, 7 percent for Montana's coal severance tax. The fact is that rail transportation costs have doubled or tripled in the last several years. That is the primary reason why utility bills have been going up in the Midwest and southern parts of the country that consume coal. Our modest severance taxes are not to blame.

Madam President, I can go down the list of other utilities whose proportionate cost is the same; that is, much higher on the transportation side and much, much lower on the severance side. They include Commonwealth Edison: 52 percent for transportation costs, 10 percent for severance tax. There is another one, Interstate Power: 69 percent transportation cost, 6 percent for severance taxes.

I will not burden the Senate with going down the entire list, but every State on this Senator's list is in the same category.

Finally, Madam President, one more point.

The PRESIDING OFFICER (Mr. GORTON). The Senator is informed that there is no longer a Madam President in the chair.

Mr. BAUCUS. The Senator thanks the Chair. The Senator is so wrapped up in this argument he did not notice

the change in Presiding Officers. This Senator is focusing on attempting to convince the Senator from Illinois.

But, finally, Mr. President, it is interesting to look at the total taxes that are applied to a consumer's energy bill by all levels of government. If the Senator from Illinois does not mind, let us take the State of Illinois. In the State of Illinois—again, the figures are 1980—if one looks at the Illinois consumer's energy tax dollar, Illinois State and city sales taxes amount to about 23 percent of the total, or about \$1.72 on a monthly utility bill. State income, property, and other taxes in Illinois amount to 48 percent of the total tax bite. Federal taxes account for 25 percent. What is attributable to Montana's severance tax? Two and a half percent.

So, if one looks at the total taxes levied that are passed through to an Illinois consumer's utility bill—

Mr. DIXON. Would my friend from Montana yield for a question?

Mr. BAUCUS. In just a minute—let me repeat, a quarter of that total tax is State and city sales taxes; half of that total tax is State income, property, and other taxes; one-quarter is Federal taxes on fuel utilities; and only 2.5 percent is attributable to a severance tax in the State of Illinois.

Mr. DIXON. I hesitate to interrupt such a fine speech, if I could ask one question of my dear friend.

Mr. BAUCUS. I would be glad to yield.

Mr. DIXON. Would the Senator from Montana understand, though, the concerns of those in Illinois so heavily taxed, as the Senator has already suggested, who pay all these massive taxes for the support of their own educational institutions, their governmental entities and all of the other services rendered by the State and then who send on to the Federal Government its tribute but still are required to give to the Senator's State of Montana 2½ percent for a government we have no business with.

What I would quarrel with is that we not only support Illinois and the United States, but we support Montana, and Wyoming, and Louisiana, and Texas, and those other energy-producing States. The Senator is a strong and a forceful opponent whose arguments are profoundly persuasive, but what I would quarrel about is that Illinois supports not only their own State government and not only their Federal Government but they support the energy-producing eight States as well.

Mr. BAUCUS. The Senator from Montana understands the point of the Senator from Illinois. But this Senator hopes that the Senator from Illinois also understands that all of us in the country, in every State, also help support Illinois. That is, the State of Illinois exports income taxes, it exports

sales taxes, and it exports corporate taxes on products produced in the State of Illinois which are exported out of the State of Illinois which all the rest of America buys. Therefore, when those taxes are levied in the State of Illinois and when those companies then increase their prices to pay for those taxes, Montanans who buy Illinois products are supporting the State of Illinois by helping to pay those taxes.

I might suggest to the Senator from Illinois that probably all of us in the rest of the country are paying a lot more to the State of Illinois than is Illinois paying to the State of Montana with severance taxes. All States export their taxes. In fact, this was the issue that was presented before the U.S. Supreme Court just a couple of years ago when the Supreme Court said that Montana's coal severance tax is constitutional. As the Court pointed out, Montana levies the tax on everyone equally; it does not discriminate. That is, that severance tax is felt by Montana citizens, and it is felt by other citizens indiscriminately across the country. It is not an unfair tax. And I daresay, if Illinois treats Americans the same way Montana does, it, too, is acting fairly and does not violate the relevant constitutional provisions. But Illinois does raise revenue. It taxes citizens to support Illinois services, but because many of those taxes are exported out of the State, all of us in the rest of the country are paying for Illinois' services.

Mr. President, I see the distinguished Senator from Wyoming on the floor seeking recognition.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. Mr. President, I will not be long.

I have to tip my hat to my colleague from Illinois for having carefully, even lovingly, concocted the most unconstitutional approach to States' taxation and their privileges of doing it since the founding of this country. Not that I have never seen it, because I have seen it before.

The Senator says this needs and deserves the Senate's closest attention. I have been here nearly 7 years, and I do not recall the year in which it has not been contested. We have given it a considerable amount of attention over the course of time.

The Senator speaks of our accidents of geography. We are all living in a place that is some kind of accident of geography. Surely, the Senator will agree that the great farmland which is the envy of any farmer in Wyoming is an accident of geography that greatly benefits his State, as does the lake upon which most of its northern border resides, as do the beaches of southern California or Florida, as do the harbors in New York, or Massa-

chusetts, or Maryland, or San Francisco.

All those things put some kind of undemocratic benefit on the people who reside there, because not all the people in America get to share in each of those assets. But surely the Senator would not have us tax San Francisco Bay, or the Massachusetts fishing industry, or for that matter the lakes, canals, and rivers of Illinois. We would not in any way seek to limit those, so long as they met the test the Senator from Montana just stated, that they taxed their own citizens as much as they do those in other parts of the country.

We are taxing those things in a reasonable way now.

The Senator says it is bordering on unconstitutionality and certainly is irresponsible, even if not unconstitutional. Let me say that in Wyoming, one of the reasons our severance tax is such that it is, is that a long time ago in Wyoming we began to tax minerals, all minerals, when they were severed, not in situ, although in the case of coal especially, you can pretty well define an ore body and attribute some value to it and tax it through county ad valorem taxes.

But the problem with that is that when an industry begins to hit hard times, as it has, you put it out of business, as well as all the people who work there, if you tax it when it is not being produced. We could do that. We could comply with the Senator's proposal limiting it to the 1978 tax. We have not raised those taxes since 1978.

However, when we wanted to or had to take care of some perceived public need that was voted by our citizens in their legislature, we would move it to an ad valorem tax, which is not good for America, and certainly not good for those industries. It is certainly not good for employment, and is a sort of devious way to get to the same point you would prohibit us from doing, and I do not think that helps a bit.

The Senator from Montana made the case that Illinois gets more money from Montana coal than does the State of Montana. That would be true for the State of Wyoming.

I make one other point: As to the issue of severance taxes, I hope the Senator understands why it is done. You can tax your labor, your productive farmland, and the product that comes off it, and they are likely to do that so long as there is a country of America, so long as there is production off those farmlands, so long as those events take place. We have what we have when we have it.

In the case of an extractable mineral, it is there. It is part of what makes our schools run now. But those schools and other things will be there, and the demand for their services will be there when that product is gone. We cannot

reach back and tax something that happened 10 or 20 years ago. That is where severance taxes come. It is part and parcel of our State's future heritage that is being spent on your present needs. As you consume that coal, oil, gas, and other minerals, they are coming out of our bank account to satisfy the present needs of the constituents of the Senator in Illinois, or Washington State or Massachusetts, or wherever. They are momentary uses of a product that we will never be able to reach and tax again.

It is not an excuse for exorbitant taxes. Montana has passed a constitutional test in the Supreme Court.

All I am suggesting to the Senator is that, while I do not quarrel with what he feels, I believe that if he were to think through the process, the people in Wyoming, Montana, and any other State where you have a finite mineral which is being extracted for the present benefit, the present people who are sacrificing their future to the present benefit of the country, are entitled to a reasonable level of taxation on it.

Our energy growth has not been without cost. We were an agricultural State whose second industry was tourism—mountains, rivers, camping, the great outdoors. We changed overnight, in less than a decade. In 5 years, we grew 46 percent, satisfying the energy needs of a hungry country whose industry could not function because of Arab oil boycotts and other things.

Wyoming's schoolchildren, who had been in one-room schoolhouses, suddenly found that one-room schoolhouse had 18 trailers sitting around it, while new families of mineral workers or construction workers for energy projects joined them, trying to go to school.

We had towns that grew 150 percent overnight. No police. We could not come and apply to the Federal Government for new sewers, because the law then said that you could not have a sewer grant under EPA unless your sewer was over capacity. You knew it was going to be so in 3 months, but you could not apply until the damn stuff was running down our streets, and then we found ourselves slandered by CBS and other network programs across this country for boomtown existences.

We put a severance tax in to deal with those problems. We got some of the most innovative response to what has since become called impact that this country has ever seen. We did it with our own stuff, because there was not even a Federal program that could conceive of it. That is where it came from. We did it ourselves.

We put together mobile classrooms that could move to places whose school census changed between Christmas and Lincoln's Birthday by 100

percent, and we could move it there and take care of our own problems.

We have been trying to get energy-impact legislation through this place since I have been here. Most of it would be incompetent if it did pass. What we have done with our money is take care of our problems.

The Senator says we are taking it from the rest of America. We are not. We are doing what the rest of America should do and did not do, but we have been doing it ourselves.

I am just suggesting that while I do not quarrel in any way with the Senator's motives of this, I think his understanding of what we have done and what we are doing with these taxes is clearly wrong. It is not a mean thing that he seeks to do. I mean it appeals to some kind of a feeling when you look at revenues and not the demand on those revenues.

Who, I ask the Senator from Illinois, takes care of the police and the fire on the Federal lands? The citizens of Wyoming police the BLM lands, take care of the fishing and hunting licenses, and other things, on the public land, the national forests. Our fire department and other services go fight fires for the BLM in many instances and with them in other instances, but all of that is something that we are required to do.

We build the road to the new mine and we maintain it. There is no Federal money for that. It comes out of the hide of the taxpayer of Wyoming unless there is a resource tax to take care of it. We have done that.

I apologize to no one for the taxes that my State has laid down. Yes, we have put together a trust fund responding to the very kind of need that I said we were doing in the first place. We were taking what we presently have as Wyoming children and citizens bank accounts for an immediate need of the country, and we are putting it into an interest bearing account so that our schools, our colleges, our hospitals, and other things can continue to exist.

When the day comes as it always does, when the miner says, "The hole is deep enough for me," and walks away and leaves us with the kind of requirements that we have in the future to be funded out of something that has taken place today and will not be there in the future, we will one day slip back into some other kind of economy. We cannot be in a mineral economy forever. That is the nature of it.

While I do not quarrel with the Senator's reason for his amendment, but I do quarrel with what it would do to people who have done their best to respond to the insults of an insensitive press in the country and to respond to the problems that an insensitive government created with its desperate desire to get the minerals out so quickly, and I do not quarrel with that

desire. We needed it as a country. We had to have it. As it was, we had bad troubles and long gas lines and other problems, and we were moving to coal consumption. We did it. We responded, and in my State we had an ever increasing coal production, as did the Senator's State, as we tried to respond to a country's desperate need. But, I do not think it is fair to say that in some funny, bizarre kind of way, we had a bunch of blue-eyed Arabs out there trying to whisk out the benefits that the rest of America possessed from under them without any concern as to the problems that those benefits and their extraction were causing to an agricultural State who overnight became an industrial and mineral economy.

So I hope, too, that this amendment is defeated.

Mr. MELCHER. Mr. President, I join my colleague, Senator BAUCUS, and our neighbor to the south, Senator WALLOP. It is right that Montana and Wyoming Senators should be speaking in opposition to this amendment because both of our States have felt the impact of mining and found that once a mineral is extracted there are still plenty of social needs to be met, not just during the time of mining but also afterward. So when we find an amendment to regulate State taxes, it is an intrusion into State revenues of the greatest magnitude, as this amendment would do. We recognized there is an unusual step being taken and we should be here to protect our State.

There are a number of States in the continental United States that produce coal, and it is interesting, in my judgment, that the Senator from Illinois would be offering this amendment because Illinois, too, is a coal-producing State.

There is no question in any of our minds that there is currently a glut of coal on the market available, and there is no question in the minds of any of us from coal-producing States of our ability to keep up with the demand for coal that is projected in the next decade and for even the remainder of this century. There are plenty of mines available to meet that demand and hopefully there will be a better balance between supply and demand than there is currently because there is an oversupply of coal, and it leads me to this point:

Since there is plenty of coal available now and for the remainder of the century and on into the next century, is it not fair to ask whether or not competition in the marketplace should decide whether on State's coal severance tax is too high as compared to other States?

If that is a fair question and a fair method for determining whether or not coal severance taxes in various

States are too high, then it must be obvious to all that whatever the State decides as an appropriate amount for a coal severance tax, as long as the Nation is served with abundant supply of coal, no State is looked upon as having captured the market to the detriment of other regions of the country, and surely the premise of this amendment then must fall, because the premise of the amendment, as I understand it and as I read it, is that the coal severance taxes in certain States are too high and interfere with interstate commerce.

That premise cannot be true since there is abundant supply of coal from my State of Montana that has not found a market, there is an excess supply of coal from the neighboring State to Montana to the south in Wyoming that has not found a market, and there is coal available to the east of Montana in North Dakota that has not found a market. So there are three Western States with various patterns of taxation of the coal that is produced which can be generally termed severance taxes where there is a supply of coal that is available and yet there is no market.

In fact, what it does say is that western coal and eastern coal are balancing out no matter that western coal carries a higher severance tax in general as compared to coal from Eastern States in the eastern part of the country or the midwestern part of the country.

However, if there were some evidence that the basic premise of the amendment of the Senator from Illinois is based on, that is, interference with interstate commerce, if there were some indication of that that seemed to be conclusive to part of this body, then it would still put us up against a very crucial test of whether the Senate and the House of Representatives, Congress, should interfere with the State's basic right of taxation.

I would say that at this time there is absolutely no evidence at all that available supplies of coal are not competitive in the market. They do come from various States with various taxes, with different arrangements for taxes, some of them called severance taxes and some of them called by other names. So it would be highly improper for Congress to interfere in the State's authority as individual sovereign States to determine whether or not the taxes imposed by that State were undue and unnecessary.

I can reaffirm what my colleague from Montana and our colleague from Wyoming have said that indeed the impacts are there and the needs are there and the State has established a fair and equitable means for collecting taxes from coal to pay for those needs within the State to meet the impact of those areas that are producing the

coal and the effect it has on the entire State.

If we are to have our druthers around here in this body or throughout the country, I would suspect that Montanans might well say to my friend from Illinois:

We would like to see some way for the State of Illinois to remove the taxes on Caterpillars. We buy Caterpillars and the parts to repair Caterpillar tractors and equipment, so we would like to see the State of Illinois somehow reduce the taxes within Illinois so the Caterpillars and the parts could be priced more reasonably for us.

We seem to be on the short end of the stick very often in the Western States. We pay the freight both ways, pay the freight on getting the Caterpillar out there, excessively high in our estimation, and we pay what we think is a pretty high price for the equipment to begin with.

So if we had our choice around here, there would be a lot of us devising advice in the taxation of various States so that the products that we buy from that State could be much cheaper.

Well that is not the way it works. We each have to run our States as best we can. Our legislatures and the people of our State thought long and hard on this question of severance taxes for coal and have set it at a certain level. We believe that it is proper. We believe that it is necessary. And still the coal is attractive, for instance, in the Midwest, and indeed some of our Montana coal is used in the State of Illinois. I would point out to my friend from Illinois that most of the high charge on that coal in several of those contracts is due to the cost of transporting the coal from the mine mouth to where it is going to be utilized in various States, including Illinois, and is from the freight charges, not from the cost of production of the coal nor the taxes associated with it.

I think it is fair to say that this amendment has no place here on this floor at this time. I hope it does not cause long delays and further consideration of it. We have said enough in defense of our position for our States.

Mr. BUMPERS. Mr. President, I will not belabor the point that the Senator from Illinois has made. But I just want to say that I offered an amendment in this body a couple of years ago to limit the severance taxes that any State could levy on Federal coal to 12 percent of the value of the coal, that is—a \$10 ton of coal would be taxed \$1.20. But my amendment only covered Federal coal, coal on U.S. lands.

At that time, there was a case pending in the U.S. Supreme Court where a number of States had challenged the right of Montana and Wyoming to levy excessive taxes on coal that belonged to the U.S. Government. I had thought from my second year in law

school, under the old McCulloch against Maryland decision, that the U.S. Supreme Court had said that States may not tax Federal entities. And that is where the famous rule was handed down saying the power to tax is the power to destroy and this Republic cannot survive if we allow States to tax the Federal Government. Frankly, at the time, I had absolutely no question in my mind but that the Supreme Court would strike down the severance taxes levied by Wyoming and Montana.

Now this pains me to be saying these things because of my inestimable respect for the distinguished Senators from those two States. But, by the same token, I am sent up here by the electorate of Arkansas, who happens to be importing 13 million tons of coal a year from the State of Wyoming. And that translates into \$22 million that Arkansas, with the second lowest per capita income State in the United States, is sending to the good people of Wyoming every year.

Now some of that coal belongs to the people of Arkansas, because they are a part of the United States and this coal belongs to the people of the United States. So the people of my State are being taxed on coal that they own. And I do not think anybody could defend that as a very equitable arrangement.

That happens to translate into \$11 for every man, woman, and child in my State—bear in mind again the poorest State—no, the next to poorest.

I thought that I was being exceptionally generous when I offered an amendment to limit severance taxes that any State could levy on coal belonging to all the people of the United States to 12 percent. I am just glad we are not getting the coal from Montana because, if we were, it would be costing us \$20 for every man, woman, and child in the State of Arkansas.

I just walked on the floor. I thought the nuclear freeze was pending and I just walked on the floor to maybe discuss that a little bit and found out that this amendment was pending. It is something that has been near and dear to my heart for years, and I have taken this opportunity to vent some of my thoughts about it.

I am not all sure the Federal Government ought to just summarily preempt all severance taxes on all resources as the amendment would do.

I think the Senator from Illinois intends to withdraw his amendment. His amendment is indeed rather draconian. But I understand that he has been guaranteed hearings next year on it, and I hope the Senator from Illinois will keep me posted from time to time on what, if any, progress is being made in this.

My facts on this are cold, but at one time I had statistics showing how

much of Montana and Wyoming's budget came from severance taxes. The people in these States are good people and the Supreme Court has said they have a right to do what they are doing, but that is a very clinical decision by the Supreme Court, which, incidentally, I think is wrong. But I am not one of those people that wants to strip the Court of jurisdiction every time I happen to disagree with them.

And I do not personally fault the Senators from their States who are trying to defend this. It is very important to their States. It is a very significant part of their budget. But to penalize States like mine demands that I rise in righteous indignation and state that I consider it patently unfair.

I hope that at some time this body will address this issue on a very reasonable basis. But my idea is not to penalize the people of Arkansas. Surely, there is some middle ground here that the Members of Congress can find to address what is a terrible inequity that adversely affects the people who sent me here to represent them.

I yield the floor Mr. President.

Mr. MURKOWSKI. Mr. President, I rise in opposition to the amendment offered by the Senator from Illinois. His amendment cuts to the very heart of a State's right to maintain its traditional authority and jurisdiction over State taxation. Traditionally, the States have been given wide latitude in the exercise of their taxation powers. The Congress has been wisely reluctant to interfere with that taxing power, and we have sought to avoid conflicts between congressional action and the methods of taxation traditionally utilized by the States to generate revenues. I submit that now is not the time to alter this approach. Any action that reduces the ability of State governments to generate revenues could severely jeopardize the functioning of State governments and the welfare of our citizens.

The Senator from Illinois is proposing that the Federal Government get into the business of dictating the parameters of a State's taxation privileges. Well, what is good for the goose is good for the gander. I would ask the Senator from Illinois if it would "play in Peoria" if we chose to limit the States' ability to tax income from manufactured goods? Manufacturing accounts for about 83 percent of the value of goods produced in Illinois, and it is the centerpiece of Illinois' economic base.

Oil and gas production is the centerpiece of my State's economic base. Revenue from that production is the means by which we hope to build the infrastructure and provide the services that States such as Illinois have had for years.

You may hear arguments during the course of this debate that a State's mineral severance taxes somehow get

passed along to consumers in nonproducing States. This contention simply is not true. Numerous studies have shown that the incidence of severance taxes falls primarily on landowners and leaseholders rather than on consumers. The tax for the most part is paid by those who own the lands, or the development rights to those lands.

For example, in 1982, the Congressional Research Service (CRS) did a study on this very issue in relation to the Alaska oil severance tax. They came to the important conclusion that most of Alaska's oil severance tax is not shifted forward to energy consumers.

Furthermore, they found that the inability of Alaskan producers to pass these taxes forward in higher prices was, in fact, costly to the State in output. This was found to be true because, over time, the market reacts to higher prices by substituting oil from other sources for the Alaskan oil. This reduction in demand for Alaskan oil forces producers to reduce output and moderate price increases.

CRS concluded that the tax is actually paid by a combination of the factors of production in Alaska oil through some combination of reduced royalties, profits, and wages for resource owners, producers, and labor.

Mr. President, what the Senator from Illinois is proposing here today creates a dangerous precedent which will create new and severe problems for every Senator from every State. I urge its rejection.

Mr. WALLOP. Mr. President, I guess that the Senator is either ready to do something on this amendment or, if the Senator from Illinois would wish, I would suggest to him that my Subcommittee on Energy and Agricultural Taxation might be a more appropriate arena in which to hear both sides—that expressed by the Senator from Illinois and the Senator from Arkansas, as well as by those of us who feel that it is unfair.

I would again reiterate two things. One is that it has withstood the constitutional test, so that cannot be an argument amongst us any longer.

I would say to the Senator from Arkansas if his citizens are, in fact, paying \$22 million, he probably does have a case against us, because that is about a quarter of all the State of Wyoming picks up. To my knowledge, we do not ship a quarter of all the coal we produce to Arkansas. I wish we did. If, in fact, it was that unfair, he would probably have a case.

At any rate, we will hold a hearing at some time during the coming year on these issues and perhaps somebody can enlighten me as to why I should change my mind. I would not tell the Senator that I am going into the hearing unprejudiced, because I have very deep-seated feelings. Nevertheless, I would listen to anything presented.

Mr. DIXON. Let me say to my friend that I respect his views. I respect them. He has the interests of the people of his State. At the same time, I appreciate his offer as chairman of the jurisdictional subcommittee to give me the opportunity for hearings, at which time I would hope that we can make the kind of case that might even be persuasive to the talents of men like the distinguished Senator from Wyoming, my friend the distinguished Senator from Montana who spoke initially so eloquently against this measure, his colleague from Montana, and my friend from Alaska.

With that understanding that there will be an appropriate occasion, and I presume it will have to be next year in view of the time limits this year, when I can make a case for my point of view, I would be willing at this time, Mr. President, to withdraw the amendment subject to the understanding that a hearing would be afforded me in the committee of the Senator from Wyoming sometime next year.

Mr. WALLOP. Mr. President, I would offer such an understanding to the Senator from Illinois that we will hold a hearing sometime next year. I will say to the Senator from Illinois I fervently hope he does not hold his breath until the Senator from Wyoming changes his mind because I do enjoy playing golf with him and his company on the floor. But I will listen to him. I will listen to the arguments presented. Clearly, I do not control the vote of any others in Congress but my own.

Mr. DIXON. I have seen in the course of my lifetime many miracles. Perhaps one will occur again in this case on the occasion of the Senator, who is such a fair-minded man, giving me a hearing before his subcommittee of the Finance Committee. I do withdraw the amendment, Mr. President, under that understanding.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. KENNEDY addressed the Chair. The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. In accordance with the agreement of the leaders last week, I ask unanimous consent that the pending amendment be temporarily set aside.

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

#### AMENDMENT NO. 2476

(Purpose: To call for a mutual and verifiable freeze and reduction in nuclear weapons)

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

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Massachusetts (Mr. KENNEDY), for himself and Mr. HATFIELD, proposes an amendment numbered 2476.

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:

At the appropriate place in the resolution add the following new section:

**NUCLEAR WEAPONS FREEZE AND REDUCTIONS**

SEC. . The Congress finds that the greatest challenge facing the Earth is to prevent the occurrence of nuclear war by accident or design.

Mr. KENNEDY. Mr. President, I send a perfecting amendment to the desk.

The PRESIDING OFFICER. The Senator is informed that he needs unanimous consent to perfect his amendment.

Mr. KENNEDY. Mr. President, I ask for such consent.

The PRESIDING OFFICER. Is there objection?

Mr. WALLOP. Objection.

The PRESIDING OFFICER. Objection is heard.

The question before the Senate is the amendment—

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. 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. KENNEDY. 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.

**AMENDMENT NO. 2477**

(Purpose: To call for a mutual and verifiable freeze and reduction in nuclear weapons)

Mr. KENNEDY. Mr. President, I ask that the perfecting amendment be considered.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts (Mr. KENNEDY), for himself, Mr. HATFIELD, Mr. BAUCUS, Mr. BIDEN, Mr. BINGAMAN, Mr. BRADLEY, Mr. BURDICK, Mr. CRANSTON, Mr. DODD, Mr. EAGLETON, Mr. GLENN, Mr. HART, Mr. HUDDLESTON, Mr. LEAHY, Mr. LAUTENBERG, Mr. LEVIN, Mr. MATSUNAGA, Mr. MELCHER, Mr. METZENBAUM, Mr. MITCHELL, Mr. MOYNIHAN, Mr. PELL, Mr. RIEGLE, Mr. SARBANES, Mr. STAFFORD, and Mr. TSONGAS, proposes an amendment numbered 2477.

In the first degree amendment offered by Mr. Kennedy and Mr. Hatfield, strike after "Nuclear Weapons Freeze and Reductions" and insert the following:

SEC. (a) The Congress finds that—

(1) the greatest challenge facing the Earth is to prevent the occurrence of nuclear war by accident or design;

(2) the nuclear arms race is dangerously increasing the risk of a holocaust that would be humanity's final war; and

(3) a mutual and verifiable freeze followed by reductions in nuclear warheads, missiles, and other delivery systems is needed to halt the nuclear arms race and to reduce the risk of nuclear war.

(b) As an immediate arms control objective, the United States and the Soviet Union should—

(1) pursue an immediate and complete halt to the nuclear arms race;

(2) decide when and how to achieve a mutual verifiable freeze on the testing, production, and further deployment of nuclear warheads, missiles, and other delivery systems; and

(3) give special attention to destabilizing weapons whose deployment would make such a freeze more difficult to achieve.

(c) Proceeding from the freeze, the United States and the Soviet Union should pursue major, mutual, and verifiable reductions in nuclear warheads, missiles, and other delivery system, through annual percentages or equally effective means, in a manner that enhances stability.

Mr. KENNEDY. Mr. President, I offer this amendment on behalf of myself and the Senator from Oregon, Senator HATFIELD, and 27 other cosponsors. They are Senators BAUCUS, CRANSTON, HUDDLESTON, LEAHY, METZENBAUM, MOYNIHAN, PELL, SARBANES, TSONGAS, GLENN, LEVIN, LAUTENBERG, BIDEN, HART, DODD, BINGAMAN, MATSUNAGA, BRADLEY, BURDICK, EAGLETON, MELCHER, MITCHELL, RIEGLE, STAFFORD, BUMPERS, PROXMIRE, and INOUE.

Mr. President, this afternoon, the full Senate will have its first opportunity to vote on the nuclear weapons freeze issue. The fundamental rationale for the freeze is the self-evident proposition that the best way to stop the nuclear arms race is to stop it. That is why Senator HATFIELD and I and 32 other cosponsors of the nuclear freeze and reductions resolution first introduced this proposal in March 1982. That is why we have pressed it before the Foreign Relations Committee for the past 19 months, and that is why we are pressing it here on the Senate floor today.

Our nuclear freeze resolution is now on the Senate Calendar, ready for Senate action. As supporters of the freeze, we would have preferred that the resolution be brought up for full debate in its own right. But the most important thing is for the Senate to be able to vote this year on the freeze, and the present strategy seems to be the only way to achieve that goal.

Twenty years ago, at American University, President Kennedy called for a treaty to ban nuclear tests—as the first step in a strategy of peace to ban nuclear war.

The words he spoke then ring now with a timeless truth. Despite loose talk today about a nuclear warning

shot and a winnable nuclear conflict, we know the abiding truth of his warning then that "total war makes no sense" in this age. And so we insist once more as clearly as we can that there is no such thing as a limited nuclear war.

In the dangerous times of the present, I believe that we must demand a national leadership which will spend less time preparing for nuclear war—and more time preventing one.

On the arms race, the essential truths of 1963 remain the same in 1983. But some things have changed—and many of them for the worse.

We found reason for hope in the Test Ban Treaty and other agreements that followed it. At least, we have not fought the third and last world war. At least, we are all still here.

But that is also far less than we could have sought—and far less than we should have achieved. For the mere absence of war has been accompanied by the increasing insecurity of a precarious nuclear peace. The knife's edge of the nuclear balance has been steadily sharpened. Arms control has often been twisted into a means for managing a faster arms race. In 1960, the combined total of deliverable nuclear explosives on station on both sides was 6,500. By 1983, that lethal number has multiplied by sevenfold to 50,000.

While the negotiators have bargained, their governments have developed and deployed new missiles with more warheads, greater accuracy, and shorter warning time. Relentlessly, we have reduced the narrow span of minutes in which the fate of humanity can be decided by human beings.

The U.S. Senate has failed to ratify SALT II and other relatively modest treaties which would widen a little the margin between our existence and extinction. In Moscow, Soviet leaders reach for potential first strike weapons. In Washington, the President claims he favors arms control and that his administration has proposed it—but, in fact, and sometimes in the strongest terms, he has opposed every single arms control agreement since he entered public life two decades ago.

So we have come to the dangerous place where we now find ourselves—in the midst of cold war two. We can continue to practice that brinkmanship—and to proclaim our own toughness. And if those who advocate such mindless toughness prove to be mistaken, and their mistakes lead to the last great war, they may be safe in a protected bunker, inside a mountain and behind steel doors. But the rest of the Earth will be dying—and there will be few if any of us around to blame them for the most catastrophic error in all recorded history.

I reject that risk—and I reject the advice that we must not offer an alternative because it will undermine the present negotiations. That is what other administrations have said in their effort to mute dissent in other dark days on other difficult issues. And in the case of Vietnam, tens of thousands of Americans and hundreds of thousands of Vietnamese died before the lesson was learned that the answer to failure is not more of the same.

The greatest strength of a free society is that we can differ and speak out; we can develop and stand for different policies. On the nuclear issue, that strength may be the saving virtue of our national life and the life of all the world.

We now have the obligation and the opportunity to turn aside from another cold war—and to create instead a new strategy of peace. That strategy must be based on a realistic assessment of our relationship with the Soviet Union.

For too long, we have strayed between two misconceptions about the Russians—between overblown illusions of cooperation and overstated notions of confrontation. An arms control treaty will not tame Soviet misconduct in other areas and the refusal to negotiate such an agreement, even when it is in our national interest, will not free Afghanistan or break the repression in Poland.

In short, we cannot punish the Russians by raising the risk of nuclear war. We hear about linkage—but we must not forget our fundamental common link as people on this planet—that we shall all live or die together.

We shall find ourselves at odds with the Soviet Union far into the foreseeable future. We need not fear an economic competition—for our economy is rich in resources and potential and capable of performing at much higher levels than it has in recent years. The Soviet economy is inefficient, corrupt, and dependent on the catalyst of Western technology.

Nor need we fear an ideological rivalry. We believe in individual liberty and human dignity and with inspired leadership, that belief can have the most powerful appeal, as it has in the past, to the rest of the world. How many immigrants have ever moved to the Soviet Union in search of a better life? In this arena, the Soviets can gain only when we betray our own best ideals.

The one place where the Russians know they can compete is in military power—and they will pay any price to prevent us from forcing them into a position of military inferiority. We can and we should maintain strategic parity—which requires a sufficient and a secure deterrent. We can and we should strengthen our conventional

forces so that we can limit our reliance on nuclear retaliation during a crisis.

But for both great powers, arms control is a far saner way to preserve strategic parity than an endless arms race. Despite the differences which divide the United States and the Soviet Union today, and which will divide us for years or generations to come, what must unite us is an unflinching determination to avoid nuclear annihilation. We must seek to maintain our freedom and the peace at the same time, for there will be no such thing as liberty in a lifeless land.

The United States and the Soviet Union now possess the equivalent of 3 million Hiroshima bombs—a total of 4 tons of TNT for every man, woman, and child presently living on this planet. Even in the unlikely event of a successful Soviet first strike against our land-based missiles, we would still have over 3,500 warheads at sea and on bombers—enough to destroy every Soviet city and town seven times over. The Secretary of Defense and the members of the Joint Chiefs of Staff have testified that they would not exchange the deterrent forces of the United States for those of the Soviet Union.

Because this is so, a year ago, a number of us in Congress took up a cause and a challenge that has already stirred at the grassroots across this country. We called for an immediate mutual, and verifiable freeze on the testing, production, and deployment of Soviet and American nuclear weapons. That idea has enlisted the energies of ordinary citizens everywhere—and in every region of America, wherever they have had the chance, citizens have voted overwhelmingly for a freeze.

Those who oppose a nuclear weapons freeze have put forth a changing array of arguments that range from the disingenuous to the dishonest.

First, we repeatedly hear the outright falsehood that the freeze is somehow unilateral. The purveyors of that distortion either cannot read the resolution or care more about making their case than keeping to the facts. Perhaps they think that if they repeat themselves often enough, they can fool at least some of the people some of the time into believing some of their false charges.

The freeze is plainly, unequivocally, and indisputably bilateral. In supporting it, we do not and would not suggest that Americans on the other side want a nuclear war. So I wish they would stop suggesting that, in some sense, we want unilateral disarmament.

Second, the opponents of the nuclear freeze contend that we cannot halt the arms race in the face of a continuing Soviet buildup. In fact, a bilateral freeze is the best way to prevent that buildup. It would halt the entire new generation of weapons which the Sovi-

ets are now developing—including the Blackjack bomber, the Typhoon missile, and new cruise and land-based mobile missiles. The cries of alarm about Soviet advances in the future amount to a compelling reason to freeze the present balance of forces—and to stop the threatening trends now.

The administration instead prefers to respond with massive American military spending and a massive American military build-up. But the lesson of the last generation is that the Soviets will match us bomber for bomber, missile for missile, warhead for warhead.

Third, we are told that a freeze at this time would prevent us from perfecting our own deterrent—for example, by creating a new type of bomber which, for at least a while, will be less vulnerable to Soviet defenses. But at any time, there will always be some imperfections in the military forces on either side—and that reality can be used every time to justify just one more little round of the arms race. That is all they want, they say, and then we will have enough. But the Soviets have learned to make that argument too. And so we drift, as Einstein said, toward unparalleled catastrophe. We must reject policies which claim for the moment to make the world a little more secure, but in the end make the world a more unsafe and unstable place.

Fourth, our opponents say that a freeze is impossible to verify. This may be the most deceptive contention of them all, for impartial experts have testified again and again that a freeze is at least as verifiable as and probably more so than other arms control agreements, including the President's own START proposal. Moreover, we have made it clear from the beginning that anything which cannot be verified will not be frozen. The administration had better be careful—or their careless and baseless attacks on verification will become a basis and a rallying cry for extremists who will oppose any and every arms accord. We do not advocate a freeze because we trust the Russians, but we do distrust those who would continue the arms race at any and all costs.

Fifth, some opponents of the freeze argue that it is inappropriate to press the issue now, because we must not pull back from the planned deployment of the Pershing II and ground-launched cruise missiles in Europe. The Kennedy-Hatfield amendment calls for a global nuclear weapons freeze between the two superpowers. We reject a freeze in Europe alone. We must not put the nuclear weapons cart before the arms control horse. Our overriding goal should be to secure a nuclear weapons freeze that prevents any further escalation of the nuclear

arms race—not only in Europe but in every other region of the world.

Finally, there are opponents of the nuclear freeze who explain that they favor reductions instead. But there is a darker side to their slogan. Reductions are not all they want. While professing limits in some areas, they want no limits on the newest and most modern weapons—which are also the costliest and the most threatening.

Indeed, the administration's own START proposal for reductions proves the point. For example, it would permit us to build the B-1 bomber—which is nothing more than a supersonic Edsel in the sky. And the administration's proposal would even permit the unrestrained pursuit of their new star wars scheme for outer space—which would open another arena for the arms race and set another tripwire for nuclear war.

You know, this really is a very strange idea. We cannot found national policy on fond memories and radio serials, dreams of the Old West, and the thrilling days of yesteryear. We must reject the preposterous notion of a Lone Ranger in the sky, firing silver laser bullets and shooting missiles out of the hands of Soviet outlaws. The best defense against nuclear war is arms control and then disarmament.

The administration answers that we need the threat of new weapons as bargaining chips for negotiation. And they say we need the MX missile because of the window of vulnerability. Now let us all try hard to understand this. Mr. Reagan claimed we were vulnerable because the Russians could hit and destroy our existing Minuteman silos. So he appointed a Commission which reviewed every conceivable solution to the problem of Minuteman vulnerability. And do you know what they came up with, Mr. President? They want to put the new MX missile in the old, vulnerable Minuteman silos. You know what this is like? It is like having a car that is getting wet because of a leaky garage roof—and then trying to solve the problem by changing the make of the car.

The President has already declared that the MX is not on the bargaining table at the START talks—that he will never trade it away. So let us say now—it is time for Congress to take it away. It is time for the President of the United States to admit that the MX is a mistake—that it is a missile without a mission and a weapon without a home. It is time to make it clear that, even by the administration's own logic, the MX in Minuteman silos is a sitting duck and to state clearly that, by any rational standard, the MX missile in any form should be a dead duck.

Both sides should renounce forever the pursuit of the phantom of nuclear superiority. We must free our diplomacy from the myth that more megatons mean bigger bargaining chips. We

must reject the foolish theory that we can have fewer bombs tomorrow if only we have more bombs today. The administration defends this as a negotiating strategy. I call it voodoo arms control.

We must ask a simple question of them. Instead of piling overkill upon overkill, why not start now with a freeze? Why not stop where we are—so that, at last, we can begin to turn the arms race around?

We face a new and uncertain time. The continued advance of technology will move us steadily back from the possibility of peace. But a nuclear freeze can give the two great powers breathing room before they rush into a nuclear future that may threaten the future itself. It can halt new technologies that will be dangerous and destabilizing, and may be impossible to stop once they are started.

Some critics say that the freeze does not go far enough—which is what so many of them said 20 years ago, when a test ban treaty was proposed. We remember the answer that was given then: "A journey of a thousand miles begins with a single step." And so today, we reply: The long journey of survival in the nuclear age begins with the nuclear freeze.

Support for the freeze does not mean that we seek a weaker America. We have watched in recent months as ministers of the Gospel have been urged to preach in favor of an escalating arms race. But in the Scriptures I have read, nowhere does it say: Blessed are the warmakers and the munition manufacturers." We have witnessed the revival of McCarthyite tactics which equate dissent with disloyalty and which imply that the advocates of a freeze are, somehow or other Soviet dupes or pawns. But someone should tell the apostles of this reincarnated Red Scare that the freeze movement began in Massachusetts and Vermont, not in Moscow and Vladivostok.

Support for the freeze does not mean opposition to a strong national defense. I favor a real growth of 5 percent in the military budget to assure that readiness and reliability of our forces. The President is demanding twice as much. We cannot afford military waste which weakens the Nation—and which has subverted the national consensus of sustained improvement in our defenses, especially our conventional capability. Instead of lavishing our treasure on first-strike weapons, let us spend it on first-class schools.

And let us never forget that national security includes the condition of our society as well as the size of our missiles. The world in an arms race is also a world impoverished. For America, running that arms race cripples our capacity to do anything else.

Today we are cutting immunization for children in order to finance the weapons that may someday kill them. Every new shelter for a missile means fewer homes for our families. Every new warhead guidance system that can read enemy defenses means more pupils who will not learn to read. Every new escalation that could mean death at an early age across the Earth also darkens the golden years of our senior citizens now.

We hear rhetoric from our highest officials about eliminating budgetary waste. If they are serious, let them enter into a nuclear freeze; let them pursue nuclear reductions; let them eliminate the expenditures that now make a desert of our dreams—and that someday could make a cold wasteland of all the Earth.

What more can we gain if we drain more of our resources into nuclear overkill? The American and Soviet arsenals are already bristling with weapons that could kill more people, burn more buildings, and sack more cities than in all the conflicts from the beginning of history until now. The greatest works of human enterprise and spirit could be vaporized in the single instant by the most terrible work of human invention. Despite all our bombs and all our missiles, we stand essentially defenseless upon a stage on which the human drama could be closed in the flashing of a fireball.

As an American, I believe in a national defense second to none, sufficient to deter any attack from any adversary. But I also believe that we must preserve and protect a world which is now only a second away from nothingness.

A moment of history and a sense of hope calls all of us to a work as great as any that has gone before—indeed the greatest work of our time and of all time—the work of peace. The challenge comes especially in this decade because the danger has become so present and so clear. The difference each of us can make, if all of us will try, may make the difference between peace and war, between a just society and a garrison state.

Let us resolve that this Atomic Age will not be succeeded by a second Stone Age. Let us stop the nuclear arms race, before it stops the human race.

Mr. President, I ask unanimous consent that a fact sheet on my amendments may be printed in the RECORD.

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

FACTSHEET: KENNEDY-HATFIELD NUCLEAR WEAPONS FREEZE AND REDUCTIONS AMENDMENT No. 2464

Purpose and Provisions: The nuclear weapons freeze and reductions amendment is based on the self-evident proposition that the best way to stop the nuclear arms race

is to stop it. The amendment calls for a mutual and verifiable nuclear weapons freeze between the United States and the Soviet Union, followed by reductions in the nuclear arsenals on both sides.

The freeze applies to the "testing, production and further deployment of nuclear warheads, missiles, and other delivery systems." The reductions are to be achieved "through annual percentages or equally effective means."

The freeze and the reductions are to be carried out with special emphasis upon destabilizing weapons.

A freeze is workable, because both the United States and the Soviet Union are now at essential nuclear equivalence. As the attached charts indicate, we are ahead in some areas, and they are ahead in others; but overall we are at parity. By the crucial measure of warheads, the United States is actually ahead, by 9,900 to 7,800.

The freeze by its explicit terms is bilateral; it is not unilateral disarmament; it is the only arms control proposal that will stop the nuclear arms race on both sides, and that will halt the Soviet Union's development of more powerful bombers, missiles, and warheads (see charts).

The history of the nuclear arms race since 1945 proves the irrationality of pursuing the phantom of nuclear superiority. The Soviet Union will match us warhead for warhead and missile for missile as the arms race escalates to higher and higher levels of danger and uncertainty.

The freeze is also the only arms controls proposal that offers the real prospect of substantial budget savings. If a comprehensive freeze is successfully negotiated, it will save \$100 billion over 5 years.

Support for the freeze: The nuclear freeze and reductions resolution has been endorsed by prominent experts such as William Colby, George Ball, Clark Clifford, Henry Cabot Lodge, Averell Harriman, George Kennan, Gerard Smith, Paul Warnke, Hans Bethe, General James Gavin, Admiral Noel Gayler and Ambassador Thomas J. Watson, Jr. It has been adopted in referenda by 9 of the 10 states that have considered it, by 370 city councils, by 71 county councils, by 46 New England town meetings, and by 15 state legislatures.

Harris and ABC News/Washington Post polls after the Soviet destruction of the Korean jetliner, found continuing support for the freeze, with 77 percent (Harris) and 80 percent (ABC/Post) of Americans favoring such a freeze. In a July poll by the National Association of Evangelicals, 60 percent of evangelicals supported the freeze.

Verification: In fact, a freeze is probably more verifiable than other arms control agreements. Intelligence experts such as former CIA Director William Colby and former CIA Deputy Director Herbert Scoville have clearly stated that a nuclear freeze is verifiable. In any event, anything that can be verified will not be frozen.

European Missile Deployment: The amendment calls for a global freeze and reductions, not a Europe-only freeze. Whatever the outcome of the current INF negotiations and the planned deployment of U.S. Pershing II and cruise missiles in Europe, a global freeze on nuclear weapons is in the highest interest of the security of the United States. A freeze would be negotiated only after full consultation with our NATO allies and Japan.

Build-down: Although the build-down proposal is better than START, it is still far from good enough. Its fatal flaw is that it is

not just a build-down; it is also a build-up, because it permits the continued development and deployment of the MX missile and other dangerous and destabilizing new weapons systems. The nuclear weapons freeze is the only arms control proposal which stops MX and its Soviet counterpart (SSX), and which deals with both the quantitative and qualitative aspects of the nuclear arms race.

CHART 1.—UNITED STATES-SOVIET STRATEGIC BALANCE

	United States	Soviet Union
<b>Warheads:</b>		
Land	2,150	5,900
Sea	5,000	1,600
Air	2,750	300
<b>Total</b>	<b>9,900</b>	<b>7,800</b>
<b>Launchers:</b>		
Land	1,050	1,398
Sea	544	920
Air	375	150
<b>Total</b>	<b>1,969</b>	<b>2,468</b>
<b>Destruction power (equivalent megatons):</b>		
Land	1,400	4,900
Sea	825	1,150
Air	1,650	300
<b>Total</b>	<b>3,875</b>	<b>6,350</b>
<b>Payload (lifting power; 1,000 lbs):</b>		
Land	2,450	10,025
Sea	1,700	2,175
Air	23,500	5,100
<b>Total</b>	<b>27,650</b>	<b>17,300</b>

Source: The Harvard Nuclear Study Group "Living With Nuclear Weapons," Bantam, p. 120 (1983).

CHART 2.—COMPARISON OF EFFECTS OF FREEZE AND START ON NEWER SOVIET STRATEGIC WEAPONS

Weapon	Under freeze	Under START
Backfire bomber	180	400
Blackjack	1	1
Typhoon missile	20	1,200
New solid-fuel ICBM	0	1,200
Accurate cruise missile	0	3,500

CHART 3.—COMPARISON OF EFFECTS OF FREEZE AND START ON THE SOVIET HEAVY STRATEGIC BOMBER PROGRAM

Bomber characteristics	Under freeze; limited to the TU-95 (Bear bomber)	Under START; Blackjack bomber goes forward
Power	Propeller	Jet.
Maximum speed	500 knots (subsonic)	1,200 knots (supersonic).
Variable-sweep wings	No	Yes.
Low altitude penetration	No	Yes.

Mr. KENNEDY. Mr. President. I also ask unanimous consent that a table showing grassroots support across the country for the freeze may be printed in the RECORD.

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

I. STATE AND LOCAL NUCLEAR FREEZE REFERENDA RESULTS—GRASSROOTS SUPPORT FOR NUCLEAR WEAPONS FREEZE

	Percent for a freeze	Percent against a freeze
Arizona	41	59
California	53	47
Massachusetts	74	26
Michigan	57	43
Montana	57	43
New Jersey	67	33
North Dakota	58	42
Oregon	62	38
Rhode Island	59	41
Wisconsin	75	25
District of Columbia	70	30
<b>Counties:</b>		
Butler (PA)	54	46
Cook (IL)	71	29
Dade (FL)	58	42
Erie (PA)	65	35
Independence (AR)	53	47
Izard (AR)	52	48
Mesa (CO)	47	53
North Star (AK)	46	54
Okanagan (WA)	65	35
Pitkin (CO)	75	25
Stone (AK)	40	60
Suffolk (NY)	69	31
Thurston (WA)	64	36
Washoe (NV)	60	40
<b>Cities:</b>		
Albert Lea (MN)	60	40
Anchorage (AS)	53	47
Bemidji (MN)	66	34
Brattleboro (VT)	98	2
Columbia (MO)	59	41
Denver (CO)	62	38
Golden (CO)	62	38
Hamden (CT)	68	32
Juneau (AS)	58	42
Kearney (NE)	50.4	49.6
Longmont (CO)	54	46
Manchester (CT)	73	27
Medina (WA)	55	45
Meriden (CT)	70	30
New Haven (CT)	72	28
North Bradford (CT)	64	36
Norwalk (CT)	56.5	43.5
Philadelphia (PA)	75.5	24.5
Springfield (MO)	52	48
Southbury (CT)	62	38
Torrington (CT)	58	42
Weehersfield (CT)	52	48
Winnetka (IL)	58	42

SUMMARY OF REFERENDA

Beginning in Western Massachusetts in November, 1980 and most recently in St. Augustine, Florida in May, 1983, U.S. citizens have continued to favor the Freeze resolution with an overall vote count better than 60%-40%. Balloting on the Freeze has occurred in ten states and the District of Columbia, and in a total of 47 towns, cities, and counties, in as varied locations as North Dakota; Izard County, Arkansas; Chicago, Illinois; and Juneau, Alaska. In the total number of Freeze referenda (58), fifty-three have been victories for the Freeze.

II. OTHER COMMUNITIES THAT HAVE APPROVED A NUCLEAR WEAPONS FREEZE

370 CITY COUNCILS

Red Bay, AL; Tuskegee, AL; Eureka Springs, AR; Fayetteville, AR; Little Rock, AR; Flagstaff, AZ; Jerome, AZ; Tucson, AZ; Azusa, CA; Baldwin, CA; Carmel-By-The-Sea, CA; Cupertino, CA; Garden Grove, CA; Rialto, CA; Roseville, CA; San Jose, CA. South El Monte, CA; \*Arcata, CA; \*Atascadero, CA; \*Baldwin Park, CA; \*Davis, CA; \*Eureka, CA; \*Lafayette, CA; \*LaVerne, CA; \*Los Angeles, CA; \*Los Gatos, CA; \*Palo Alto, CA; \*Pleasant Hill, CA; \*Sacramento, CA; \*Santa Monica, CA. \*Stockton, CA; \*San Francisco, CA; \*Ukiah, CA; Aspen, CO; Breckenridge, CO; Durango, CO; Estes Park, CO; Georgetown, CO; Longmont, CO; Nederland, CO; Silver

Plume, CO; Snowmass Village, CO; Telluride, CO; Bloomfield, CT.

Bristol, CT; Coventry, CT; Danbury, CT; Farmington, CT; Hamden, CT; Hartford, CT; W. Hartford, CT; Manchester, CT; Mansfield, CT; Middletown, CT; New Haven, CT; New London, CT; Plainville, CT; Waterford, CT; Newark, DE; Rehoboth Beach, DE.

Wilmington, DE; Gainesville, FL; Redington Beach, FL; St. Petersburg, FL; Sanibel, FL; Atlanta, GA; Honolulu, HI; Aurora, IL; Barrington, IL; Calumet City, IL; Carbondale, IL; Chicago, IL; DeKalb, IL; East St. Louis, IL; Elgin, IL.

Elmhurst, IL; Evanston, IL; Glencoe, IL; Flossmoor, IL; Highland Park, IL; Morton Grove, IL; Niles, IL; Normal, IL; Oak Park, IL; Olympia Fields, IL; Park Forest, IL; Rockford, IL; Skokie, IL; Urbana, IL; Waukegan, IL.

Wilmette, IL; Bloomington, IN; Elkhart, IN; Fort Wayne, IN; Mishawaka, IN; Muncie, IN; South Bend, IN; Terre Haute, IN; W. Lafayette, IN; Logansport, IN; Algona, IA; Ames, IA; Bancroft, IA; Baxter, IA; Boone, IA.

Burlington, IA; Curlew, IA; Cedar Falls, IA; Des Moines, IA; Dike, IA; Earlham, IA; Ft. Madison, IA; Greenfield, IA; Hubbard, IA; Iowa City, IA; Lamoni, IA; Mount Vernon, IA; Oskaloos, IA; Pella, IA; Sioux City, IA.

Tipton, IA; Waterloo, IA; Waverly, IA; West Branch, IA; Louisville, KY; New Orleans, LA; Amherst, MA; Barnstable, MA; Brookline, MA; Colrain, MA; Ewing, MA; Longmeadow, MA; New Bedford, MA; Northfield, MA; Northampton, MA.

Pittsfield, MA; Worcester, MA; Springfield, MA; Bangor, ME; Belfast, ME; Brewer, ME; Brunswick, ME; Hampden, ME; Hollowell, ME; Kennebunkport, ME; Lewiston, ME; Old Town, ME; Orono, ME; Portland, ME; Winthrop, ME.

Aberdeen, MD; Baltimore, MD; College Park, MD; Garret Park, MD; Havre de Grace, MD; Mt. Rainier, MD; North Chevy Chase, MD; Sykesville, MD; Takoma Park, MD; Rockville, MD; Ann Arbor, MI; Detroit, MI; East Lansing, MI; Flint, MI; Kalamazoo, MI.

Kalamazoo Twshp, MI; Saginaw, MI; Blaine, MN; Bloomington, MN; Chanhassen, MN; Circle Pines, MN; Columbia Heights, MN; Duluth, MN; Fridley, MN; Lauderdale, MN; Minneapolis, MN; Pine City, MN; St. Cloud, MN; St. Louis Park, MN; St. Paul, MN.

Two Harbors, MN; Winona, MN; Hazelwood, MO; Kansas City, MO; Olivette, MO; St. Johns, MO; University City, MO; Chapel Hill, NC; Charlotte, NC; Durham, NC; Franklin, NC; Greenboro, NC; Raleigh, NC; Winston-Salem, NC; Lincoln, NE.

S. Sioux City, NE; Keene, NE; Newton, NH; Portsmouth, NH; Belvedere, NJ; Belleville, NJ; Berlin Twshp, NJ; Camden, NJ; Cherry Hill, NJ; Clark, NJ; Cliffside Park, NJ; Cranford, NJ; East Orange, NJ; East Windsor, NJ; Elizabeth, NJ.

Englewood, NJ; Ewing Twshp, NJ; East Brunswick, NJ; Fair Lawn, NJ; Garwood, NJ; Greenwich Twshp, NJ; Hamilton Twshp, NJ; Highland Park, NJ; Jersey City, NJ; Jackson Twshp, NJ; Lawrence, NJ; Lincoln Park, NJ; Linden, NJ; Maplewood, NJ; Mercer, NJ.

Milltown, NJ; Montclair, NJ; Morristown, NJ; Mountain Lakes, NJ; No. Arlington, NJ; Nutley, NJ; Oradell, NJ; Orange, NJ; Paramus, NJ; Pennsauken, NJ; Pennsville, NJ; Piscataway, NJ; Plainfield, NJ; Princeton, NJ; Princeton Twshp, NJ.

Ringwood, NJ; Roselle, NJ; Roosevelt, NJ; Sayreville, NJ; South Orange, NJ; Sparta, NJ; Springfield, NJ; Teaneck, NJ; Tenafly, NJ; Trenton, NJ; Wayne, NJ; West Orange, NJ; West Windsor, NJ; Willingboro, NJ; Las Cruces, NM; Santa Fe, NM.

Taos, NM; Afton, NY; Athens, NY; Albany, NY; Bedford, NY; Binghamton, NY; Brighton, NY; Croton-on-Hudson, NY; Elmira, NY; Hyde Park, NY; Irondequoit, NY; Ithaca, NY; Jamestown, NY; Kenmore, NY; LeGrange, NY; New Castle, NY; New York City, NY.

Oneonta, NY; Oswego, NY; Pound Ridge, NY; Reno, NY; Rochester, NY; Saratoga Springs, NY; Syracuse, NY; Utica, NY; Webster, NY; Woodstock, NY; Akron, OH; Ash-tabula, OH; Athens, OH; Berea, OH; Bowling Green, OH; Cincinnati, OH;

Cleveland, OH; Cleveland Heights, OH; Columbus, OH; Dover, OH; Elyria, OH; Fairview Park, OH; Gambier Village, OH; Lakewood, OH; Mayfield Heights, OH; Middletown, OH; North Olmsted, OH; New Philadelphia, OH; Oberlin, OH; Oxford, OH; Parma, OH; Rocky River, OH; Shaker Heights, OH.

Sheffield Village, OH; Swanton, OH; Toledo, OH; University Heights, OH; West-lake, OH; Wilmington, OH; Wooster, OH; Yellow Springs, OH; Youngstown, OH; Ash-land, OR; Bandon, OR; Cannon Beach, OR; Estacada, OR; Eugene, OR; Harrisburg, OR; Independence, OR.

Portland, OR; Seaside, OR; Allentown, PA; Chetlennaur, PA; Doylestown, PA; Har-risburg, PA; Jenkintown, PA; Media, PA; New Britain Twshp, PA; New Hope, PA; Newton Twshp, PA; Philadelphia, PA; Pittsburgh, PA; Sheltonham, PA; Sarrh-more, PA; Middletown Twshp, PA; Upper Makefield Twshp, PA.

Upper Southampton, PA; Warrington Twshp, PA; Warwick Twshp, PA; Wilkes-Barr, PA; Barrington, RI; Jamestown, RI; Lincoln, RI; Middletown, RI; Knoxville, TN; Austin, TX; Alexandria, VA; Charlottesville, VA; Roanoke, VA; Harrisonburg, VA; Bel-lingham, WA; Blaine, WA.

Bothell, WA; Edmonds, WA; Kent, WA; LaConner, WA; Port Townsend, WA; Seat-tle, WA; Tacoma, WA; Winslow, WA; Emery Twshp, WI; Beckley, WV; Charleston, WV; Huntington, WV; Oak Hill, WV; Charleston, IL; St. Louis, MO; Breese, IL.

#### 446 NEW ENGLAND TOWN MEETINGS

177 Vermont Town Meetings; 107 Massa-chusetts Town Meetings; 54 New Hampshire Town Meetings; 44 Connecticut Town Meet-ings; 62 Maine Town Meetings; 2 Delaware Town Meetings.

#### 71 COUNTY COUNCILS

Macon Co, AL; Alameda Co, CA; Contra Costa Co, CA; Mendocino Co, CA; Humboldt Co, CA; Marisposa Co, CA; San Francisco Co, CA; Yolo Co, CA; Sacramento Co, CA; Pitkin Co, CO; Summit Co, CO; Palm Beach Co, FL; Leon Co, FL; Hawaii Co, HI; Black-hawk Co, IA; Hardin Co, IA; Kussuth Co, IA; Johnston Co, IA.

Polk Co, IA; Woodbury Co, IA; Monroe Co, IN; Harvey Co, KS; Berkshire Co, MA; Franklin Co, MA; Hampshire Co, MA; Allegheny Co, MD; Baltimore Co, MD; Fairfax Co, MD; Harford Co, MD; Howard Co, MD; Montgomery Co, MD; Anoka Co, MN; Hen-nepin Co, MN; Itasca Co, MN; Lake Co, MN; St. Louis Co, MN.

Pine Co, MN; Jackson Co, MO; Mecklen-burg Co, NC; Camden Co, NJ; Essex Co, NJ; Cape May Co, NJ; Cayuga Co, NY; Chautau-qua Co, NY; Genesee Co, NY; Madison Co, NY; Monroe Co, NY; Rockland Co, NY; St.

Lawrence Co, NY; Suffolk Co, NY; Yates Co, NY; Summit Co, OH; Clackamas Co, OR; Lane Co, OR.

Multnomah Co, OR; Washington Co, OR; Centre Co, PA; Allegheny Co, PA; Bucks Co, PA; Erie Co, PA; Lehigh Co, PA; McKean Co, PA; Tarrant Co, TX; Loudoun Co, VA; Shenandoah Co, VA; Clark Co, WA; King Co, WA; San Juan Co, WA; Whatcom Co, WA; Palmyra Co, KS; Santa Barbara Co, GA; Jackson Co, NC.

#### STATE LEGISLATURES

The Connecticut, Delaware, Hawaii, Iowa, Maine, Maryland, Massachusetts, Minneso-ta, Ohio, New York, Oregon, Vermont, Washington, West Virginia, and Wisconsin State Legislatures; the Kansas, Missouri, North Carolina, and Pennsylvania House of Representatives, the California State As-sembly and the Alaska, Illinois, and New Mexico Senates.

Mr. KENNEDY. On this first chart we have launchers and warheads. In the measure of warheads, which are the instruments that actually kill, the United States is ahead. In the measure of launchers the Soviet Union has an advantage over the United States. In some areas they are ahead of us, in other areas we are ahead of them. But his chart illustrates that there is es-sential equivalence between the United States and the Soviet Union.

Chart No. 2 measures destructive power, that is, equivalent megatons, versus payload. When we speak of pay-load, we speak of the amount of lifting power of weapons. Destructive power is a measure of the size of the hole in the ground that the weapons make. The Soviet Union has more destruc-tive power than the United States, but the United States is ahead of the Soviet Union in payload.

The Soviets might be able to make a deeper hole in the ground but clearly we can hit more targets than the Soviet Union.

Again, when you treat the first chart and the second chart together, I think they illustrate that the United States and the Soviets are in a situation of es-sential equivalence.

This third chart compares the START proposal, the administration's position with the freeze. Under the START proposal, the Soviets would be able to build a combination of 400 Backfire and Blackjack bombers. The Soviets now have one Blackjack bomber, which is comparable to the B-1 bomber. The Soviet Union now has one new Typhoon submarine with 20 missiles, and are currently testing the new solid fuel ICBM. Under the START proposal, they would be able to build up to 1,200 of these new more dangerous missiles.

Under START the Soviets would be able to build up to 3,500 cruise mis-siles. At the present time they have zero cruise missiles, one new Typhoon submarine, one prototype, Blackjack. They are dependent upon a World War II bomber, which is propeller driven, the Tu-95. Under START they

could build hundreds of Blackjacks; under a freeze they would be stuck with the Tu-95.

The fact is, Mr. President, under a freeze we would halt major Soviet breakthroughs, which are now on the planning board or in initial stages of development.

I believe, Mr. President, that these two charts make the case for the freeze very clearly and very succinctly. First, we have essential equivalence with the Soviet Union in nuclear capability. They have the capability of destroying the United States many times over, we have the capability of destroying the Soviet Union many times over. We are ahead in some areas, they are ahead in others.

Second, under a freeze we would be able to halt the Soviet Union's progress in important areas where they are moving toward new destabilizing technological breakthroughs, whether it is the Blackjack bomber, the new Typhoon submarine, or the new land-based missiles with solid fuel.

Mr. President, over the period of the last 25 years one of the continuing lessons of the nuclear arms race is that the Soviet Union is prepared to match us missile for missile, bomber for bomber, submarine for submarine.

We have a number of new weapons systems on which this body has voted. The Soviet Union has a number of new weapons systems on which it is embarked.

The United States and the Soviet Union are like two individuals who are up to their waists in gasoline in a cellar. One has 15 matches and one has 17 matches, and we are arguing over whether each should have 2 more matches, at the cost of billions and billions of dollars.

Mr. President, I had the opportunity some years ago to visit Hiroshima and to stand at ground zero and afterward to talk to some of the survivors. They talk about the blast. They talk about the wall of heat. Those who survived talk about the cries that went unheeded. They talk about the anguish and the death and destruction that took place. Those who did survive are scarred beyond belief forever.

I believe that anyone who has visited ground zero would agree that we have to do everything possible to insure that ground zero will not be repeated by miscalculation or by accident or by intent in any other part of the world.

Mr. President, I yield to the Senator from Rhode Island.

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.

Mr. HELMS. Mr. President, both proponents and opponents of the concept of a nuclear freeze ought to be able to agree that the central issue is

the question of the best method of preventing nuclear war. The alternatives which face us are plain: Either we continue the proven policy of deterrence, or we adopt the new and untested concept of a nuclear weapons freeze. The burden of proof that a nuclear weapons freeze would prevent war must be assumed by those who are putting that view forward.

I submit that the advocates of a freeze have not proved their case. Even though I do not question that both proponents and opponents of a freeze share the fundamental, overriding objective of preventing nuclear war, there is no agreement on how to achieve this goal.

The fundamental problem is whether we can maintain a nuclear balance and deterrence with the Soviets if a nuclear freeze resolution is passed and becomes the rule of U.S. policy. In my judgment, a nuclear weapons freeze is inconsistent with the long-established U.S. arms control objective of equal levels of forces on both sides. The Jackson amendment to the SALT I Treaty in 1972 established the basic U.S. arms control objective of equal levels of forces.

At the present time, the authoritative studies of the nuclear balance—both within Government and outside Government—show clearly that the Soviets do have strategic superiority over the United States at the present time. Even President Reagan himself has stated several times that the Soviets have strategic superiority. The freeze, therefore, would have the result of locking in forever the strategic superiority of the Soviets.

Thus a freeze would be inconsistent with the U.S. law of the land. The current objective; namely, equal levels of forces, could never be achieved. It would freeze our inequality and our inferiority.

#### THE SOVIET THREAT

Since SALT I was signed, the U.S.S.R. has spent \$140 billion more than the United States on the acquisition of strategic forces. It is hard to comprehend the meaning of \$140 billion. If, during the same period, the United States had spent the same amount, it would have been enough to modernize our strategic offensive forces, and to build up an air defense system to defeat the growing Soviet bomber threat.

This \$140 billion budget would have completely revolutionized our strategic offensive forces. Within that budget, we could have had 100 modern land-based missiles—the MX—100 modern bombers that could penetrate Soviet defenses and provide the flexibility of manned penetration, 3,200 air-launched cruise missiles to provide a highly accurate system also capable of penetrating Soviet air defenses, and 20 modern, quiet Trident submarines, equipped with long-range missiles that

would allow the submarines to patrol in home waters.

But that is not all the \$140 billion could have bought. In addition to the above offensive forces, we could also have modernized our air defense system. We could have built 12 air-borne warning/controls systems—AWACS, 5 squadrons of modern F-15 interceptors, an "over the horizon" radar to improve early warning, and improved our DEW line long-range, early warning radars.

Moreover, we could have reduced our vulnerabilities on our command and control communications and intelligence infrastructure, and prepared to defend the MX against a ballistic-missile attack.

All of that could have been procured with the \$140 billion that the Soviets have spent in excess of our strategic spending since SALT I. Of course, the Soviets have spent the \$140 billion on a different mix of weapons systems, because the Soviet strategic problem is geographically different from ours. But if we had made the same effort in defense spending as the Soviets made, we would now be able to have equal and balanced forces, making a freeze worthy of consideration. But we did not.

The nuclear weapons freeze is a seductive slogan, but it is bad arms control. The freeze is unrealistic because it would be massively complicated to negotiate, with its many gray areas, for example, ASW, air defense, BMD, and nuclear power.

The freeze is unverifiable because so much of the Soviet research is undetectable, even with inspections.

The freeze accepts inequities which undermine the principle that arms control agreements must be equal, balanced, and stabilizing.

The freeze undermines current negotiations because it derails the START talks, and the INF negotiations already underway. Indeed, it codifies Soviet advantages, removing the Soviet incentive to reduce, and it would endorse the Soviet position that a balance already exists.

Finally, the freeze is politically useful to the U.S.S.R. because the prospect of an imminent freeze would reduce support for needed U.S. defense programs. Moreover, Soviet leaders could pose as peaceful while pursuing military objectives during the protracted negotiations.

In short, the nuclear weapons freeze would be dangerous for the military balance, and it would impede arms control. It would reward the Soviet Union for its massive nuclear buildup and punish American restraint. It would codify dangerous Soviet advantages, prevent replacement of our aging and vulnerable U.S. systems, prevent safety and security improvements to these systems, undercut

NATO deterrence, and undermine U.S. leadership and alliance cohesion. Those who favor arms control must be prepared to admit that a nuclear weapons freeze would be a real setback for real arms control.

#### SPECIFIC PROBLEMS

Aside from the general framework of issues, there are specific problems which a freeze would make uncontrollable. It should be pointed out that a freeze would prohibit nuclear testing. This means that it would prevent important improvements in nuclear weapon safety and security that are designed into warheads. For example, a freeze would prohibit testing of insensitive high explosives to prevent accidental detonation. A freeze would also prohibit testing and maintenance of integral permissive action links (PAL) to prevent unauthorized or accidental detonation. These are important safeguard mechanisms that need improvement.

A nuclear weapons freeze is not verifiable by our national technical means. Furthermore, important tests are possible with little or no risk of discovery, especially low-yield nuclear weapons tests. There would be no way of checking whether or not the Soviets were covertly testing subsystems for insuring reliability—giving them confidence for breakout. Indeed, any kind of production is difficult to monitor because we do not know where present possible covert facilities may be located. In addition, the monitoring of unconventional deployments of strategic weapons is difficult—for example, ICBM's in soft, camouflaged shelters. And of course monitoring the deployments of smaller weapons of extremely difficult; many aspects of a freeze could not be verified even with onsite inspections.

We should also look at some of the specific impacts on NATO. The nuclear weapons freeze would undercut deterrence of conventional war. Soviet military doctrine envisions use of massive military force in a surprise attack to crush NATO within days. But nuclear forces are an essential component of the NATO deterrent. The increasing Soviet SS-20 deployments directly threaten Western Europe. The Pershing II and ground-launched cruise missiles (GLCM) are essential to restore the nuclear balance and deter both conventional and nuclear attack. The freeze would prohibit deployment both of the Pershing II and GLCM, and induce in the Soviet mind a state of reckless confidence. The reason is that a freeze would accept the present Soviet advantage in intermediate range nuclear forces of 600 to 0.

At the present time, the United States has in development at least eight major strategic and theater nuclear systems which are ready to be deployed in the near future. But only two of them, the air-launched cruise

missile and the trident submarine, has even begun deployment. These are the systems the freeze would knock out:

Strategic systems under development:	Current number deployed
M-X .....	0
Trident SSBN .....	12
Trident II (D-5) SLBM .....	0
B-1B bomber .....	0
Advanced technology bomber (Stealth) .....	0
ALCM .....	27
Theater systems under development:	
Pershing II .....	0
Ground-launched cruise missiles.....	0

<sup>1</sup> On sea trials.

<sup>2</sup> Aircraft, 70 ALCM's.

Thus the initiation of a freeze would have the effect of nipping in the bud our barely minimal attempt to restore some of the balance so desperately lacking today. The United States needs to modernize its strategic nuclear forces in order to bolster our deterrent posture.

A freeze would prevent U.S. strategic modernization, while codifying Soviet modernization, which is a generation ahead of the United States in most systems and almost completed. A freeze would prevent replacement of obsolescent launchers of American warheads. The U.S. strategic modernization program would be blocked, yet it is vitally needed. Only 4 percent of total U.S. warheads are on launchers less than 5 years old, and 77 percent of total U.S. warheads are 15 years or older.

In contrast, most Soviet warheads are on very modern launchers. The Soviets have already completed most of their strategic modernization. Fully 70 percent of total Soviet warheads are on launchers less than 5 years old; 95 percent of total Soviet warheads are on launchers less than 10 years old. As a result of its massive buildup and modernization of strategic forces, the already tremendous Soviet advantage would increase under a freeze. Modern, powerful, and survivable Soviet forces would be effective for many years, while a large portion of American forces would become ineffective due to obsolescence and Soviet defense measures.

Aging American strategic forces cannot maintain deterrence indefinitely. There are many current problems of maintaining deterrence. First, most American SSBN's face block obsolescence in early 1990's. The range of U.S. SLBM's must be extended by Trident II missiles after 1989, in order to increase survivability of submarines. A freeze would block Trident submarine construction and Trident II missile deployment. Meanwhile, a large vigorous Soviet antisubmarine warfare program would be largely unaffected by freeze.

Second, in regard to the U.S. ICBM force, Minuteman is vulnerable and incapable of attacking sufficient Soviet

hard targets to maintain deterrence. A freeze would maintain this unsatisfactory situation by preventing U.S. ICBM modernization aimed at increasing survivability.

Third, the U.S. bomber force needs modernization to preserve deterrence. The Soviet air defense system is massive, unaffected by a freeze. The Soviets have deployed 5,000 radars, 2,500 interceptors, and 10,000 SAM's. The Soviets have the best air defense system in the world. The U.S. ALCM is needed as standoff weapon for U.S. bombers, and the B-1B needed to escape destruction on the ground and to penetrate. But a freeze would block the ALCM and the B-1B.

In addition, a freeze would undermine American leadership and NATO unity. The December 1979 decision to deploy Pershing II and ground-launched cruise missiles to counterbalance Soviet SS-20's was taken by all members of NATO. An American decision to negotiate a freeze would repudiate that NATO decision. Most NATO leaders oppose the freeze because of the threat it would pose to Europe, particularly by blocking NATO INF modernization while permitting the Soviet Union to keep its SS-20's.

In sum, a freeze would codify dangerous Soviet strategic advantages:

Soviet advantage in strategic delivery vehicles—2,704 to 1,756.

Soviet advantage in ballistic missile warheads—7,500 to 7,200.

Soviet advantage in prompt hard target kill potential—over 5 to 1.

Soviet advantage in ballistic missile throw-weight (pounds)—4,000,000 to 11,000,000.

Soviet advantage in LRINF missiles (SS-4, SS-5, SS-20 versus. Pershing II and GLCM)—600 to 0.

The United States has already tried a freeze with the Soviets many times. Under SALT I, we were told by the Nixon administration that Soviet forces were frozen. Yet during the 1972-77 5-year period of SALT I, the Soviets deployed 17 new strategic systems, compared to none for the United States.

There have been other United States-Soviet nuclear freezes which have been equally unsuccessful. In 1958, the United States and the U.S.S.R. mutually agreed to a moratorium on nuclear weapons testing. Yet in 1961, the Soviets abruptly and duplicitously broke out of the moratorium with a massive atmospheric nuclear test series.

In 1964, President Johnson unilaterally ended U.S. production of new nuclear weapons material, and expressed the hope that the Soviets would make the restraint mutual. Instead, the Soviets built several all new nuclear weapons reactors, while the United

States has dropped from 14 weapons reactors to only 2.

In 1967, the United States unilaterally froze the number of ICBM's and SLBM's, in hopes that the Soviets would likewise freeze when they reached parity with the United States. Instead, the Soviets added 1,000 new launchers for ICBM's and SLBM's between 1969 and 1977, gaining an advantage in missile launchers of over 820.

In 1977, Jimmy Carter cancelled the B-1 bomber, in hopes that the Soviets would show equal restraint. Instead, the Soviets began mass production of the Backfire bomber and development of the Blackjack bomber.

In 1978, Jimmy Carter bowed to Soviet propaganda and cancelled the neutron bomb or enhanced radiation warhead, in hopes of Soviet restraint. Instead, the Soviets accelerated their SS-20 deployment.

In 1981, the late Soviet President Brezhnev pledged a unilateral Soviet freeze on their SS-20 deployment. Since that "freeze," the Soviets have added over 60 new SS-20 launchers.

In sum, there have already been seven United States-Soviet nuclear weapons freezes, and the Soviets have violated or ignored each one. Why should we try a new freeze, in light of this history? As former Defense Secretary Brown has stated, when the United States builds, the Soviets build, and when the United States stops building, the Soviets just keep building.

Finally, the Soviets have deployed a sixth new ABM battle-management radar which flagrantly violates five provisions of the SALT I ABM Treaty. The ABM Treaty is the only SALT treaty in force. This is an ominous development boding ill for all further U.S. arms control proposals to the Soviets.

I believe that the Soviets have been breaking out of arms control and SALT for over the past year. President Reagan himself on September 14, 1983, for the second time has charged the Soviets with violating the Kennedy-Khrushchev Agreement of 1962, which ended the Cuban missile crisis. If the Soviets are violating the agreement that ended the Cuban missile crisis, the most dangerous nuclear crisis in history, then the world could be back in a crisis situation. I believe that Soviet nuclear blackmail threats and actual deployment to Cuba of nuclear delivery capable bombers, fighter-bombers, and submarines makes the Soviet nuclear threat from Cuba today more dangerous than it was in 1962.

Finally, it must be pointed out that a freeze at current levels would reward the U.S.S.R. for its military buildup but penalize the United States for restraint. The following comparison summarizes the contrasting actions of

both the U.S.S.R. and the United States in this regard:

U.S.S.R.

In the last 15 years, 60 SSBN's deployed in 5 new or improved classes.

Since SALT I, about one-half of SLBM force replaced with 3 new SLBM types; a new SLBM type is being tested.

Since SALT I, essentially entire ICBM force replaced with 10 variants of 3 new ICBM's.

Since SALT I, over 250 Backfire bombers with inherent intercontinental range.

Since SALT I and ABM Treaty, substantial ABM upgrade of single permitted site.

Since SALT I was signed, the U.S.S.R. has spent approximately \$140 billion more than the U.S. on strategic forces.

U.S.

Now deploying Trident submarines, the first SSBN's built since 1967.

Minuteman III modified, but no new ICBM's deployed.

No new intercontinental bomber in over 20 years.

Only ABM site dismantled in 1976.

In sum, a nuclear weapon freeze is not sensible on legal, strategic, verification, and historical grounds. As President John F. Kennedy stated on March 2, 1963, in regard to the Limited Test Ban Treaty then under negotiation with the Soviets:

We know enough about broken negotiations, secret preparations, and the advantages gained . . . never to offer again an un-inspected moratorium.

With the Soviets now breaking out of all arms control agreements, we could be wise to follow John F. Kennedy's advice and reject a freeze, which is nothing more than a unilateral, un-inspected moratorium.

Mr. DOLE, Mr. President—

Mr. KENNEDY, Mr. President—

The PRESIDING OFFICER. Does the Senator from Massachusetts yield the floor?

Mr. DOLE. He just yielded.

Mr. KENNEDY. I should like to yield to the Senator from Rhode Island.

Mr. DOLE. For what purpose?

Mr. PELL. I will wait and be recognized on my own time.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE, Mr. President, I do not foreclose reasonable discussion here, but this has as little to do with the debt ceiling as anything I can think of. The only thing is that it has some limits, which is more than I can say for the debt limit. This is the prime-time amendment we expected for the nightly news. It has nothing to do with the debt ceiling. There is no way you can say it is germane. It is simply an amendment someone would like to discuss.

We are faced with a midnight deadline on the debt. I think we have wasted \$250 million because we have insisted for 4 days that we offer war powers resolutions, Grenada resolutions, now the nuclear freeze, and I

understand there may be an abortion amendment—all on the debt ceiling.

I am prepared to table the amendment, but I certainly do not want to do that without giving somebody on each side a few minutes to discuss it.

I wonder if we might reach an understanding. Seriously, I want to help colleagues do whatever they wish to do, but our responsibility on the committee is to pass the debt ceiling. This could go on for hours.

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

Mr. DOLE. I yield.

Mr. KENNEDY. First of all, discussion of the freeze has been going on, I believe, for about 34 minutes this afternoon. It is relevant to the debt; if the freeze is put in place, it would save \$100 billion over the next 5 years. I know that \$100 billion is not much to this administration, because under it we have seen the most massive deficits in the history of this country. But some of us are trying, in whatever areas we possibly can, to save some resources.

It was not the Senator from Massachusetts who objected to waiving the 3-day rule. It was requested by the Finance Committee, so that we could expedite consideration of the debt ceiling. It is not going to be the Senator from Massachusetts or those who support the nuclear freeze who are going to be ridiculed on the floor if the Senate Finance Committee does not do its work.

This is an important issue. I made clear earlier that I was prepared to offer it on other legislation. I have been here for 3 hours, waiting to bring this up, and I am quite prepared to see a reasonable time limit on this amendment. But I daresay that I think we are entitled to reasonable discussion and debate on it.

Mr. DOLE, Mr. President, I assume that, in general, everything we do here may have an impact on the debt ceiling, but this has no relevance to the debt ceiling. It is not germane, any more than an abortion amendment is germane.

Our responsibility is to get on with the debt ceiling so that the Government can pay its bills. I am not certain that it is going to pass, in any event. I get the feeling, as the majority leader does, that enough Members want to see what happens if we do not increase the debt ceiling.

I understand that after this amendment, somebody wants to offer the bulldown amendment, and that is another that will take some time.

Mr. KENNEDY. I would enter into a time agreement with the Senator from Kansas, if he would like to get a vote on this. I have not talked to Senator HATFIELD, but I would be glad to enter into a time agreement with the Senator.

Mr. DOLE. I want Senators to be heard, but it does not belong on this bill. Certainly, Senator HATFIELD would not want to offer a nongermane amendment. I always hear that we cannot offer them on appropriations bills. If this amendment remains on the debt ceiling, we are setting a new precedent, and I do not believe Senator HATFIELD would push this amendment on this proposal. He might speak for it.

If it is some reasonable time agreement whereby Senators who have a different view may be permitted to speak, I am prepared to do that. Otherwise, I will move to table the amendment and ask for the yeas and nays, and get on with the business at hand. The business at hand is to try to figure out some way between now and midnight to pass the debt ceiling bill, to go to conference, and to get it back here. It will be hard to do that, because the House is ready to go out.

How much minimal time would be required?

Mr. KENNEDY. I would think at least an hour. We could vote at 6:15. We could divide the time equally.

Mr. DOLE. Thirty minutes on a side?

Mr. KENNEDY. With the understanding that if we had more speakers, the Senator would be accommodating. We will give notice to the Members.

Mr. DOLE. Mr. President, I think that before we get an agreement, I should suggest the absence of a quorum, and we will check with the appropriate committee chairman. I am not the chairman who would be handling this.

Mr. CRANSTON. Could we speak while the Senator from Kansas is doing that, so we would not waste time with a quorum call?

Mr. DOLE. If we get into this debate, we are going to get into one on the build-down.

I suggest the absence of a quorum, and we will have the majority leader come in.

Mr. BOSCHWITZ. I understand that a couple of votes already have been ordered.

Mr. DOLE. Some have been ordered, but they will not start until the debate ends on this amendment.

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

Mr. DOLE. Mr. President—

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, a parliamentary inquiry.

If regular order were requested, it would bring those two amendments up now for a vote. Is that correct?

The PRESIDING OFFICER. The amendments would recur, but they still could be debated.

Mr. DOLE. Then, I demand the regular order.

The PRESIDING OFFICER. The regular order would be on amendment 2474.

Mr. PELL. Mr. President, a parliamentary inquiry.

What does that do to the freeze amendment? Does it follow those two or precede those two—the amendment under consideration?

The PRESIDING OFFICER. The Baucus amendment, which is the pending measure, would be the business of the Senate. The Kennedy amendments would be laid aside.

Mr. PELL. Mr. President, I thought the Kennedy amendment was the pending amendment that we were discussing at the time of the call for the regular order.

The PRESIDING OFFICER. The Chair will state that the Kennedy amendments were pending, but a call for the regular order makes the Baucus amendment to the pending business of the Senate.

A call for the regular order having been made, the Chair will rule that the Baucus amendment is now the pending business of the Senate.

Mr. CRANSTON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CRANSTON. Would not the Kennedy amendment be pending following those two votes?

VOTE ON AMENDMENT NO. 2474

The PRESIDING OFFICER. The Senator from California is correct. If there be no further debate on the Baucus amendment, the question is on agreeing to the amendment of the Senator from Montana. On this question, the yeas and nays have been ordered, and the clerk will call the roll. The legislative clerk called the roll.

Mr. NUNN (when his name was called). Present.

Mr. STEVENS. I announce that the Senator from Maryland (Mr. MATHIAS) is necessarily absent.

The PRESIDING OFFICER. Is there any other Senator in the Chamber who desires to vote?

The result was announced—yeas 92, nays 6, as follows:

[Rollcall Vote No. 325 Leg.]

YEAS—92

Abdnor	DeConcini	Hecht
Andrews	Denton	Heflin
Armstrong	Dixon	Heinz
Baucus	Dodd	Helms
Bentsen	Domenici	Hollings
Biden	Durenberger	Huddleston
Bingaman	Eagleton	Humphrey
Boren	East	Jepsen
Boschwitz	Evans	Johnston
Bradley	Exon	Kassebaum
Bumpers	Ford	Kasten
Burdick	Garn	Kennedy
Byrd	Glenn	Lautenberg
Chafee	Goldwater	Laxalt
Chiles	Gorton	Leahy
Cochran	Grassley	Levin
Cohen	Hart	Long
Cranston	Hatch	Lugar
D'Amato	Hatfield	Mattingly
Danforth	Hawkins	McClure

Melcher	Quayle	Symms
Metzenbaum	Randolph	Thurmond
Mitchell	Riegle	Tower
Moynihan	Roth	Trible
Murkowski	Rudman	Tsongas
Nickles	Sarbanes	Wallop
Packwood	Sasser	Warner
Percy	Simpson	Weicker
Pressler	Specter	Wilson
Proxmire	Stafford	Zorinsky
Pryor	Stennis	

NAYS—6

Baker	Inouye	Pell
Dole	Matsunaga	Stevens

ANSWERED "PRESENT"—1

Nunn

NOT VOTING—1

Mathias

So the Baucus amendment (No. 2474) was agreed to.

AMENDMENT NO. 2475

The PRESIDING OFFICER. The question now recurs on amendment No. 2475.

(The names of Mr. D'AMATO, Mr. MURKOWSKI, Mr. EAST, and Mr. DENTON were added as cosponsors of the amendment.)

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, as I understand—

The PRESIDING OFFICER. May we have order in the Chamber?

The Senator from Kansas.

Mr. DOLE. I understand the Senator from Florida wants to be heard briefly on the Kasten amendment. I know of no other request for time. Then if I can contact the distinguished Senator from Texas, Senator TOWER, we can work out some time for the other amendment.

The PRESIDING OFFICER. The Senator from Florida.

Mr. CHILES. Mr. President, this amendment was proposed this afternoon and some of us heard about it sort of after the fact. But we have a number of Senators on the floor now and it may be a good opportunity to really sort of explore this thing. I read where the President has said several times in the paper that Congress reached some kind of agreement based on three for one. I have solicited most of the people on this side, and among the ones I have been able to talk to, and I have talked to most members on the Finance Committee, I cannot find anybody who ever heard of that agreement. It may be that the majority on that side made this agreement with the President. I wish they had told us about it, if they were making that sort of agreement. I have looked over the CONGRESSIONAL RECORD, or had somebody look, and do not find anything there.

It seems to me, to have an agreement you have to have the Congress as party to that agreement. We do not make up the majority over here. We are the minority. But we did not make

the agreement. So we are a little bit concerned about where we cut \$300 billion. It has to be cut in spending. We have to cut \$300 billion before we can get a new dollar in revenue. That means even what the Finance Committee reported out today, which some of us think does not cut enough, does not do enough. Before we assume a role in cutting that \$300 billion, we would like to find out who made the agreement.

Mr. LONG. Will the Senator yield at that point?

Mr. CHILES. Yes.

Mr. LONG. Mr. President, like many other Members of this body, and I assume many Members of the House, I did not know what the President of the United States was talking about when he went on nationwide television and made the statement that: "They promised they were going to cut spending \$3 for every \$1 of taxes."

That is what he said.

Since that time we have been asking: "Who is the 'they'?" It is not me. I never promised that. Did the Senator from Florida promise that?

Mr. CHILES. No.

Mr. LONG. So far we have not found a soul on the Democratic side who made that promise: "They promised they were going to cut spending \$3 for every \$1 of tax increase."

The Senator from Louisiana is just not aware of that at all.

I do recall that at one time, when a group was invited down to the White House to talk about the possibility of proposing a package of tax increases and spending cuts to try to move toward fiscal responsibility, Mr. Baker, the President's aide—

Mr. CHILES. Mr. President, can we have order in the Senate? The Senate is not in order.

The PRESIDING OFFICER. The Senator is correct. The Senate is not in order.

Mr. LONG. I recall a situation down at the White House where Senators and Representatives met with members of the President's staff and Mr. Baker, more or less acting as chairman of the group, if there was any chairman, kept moving the conversation along the line where the numbers would tend to work out that there would be about \$1 of tax increases for every \$3 of spending cuts over a period of time. But no agreement was reached.

The President of the United States never entered that room one time so far as I can recall, as far as that meeting was concerned. I would hope that meeting is not what the President was talking about. I was there most of the time, and so far as I can recall no agreement was reached. The thing fell apart and did not work because the representative of the House, who spoke for Speaker O'NEILL, was not willing to agree to a cut in social secu-

rity benefits. So the meeting did not result in an agreement or a commitment.

If such commitments were made on the other side of the aisle, I would hope that those who did so would stand up and identify themselves, and tell us that they are the "they" who made that promise. So far as I know, I know of no Democrat who made any commitment like that, not on the Finance Committee, and I know of no one in the Democratic caucus discussing it. The Senator from Florida is the ranking member on the Budget Committee. Does he tell me that he knows of no one on our side of the aisle who made a commitment like that?

Mr. CHILES. I do not. You would think that as the ranking member of the Budget Committee I would know something about it, or the ranking member on the Finance Committee would know something about it, if it is the Congress which made such an agreement. The chairman of the Finance Committee might be able to tell us whether he represented this.

Maybe it would be interesting to know if the chairman of the Finance Committee made this agreement and signed us on.

Mr. DOLE. Mr. President, I think it was an agreement between the President and his speechwriters.

Mr. CHILES. That kind of reminds me that what we have here is—

Mr. MOYNIHAN. Mr. President, may we have order? Something important is being said. The President is represented as having made an agreement which Congress evidently had not made.

The PRESIDING OFFICER. The Senate will be in order. The Senator will suspend until the Senators take their seats or retire to the cloakroom. The Senator may proceed.

Mr. LONG. Mr. President, will the Senator yield further?

Mr. CHILES. Yes, Mr. President.

Mr. LONG. I have here a table from the conference report on last year's budget resolution, relating to reconciliation instructions. I understand that this is what the Congress actually agreed to in June 1982: spending cuts of \$27,153,000,000 for the years 1983 through 1985, and revenue increases—to be reported by the Finance Committee, of which I happen to be a member—totaling \$98,300,000,000. That is what the Senate agreed to.

Instead of \$3 in spending cuts for each \$1 of tax increase, we agreed to \$3 of revenue increases for every \$1 of spending cuts.

Mr. CHILES. Is that not the budget resolution that the President endorsed and that the President went on television and said that he endorsed?

Mr. LONG. I do not recall whether the President endorsed this or not.

Mr. CHILES. I believe he did. I believe that that is the budget resolution

that the President endorsed and said that was his budget resolution. Now, because there are several speeches that have been made in which the President has said that he has been betrayed on this, we are talking about passing a sense of the Senate amendment that says Congress has betrayed the President now and we have to have a three-for-one cut.

It is a little bit like the country boy that tells a story and he was sort of complaining to some of his compatriots. He said: "I didn't mind it when you rubbed the manure in my hair, but when you told me I couldn't come to the dance because I smelled, that was a little too much."

It is like now, we did not get a chance to be in on the deal, but now we are told that we have to cut \$300 billion—

Mr. LONG. Before we can have \$1 of revenue.

Mr. CHILES. Yes, so we cannot come to the dance now. That deal, as I remember, was rubbed into us. We did not make it to start with. We did not have much to do with what happened. Now we are told that somebody betrayed somebody.

Well, Mr. President, as I say, we need to find out who. I am just as anxious as the President to find out who did that. If we can find out who betrayed us, then I think we ought to take some action about it.

Mr. DOLE. Mr. President, I shall take just a minute. I think the Senator from Wisconsin would like to close this debate.

I just say that there is no doubt in my mind that the President would like to have more spending reductions. I wish we could get more spending reduction. I think many of us, some on both sides, have voted for more spending restraint.

I am not certain that this sense of the Senate resolution will help us reduce the deficit. What concerns this Senator is not what deal somebody may think they made a year ago or 2 years ago, it is what kind of deal we are going to make for the American people on the deficit. I do not see many good signs. We see a lot of hope, but I do not see the 51 votes yet in the Senate to put together a deficit reduction package. In my view, with some help from the Speaker and the President, we can do that yet this year. There is a lot of sentiment on both sides of the aisle in the Senate to do something.

It is our hope—my hope and I think the hope of many Democrats and Republicans—that we can do it in the next 4, 5, 6, or 7 days.

I do not quarrel with the hope of the Senator from Wisconsin that we can do more on the spending side. That is also my hope, but I do believe we can

probably survive without this resolution being adopted.

Mr. MOYNIHAN. Mr. President, may I speak for 2 minutes?

Mr. KASTEN. I yield 2 minutes to the Senator.

Mr. MOYNIHAN. Mr. President, most seriously with respect to this amendment, there are two areas of the Federal budget which have grown enormously in the last 2½ years. They are those portions allotted to the common defense and to agricultural subsidies. I call particular attention to this subvention for agriculture.

The previous administration left us with an agriculture program costing, as I recall, some \$4 billion annually. This year, it is running at \$23 billion a year.

Mr. President, the discussion today is about how to cut Government spending. Surely, this Congress should cut spending on those programs on which it has most increased spending—a fivefold increase in less than 3 years.

Not 2 weeks ago, we stood on this floor and voted to start paying dairy farmers not to milk cows. Mr. President, I think we could save that money. We do not have to pay dairy farmers not to milk cows. We can pick up a billion dollars there in no time. We could cut that farm program back to where it seemed to work all right, at \$4 billion. How it got to \$23 billion, I do not know. Somebody on the other side of the aisle might know.

Surely, agricultural subsidies would be a prime candidate for those reductions.

Mr. KASTEN. Mr. President, I wish first to respond briefly to the Senator from Florida and the Senator from Louisiana. I think it is important that we not confuse the conference agreement of first budget resolution, in which we adopted a 3-for-1 spending and tax ratio with reconciliation.

I agree that we never reconciled the \$3 of spending cuts for every \$1 of tax increases. We are engaged in this debate today because we should have. It was the agreement of a number of people to make that 3-to-1 ratio stick. We never did it. I think if we start now to shift the question of whether or not we are going to concentrate on reducing spending as much as we are going to concentrate on revenue increases, we shall go forward. Let me give you a few examples I scratched up—there are more in the media—and with which I can make my point.

First, the first concurrent budget resolution which I already put in the RECORD this afternoon, says we are going to increase revenues by \$98 billion, and reduce spending by \$284 billion. There was no assumption to cut social security.

With Republicans and Democrats, Congress adopted that budget resolution with roughly a 3-to-1 ratio. On

May 6, 1982, President Reagan made a few remarks we may find interesting in a question and answer session with reporters. The President said:

We reached agreement on a 3-year deficit reduction package totaling \$416 billion. Two-thirds of the amount will come from spending reductions and interest savings and only 23 percent from revenue increases, and while we realize no compromise can please everyone, this one meets the most important criteria. It will continue to bring down the growth in Federal spending.

That is the President of the United States in response to reporters.

On June 22, 1982, the chairman of the Budget Committee said the following:

In addition, we have outlined a fiscal path for the Government that, if fully implemented and enforced, will cut more than \$378 billion from the cumulative deficits for the fiscal years 1983 through 1985.

That was on June 22, 1982.

On July 19, 1982, in debating TEFRA, the chairman of the Committee on Finance said the following:

The new revenues raised under this bill account for only 26 percent of the total of \$378 billion in deficit reduction called for by the budget resolution.

I ask unanimous consent that the remainder of these remarks contained on page 16907 of the CONGRESSIONAL RECORD, appear in the RECORD.

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

#### EMPHASIS STILL ON SPENDING

Mr. President, I have said that this is not just a revenue raising bill. It is also a spending reduction bill, and it has to be considered in the context of the budget mandate to all committees of the Senate to reduce spending in their respective areas. The new revenues raised under this bill account for only about 26 percent of the total of \$378 billion in deficit reduction called for by the budget resolution: Most of that deficit reduction comes from controlling authorizations and appropriations and from the favorable economic consequences that we expect will flow from firm congressional action to make these changes. It will be a long, tough battle to adhere to these budget totals, complete the reconciliation process, and follow through in the appropriations process. But we will never get there at all unless we take the first step. The first step toward getting spending under control is to approve the legislation now before us.

Unfortunately, our plan did not work. We did not reduce the deficit, and we have seen spending increase by \$1.14 rather than decrease by \$3. The fact is that we have not made the spending reductions we had hoped and to make planned in the first concurrent budget resolution for fiscal year 1983.

I have not meant to imply that every single Democrat checked off on the plan. I did not check off on it. I think we need to reduce deficits more than this, and I think we need to reduce spending by more than called for in the resolution. But, it was congression-

al intent, and the President of the United States agreed, that that was the direction we were going to take.

Today, rather than the \$3 in spending cuts, we have added \$1.14 of spending increases to balance off every \$1 in revenue.

I do not want to fall into that trap again. Before we once more increase taxes while being assured of spending cuts, I think we ought to tread very, very carefully. The purpose of my sense-of-the-Senate resolution is to establish the fact that we ought not to increase taxes yet again before we make the spending reductions we agreed to—not unanimously—as a Congress.

Mr. CHILES. When I listen to the statement that the Senator from Wisconsin makes now and then I read this language, "It is the sense of the Senate that no further tax increase should be enacted until Congress fulfills the pledge." I happen to be handicapped with a law degree, but when you talk about a pledge, it is a bargain for a situation which you make. I did not pledge that, and I do not think that this Congress pledged that.

Now, let us look at some of the things that the Senator talks about that are in that figure. We are talking about net interest savings that we expected to get. We were reducing spending so we expected to get net interest savings. All those did not materialize.

If you remember, interest rates happened to go up, so you did not get \$40 billion in interest savings. They just sort of evaporated. You had some administrative savings. Those were things that OMB used to come over here and say, "We are going to save so much money in cutting out waste and fraud in administrative savings." All of those did not materialize.

I do not think that is Congress breaking its pledge. I do not think Congress ever had a pledge.

One other thing is very important to remember when we talk about what the President said. If the Senate will remember, the President disavowed holding to whatever the agreement was for 3 years and came in and asked for a \$75 billion increase in defense.

Remember, all of us got mad. A bunch of Republicans went down to the White House and said, "Wait a minute; we agreed that these were going to be 3-year numbers." But the President and Secretary Weinberger said, "We are not bound by that. We are not bound by those years. We are only bound by 1 year."

So the President is not bound. He has raised defense. And then he says, "Wait a minute; we do not have this three-for-one saving."

You sure do not when you ask for \$75 billion more in defense. We had a 5-percent figure that we put in. It was to go across. But they disavowed that

figure. One side disavowed it. But I have yet to find where we have the pledge. I do not think the pledge comes from the President's speech. I do not think it comes from some remarks about assumptions. You assume you are going to make certain savings in administrative costs. You assume you are to make some interest savings. You assume that certain numbers are going to turn out, and they do not. Then you turn around and say they do not.

Mr. President, if the debate is over, I would be disposed to make a motion to table, but I do not want to cut somebody off.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. DOLE. As I understand it under the sort of informal agreement, that would be a leadership decision.

Mr. KASTEN. Mr. President, if the Senator from Kansas will yield, I have no further desire to debate, but I very much hope to avoid a tabling motion. I would like to get a straight up or down vote on this question.

Mr. DOLE. Mr. President, I think we should have an up and down vote on it. I am opposed to the sense of the Senate resolution. I do think it is ambiguous at best.

Then after this, we will be back on the amendment by Senators KENNEDY and HATFIELD. It is my understanding the Senator from Texas (Mr. TOWER) would like an hour and a half on that amendment. Since we have been about a half-hour already on the proponents' side, I wonder if Senators KENNEDY and HATFIELD might be willing to give the opponents an hour and the proponents another half-hour. As I understand it, the proponents used about 30 or 40 minutes already. If we could make that agreement beforehand, then people can vote and they know there will be an hour and a half window before there will be another vote.

Is that all right with the Senator from Colorado?

Mr. HART. It is fine with me.

Mr. DOLE. I say to the Senator from Massachusetts, it is my understanding that the proponents have used about 30 minutes. Senator TOWER would like an hour and a half total time. He thinks the opponents ought to have an hour and the proponents would have 30 more minutes to make it about an hour on both sides. Would that be satisfactory? An hour for the opponents, a half-hour for the proponents, on the theory that they have already used about 40 minutes.

Mr. KENNEDY. I want to cooperate with the Senator from Kansas. The principal cosponsor (Mr. HATFIELD) has not spoken. I have eight Senators who want to speak for 3 or 4 minutes. I do not want to delay the Senate. If we can get 45 minutes? And I would

like to check with our leader, Senator BYRD. Forty-five minutes would be satisfactory to me, if I could check with Senator BYRD.

Mr. DOLE. Mr. President, could I suggest briefly that I would like to talk to Senator BAKER, if I could suggest the absence of a quorum, to figure this out before the vote so that some Members will have about an hour and half that way to go out and knock on doors with their children.

I suggest the absence of a quorum.

Mr. KENNEDY. Does the Senator want to move ahead and vote on this other one so we can work out the time agreement during the course of the vote?

The PRESIDING OFFICER. The clerk will call the roll.

Mr. BAKER. On the quorum?

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

The PRESIDING OFFICER. The clerk will call the roll.

Mr. BAKER. On what are we calling the roll?

The PRESIDING OFFICER. The absence of a quorum.

The bill clerk proceeded to call the roll.

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

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

The Senate will be in order.

Mr. BAKER. Mr. President, it will take a little while to run the clearances on this request. I feel that we will get it.

The request is for an hour on this side and 45 minutes on the other side, which sort of balances things out. But we cannot do it for the moment, so I suggest that we go ahead with the vote.

Mr. DOLE. Mr. President, at 6:30 p.m. members of the Finance Committee have a matter to finish which involves a few details from this morning.

Mr. QUAYLE. Mr. President, can the majority leader give us some idea of the time we will be voting on the freeze amendment? Some of us who have small children would like to escape this place for trick or treating. May we have some idea what time we will be voting? I would like to vote on the freeze amendment and scare some goblins.

Mr. BAKER. There are no more goblins anyplace than right here. [Laughter].

Mr. President, in answer to my friend from Indiana, let me say that my guess is that we will get this agreement, and then we will have the roll-call vote on the Kasten amendment, which will take 15 or 20 minutes, so you probably have about 2 hours to go out and hustle.

Mr. QUAYLE. So I can probably be free until about 8:30?

Mr. BAKER. I have fudged about 20 minutes, but with the Senator from Indiana, that is not unusual.

Mr. President, I call for the regular order.

#### VOTE ON AMENDMENT NO. 2475

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment. 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 Minnesota (Mr. BOSCHWITZ), the Senator from Maryland (Mr. MATHIAS), and the Senator from Texas (Mr. TOWER) are necessarily absent.

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

The result was announced—yeas 42, nays 55, as follows:

#### [Rollcall Vote No. 326 Leg.]

##### YEAS—42

Abdnor	Hawkins	Pressler
Andrews	Hecht	Proxmire
Armstrong	Heflin	Quayle
Boren	Helms	Roth
Cochran	Humphrey	Rudman
D'Amato	Jepsen	Simpson
Denton	Kasten	Stevens
Durenberger	Laxalt	Symms
East	Lugar	Thurmond
Exon	Mattlingly	Trible
Garn	McClure	Wallop
Goldwater	Murkowski	Warner
Grassley	Nickles	Wilson
Hatch	Percy	Zorinsky

##### NAYS—55

Baker	Eagleton	Melcher
Baucus	Evans	Metzenbaum
Bentsen	Ford	Mitchell
Biden	Glenn	Moynihan
Bingaman	Gorton	Nunn
Bradley	Hart	Packwood
Bumpers	Hatfield	Pell
Burdick	Heinz	Pryor
Byrd	Hollings	Randolph
Chafee	Huddleston	Riegle
Chiles	Inouye	Sarbanes
Cohen	Johnston	Sasser
Cranston	Kassebaum	Specter
Danforth	Kennedy	Stafford
DeConcini	Lautenberg	Stennis
Dixon	Leahy	Tsongas
Dodd	Levin	Weicker
Dole	Long	
Domenici	Matsunaga	

##### NOT VOTING—3

Boschwitz	Mathias	Tower
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So Mr. KASTEN's amendment (No. 2475) was rejected.

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

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

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I understand now we can reach an agreement on the pending amendment that there will be 45 minutes to the proponents and 1 hour to the opponents of the measure on the theory that the propo-

nents have had about 30 to 40 minutes, so that it would be a total of 1 hour and 45 minutes, to be divided 1 hour under the control of the distinguished Senator from Texas or his designee and the 45 minutes under the control of—

Mr. KENNEDY. The Senator from Massachusetts and Senator HATFIELD.

Mr. BYRD. Mr. President, Senator MELCHER wants 10 minutes under his control. Can we work that out? Will someone yield him 10 minutes, or shall we add that?

Mr. DOLE. I would rather not add that because we are getting close to midnight.

Mr. CRANSTON. Will the Senator from Massachusetts yield? He could yield 10 minutes to the Senator from Montana.

Mr. KENNEDY. The Senator is correct. I have 10 Senators that want to speak, so what I intended to do was, after Senator HATFIELD had spoken, to try and divide the time evenly between those Senators. I do not know whether that could be provided for 10 minutes, but that is basically what I indicated to other Senators who wanted time.

Mr. DOLE. Mr. President, we will also yield 5 minutes to the Senator from Montana.

If there is no objection, it will be 1 hour and 45 minutes, divided 1 hour in opposition and 45 minutes in support of the amendment. I understand the distinguished Senator from Maine, Senator COHEN, has been designated to handle the time on this side. Five minutes of our time will go to Senator MELCHER, from Montana. Is there objection?

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

Mr. COHEN. Mr. President, reserving the right to object. Could I inquire, is the time limitation on both the Kennedy amendment in the first and second degree? Does it cover them both?

The PRESIDING OFFICER. The Chair will advise the Senate that that could be the contention, but that should be clarified in the agreement.

Mr. DOLE. As I understand it, if there is no objection, that would cover both the pending amendment, the second-degree amendment, and the underlying amendment.

The PRESIDING OFFICER. The question was on the division of time and yielding on what amendment. There has been no arrangement made.

Mr. DOLE. As I understood the Senator from Massachusetts, this would cover both of them.

Mr. KENNEDY. It would be my intention that the time would cover both the pending amendment and the underlying amendment.

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

Mr. BYRD. Could we have this understanding, too, Mr. President: It is possible that a vote could occur on the second-degree amendment and it could fail. Is there an agreement that there will be no other second-degree amendment offered in that event?

Mr. DOLE. There is no agreement.

Mr. BYRD. Could we have an understanding?

Mr. KENNEDY. There is a perfecting amendment now. There is an amendment in the first degree and a perfecting amendment.

Mr. BYRD. I said if the second-degree amendment is voted on first and it would be, and if it failed, then what we would have left is the first-degree amendment, with an opportunity to someone offering a second-degree amendment and no time for debate. I raise that question as to whether we want to get that involved.

Mr. DOLE. Could we agree on a 30-minute time limit?

Mr. KENNEDY. I will make it clear that it is not my intention to offer any further amendments although I cannot ask unanimous consent that the earlier amendment be withdrawn. I have already asked for the yeas and nays. But that would be my intention.

Mr. DOLE. Then someone else could offer a second-degree amendment.

Mr. BYRD. Yes. I would suggest we have a time agreement on a second-degree amendment. In that event, there should also be the requirement that the second-degree amendment be germane to the first-degree amendment. I am just raising the question.

Mr. DOLE. I am just trying to go to another meeting.

Mr. KENNEDY. Could I ask unanimous consent to be able to withdraw the yeas and nays on the first amendment? That would permit me, if I understand correctly, that after the yeas and nays are on the second-degree amendment and that is disposed of, I can ask, as author of the amendment, to have it withdrawn. If agreeable to the managers of the bill, I do so at this time.

Mr. BYRD. I hope the Senator will not misunderstand me. The Senator has not only ordered the yeas and nays on the first amendment, but I believe the first amendment had been acted upon by virtue of the time agreement if this agreement is favorably acted upon.

The PRESIDING OFFICER. The yeas and nays have been ordered on the first amendment. The time agreement is in place on both amendments.

Mr. BYRD. So it would require unanimous consent not only to withdraw the yeas and nays but it would require unanimous consent for the Senator to withdraw it because of the time agreement.

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. Mr. President, I ask unanimous consent that it be in order now to ask for the yeas and nays on the two amendments.

The PRESIDING OFFICER. The yeas and nays have been ordered on both amendments.

Mr. COHEN. Is it our understanding that if the second-degree amendment fails, it would be open for someone else to offer an amendment at that time with a time agreement?

Mr. BYRD. It would be unless there is unanimous consent that a second second-degree amendment would not be in order.

Mr. KENNEDY. Mr. President, could I ask unanimous consent that if the amendment fails, that the first-degree amendment would be withdrawn?

The PRESIDING OFFICER. Is there objection? The Chair hears none. Without objection, it is so ordered.

Who yields time?

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, I would like to inquire of the Chair as to whom I look for time on this?

Mr. KENNEDY. The Senator from Oregon and the Senator from Massachusetts have responsibility for the time as sponsors of the amendment.

Mr. HATFIELD. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, I rise to speak on behalf of the amendment offered by the Senator from Massachusetts and myself on the issue of the nuclear freeze. I know that this is an evening which is going to be taken up with an awful lot of issues. This is perhaps not the best vehicle or the time upon which to raise such an important one as the nuclear freeze. But be that as it may, I want to say that I think this is one issue that the people of this country are deeply concerned about and, with the exception of the State of Arizona, every referendum in which the people had an opportunity to vote displayed an overwhelming support for a mutually agreed, verifiable nuclear freeze. This includes the city council of Charlotte, N.C., unanimously approving a freeze, four out of the five commissioners of Mecklenburg County, N.C.; numerous town halls of New England, town halls that the Senator from Massachusetts told me that he and his brother never carried, staunch Republican strongholds; the Middle West States like Minnesota and Wisconsin; the Far West. Throughout this country people have spoken very clearly about their support for the nuclear freeze.

First of all, let me say it can be verified. The testimony before our committee by William Colby and Herbert Scoville, both testified as experts, was that it is far easier to verify a total freeze than a partial freeze. The freeze can be negotiated. We know this because of testimony from those who have been on the negotiating front, Paul Warnke and George Ball, men who have served their country well. So we are not talking about a theory. We are not talking about a hopeful or wishful idea. But we are talking about something very pragmatic.

Mr. President, Dwight Eisenhower once said the time will come when the politicians will have to step aside and let the people have peace. I think this is precisely that moment in our history. I think that it is possible to achieve a mutually agreed, verifiable freeze.

I am very hopeful that people will have the opportunity to read a public printing of Mr. Richard Nixon's new book called "True Peace," which will be commercially printed in January. Even though he does not support the freeze, as such, he has made a very interesting point, one that was made by President Eisenhower years ago: war today is obsolete; that it is no longer possible to consider war as an option in foreign policy, and, more precisely, that this is the time when the Russians need a deal. Regardless of Watergate or any other aspect of Mr. Nixon's Presidency that we may disagree with, I think we all have to agree that he was a man who understood the Russians, he was a man who could deal with the Russians, and he was a man who understood world geopolitics as few in our modern history have understood it.

President Eisenhower also indicated that the time had come when we would have to go to the negotiating table and work out our differences because war would be impossible without it becoming global suicide.

There are a lot of images, a lot of talk about the freeze, that miscommunicates or misconveys its real meaning. This is but a first step toward nuclear reduction. If you take the overall arsenals of both countries, if you take the qualitative factors and the quantitative factors together, we have what has been referred to as a rough equivalency. If we think we are going to move to a place where we are so far ahead in every aspect of this mad arms race that somehow we are going to get the Russians to negotiate, I think we are only kidding ourselves because neither side is going to negotiate for a freeze, for a build-down, or for anything else, until they recognize that there is equivalency.

That is pragmatism.

Mr. President, I submit that there are two basic reasons why a freeze is significant and important at this time. One is the economy. Everybody wrings

their hands about the way the economy is going because of the large deficit and because of the failure to bring economic recover of the type predicted by the economic packages we have adopted. Let me just remind my colleagues that the United States will be spending \$65 billion this year preparing for nuclear war or developing a greater capacity to wage nuclear war, \$450 billion over the next 6 years. We can expect a rise of 200 percent for nuclear war preparedness programs from 1980 to 1988.

Mr. President, overall arms spending for all programs in the military, based upon the President's projections, will by 1986 be—\$1 billion a day, \$41 million an hour; \$700,000 a minute.

The economics should make us stop and realize that we cannot continue this madness without some impact upon our ability to provide jobs for our people and to provide the capital for the restoration of our crumbling infrastructure and for helping to stimulate our basic faltering economy.

The second reason I think we should support the freeze amendment is that it can be the first real step toward dealing with the unraveling of national security that every nation in this world faces from the standpoint of the possibility of a mistake, or an error, that could launch a nuclear war. Let me read from Arthur Macy Cox's book, "Russian Roulette."

At 11:00 a.m. on June 3, 1980, Air Force officers monitoring the early warning system deep inside Cheyenne Mountain, Colorado, were struck with terror. The fluorescent display screens were flashing a warning: The Soviet Union had launched a large attack with its strategic submarines from positions close to the coast of the United States; the missiles would reach their targets in less than ten minutes.

The alert was immediately fed into computers of the Strategic Air Command in Omaha, the National Military Command Center in the Pentagon, and the underground Alternate Military Command Center fifty miles northwest of Washington. Pilots and crews of 116 B-52 nuclear bombers raced to their planes and began to taxi for takeoff. Nuclear submarine commanders at sea were alerted for action. At the underground launch centers housing American intercontinental ballistic missiles, officers strapped themselves into jolt-resistant chairs, removed verification codes, and inserted launch keys into their slots. (When two keys ten feet apart are twisted within ten seconds of each other, the irretrievable missiles blast off toward their targets in the Soviet Union.)

A faulty 46 cent computer chip.

Was that unusual? Well, between January 1979 and June 1980, there were almost 4,000 false alarms on our advance warning system, 147 of them deemed very serious by the Pentagon. That kind of mistake could create the triggering mechanism for the apocalypse. Fortunately, we had enough time to verify the error of that alert or that signal.

Our advance warning system is more sophisticated than the Soviet Union's system. What kind of signals are they getting? So the possibility of error, the possibility of mistake, is so paramount in this whole situation, we ought to begin the process by which we can reduce those arsenals on a mutually agreed basis, and move ourselves back from the abyss.

Let me remind you, Mr. President, that an average of 5,000 individuals are removed from access to nuclear weapons for medical and other reasons every year. In 1 year 250 of them were removed for using LSD and heroin, 1,000 for negligence, court martial, or conviction for offenses of a serious nature.

Oh, I hope we can understand that this is not something we are talking about in theory or in doctrine. This is hard-bitten realism.

Mr. President, by 1999 or 2000, but 13 years away, a little more than two Senate terms, as many as 60 countries of the world could have the capability of dealing in nuclear weapons. If the super powers of today cannot control their lust for the escalation of their military arsenals, particularly their nuclear arsenals, I fear there will be very little influence we can exert toward those countries, particularly those of the Third World.

Colonel Qadhafi of Libya announces that he would like an Islamic bomb, whatever that may be. So we deal with the possibility of error every minute of the day.

Let me close my remarks by again quoting the one President, in my view, in my lifetime who understood national security in its entirety, Dwight Eisenhower. Let me quote what he said:

When we get to the point, as we one day will, that both sides know that in any outbreak of general hostilities, regardless of the element of surprise, destruction will be both reciprocal and complete, possibly we will have sense enough to meet at the conference table with the understanding that the era of armaments has ended and the human race must conform its actions to this truth or die.

What President Eisenhower was telling us was that even if there is a strategy for winning a conventional war, it is analogous to suicide, because the loser will have launched his weapons before the outcome would have been conclusive.

I am very hopeful that we can at least take this first step in responding to the call to the people for good judgment, for logic, and for the survival of the human race.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. I yield 10 minutes to the Senator from Utah.

Mr. GARN. I thank the distinguished Senator from Maine.

Mr. President, I do not know of any issue that has occupied my time more the 9 years I have been in the Senate, particularly since 1978 and 1979, during the negotiations on SALT II or an issue that I am more concerned about. I suppose that concern arises from what we heard earlier this evening from the distinguished Senator from Indiana, how he had young children and wished to go trick-or-treating with them.

I also have young children and I have old children. I have seven, from age 25 down to age 14 months. Nothing concerns me more than their welfare and the future that they may or may not enjoy in this country. So, as I see the debate on arms control, those who proclaim that they are for peace if they are against weapons buildup and modernization and they are clean and pure if they are for any sort of arms control agreement just for the sake of an agreement disturb me.

We are all for peace. There should be no debate on that whatsoever. We all understand the horrors of nuclear war. We do not have to have a biased film we are going to see on TV in a few weeks to convince us of that. Nuclear war is dangerous to our health. There is no doubt about that. The debate is on how best to prevent that nuclear war. That is all the debate is about.

In anticipating this debate, I had planned to spend a great deal of time not to delay, but only to point out the folly of a nuclear freeze and the fatally flawed SALT II treaty once again. But due to the fact that this was brought up on a debt limit at the time when we are approaching midnight, and it is inappropriate in this area, when we have more pressing problems to be brought up for the good of this country, I shall abbreviate my remarks considerably tonight in the spirit of cooperating with the leadership.

Mr. President, I am deeply troubled that, at a time when the Soviet Union continues to deploy SS-20 missiles, test new ICBM's beyond the limit of SALT II, encrypt telemetry almost entirely during such testing, construct an outlawed ABM radar, shoot down unarmed Boeing 707's, the KAL, use chemical weapons to kill innocent Afghans, and generally continue unabated their military buildup without regard to what we do on this side, the United States finds itself debating the merits of a nuclear freeze.

If we are to spend this time allotted for consideration of the debt limit extension legislation debating the issue of nuclear arms control, then I would suggest that our time would be better spent reviewing the record of Soviet noncompliance and the wisdom behind our own policy of essentially adhering to the terms of SALT II—an agreement judged to be detrimental to our national interests and never ratified by the Senate.

The nuclear freeze is a dead initiative, going nowhere, but forever being resuscitated by a handful of partisan, die-hard proponents. The Senate Foreign Relations Committee—hardly a bastion of hardline, conservative arms control critics—defeated a motion to report the freeze resolution to the Senate with a favorable recommendation. The reason for its defeat is simple: The freeze constitutes a catchy, easily understood slogan that reflects the genuine concern all Americans share regarding the threat of nuclear war; it is, however, a seriously flawed platform for negotiating verifiable reductions in the nuclear arsenals of both superpowers.

Mr. President, I look with wonder upon those of my colleagues who advocate a freeze, yet seek to preserve their allegiance to a strong national defense by assuring us that they find certain of our nuclear modernization programs not only acceptable, but stabilizing. Some support the B-1 as a necessary program to replace our B-52 fleet and yet support a freeze that would prevent it being built. Others favor the development and deployment of a Stealth, advanced technology bomber, which the freeze would also stop, while preserving the B-52 by deploying air-launched cruise missiles. Then, there are those who favor the Trident submarine or Trident II missile programs—reasoning that this is preferable to the deployment of the MX. With respect to the modernization of our ICBM force, there are freeze advocates who favor an accelerated small, single warhead ICBM program as a stabilizing alternative—which the freeze would also stop. I do not really understand the double standard to the MX and the existing condition of Minuteman vulnerability. With respect to our NATO dual track policy of deploying Pershing II and ground-launched cruise missiles while we continue to negotiate a mutual elimination or reduction in this class of weapon systems, there are freeze proponents who do not support the unilateral cancellation of these programs.

The point I am trying to make is that under the surface of their rhetorical commitment to a freeze, many freeze advocates inherently recognize the need to exercise commonsense discretion and selective judgment when considering the merits of particular modernization programs. That commonsense judgment is already reflected in the Reagan administration's balanced program of arms modernization and negotiated weapons reductions. Adoption of a nuclear freeze resolution throws the need for judgment and discretion out the window. It is, in effect, the meat ax approach to arms control. Or, as former Secretary of Defense Brown has observed:

It (a nuclear freeze resolution) would displace or draw attention away from more specific and effective arms control proposals and from actions needed to stabilize the strategic balance.

Regardless of the rhetoric of the nuclear freeze—which can often be characterized as a perverse fascination with mutilated bodies, mountains of human corpses, unimaginable destruction to the environment, and other such sickening obvious consequences of a full-scale nuclear war—the fact remains that the United States has not steadily added to its nuclear arsenal oblivious to the requirement of preserving stability. In testimony before the Senate Appropriations Defense Subcommittee, Richard Perle, Assistant Secretary of Defense for International Security Policy, noted that:

In the period in which there has been an active arms control negotiation, one finds on the whole a decline in the number of American nuclear weapons deployed worldwide and a significant increase in the number of Soviet weapons deployed worldwide.

Today the United States has approximately 8,000 fewer nuclear warheads deployed than we had in the late 1960's. In terms of destructive power, the United States has roughly one-quarter of the megatonnage deployed today than we had in the early 1960's. In NATO, the nuclear planning group has just announced its decision to withdraw approximately 1,400 nuclear warheads from Europe over the next several years. This comes on top of a 1979 decision to withdraw an additional 1,000 warheads and to offset the deployment of Pershing II and GLCM's with a 1-for-1 reduction in currently-fielded systems. The process of modernization has, therefore, resulted in decisions leading to a total NATO nuclear stockpile which is at its lowest level in over 20 years. There has been a nuclear arms race going on, Mr. President. We just have not been participating. I only wish we saw the same thing taking place on the Soviet side. Instead, there seems to be no end as to the Soviets' determination to build up their nuclear forces across-the-board.

Mr. President, the nuclear freeze should be rejected for the following reasons:

It would lock into place a destabilizing condition of United States/NATO disadvantage and force vulnerability;

It would undermine the more meaningful START and INF negotiations, and remove whatever incentive the Soviets might now have to agree to reductions;

It would pose verification challenges that would be either insurmountable or require cooperative measures that the Soviets have historically rejected;

It would seriously disrupt the NATO alliance when it can least afford self-induced division; and,

It is likely to impose further unilateral pressure on the West to abandon needed modernization.

President Reagan has fully demonstrated his commitment to the goal of substantial, verifiable reductions in the nuclear arsenals of both superpowers. The United States has shown a willingness to be flexible in these negotiations in order to accommodate objections raised by Members of Congress and the Soviet negotiating team. Indeed, my honest opinion is that we are on the road to becoming too flexible. In START, we have modified our proposal with respect to restrictions on Soviet heavy ICBM's, we have dropped our two-phase approach to the negotiations, we have modified our position concerning megatonnage reductions, and we have incorporated into our proposal a variation of the build-down formula. In INF, we have moved away from the most desirable objective of zero deployments on either side, we have sought to accommodate Soviet deployments of SS-20's in Asia, and we have agreed to consider dual capable aircraft. In return, we have received minor Soviet concessions which do not provide a basis for agreement, but do justify continuation of our efforts.

If we are not careful, a recent observation of Leslie Gelb that "the Administration seems to be following the familiar pattern of past Soviet-American arms negotiations: Ambitious initial American proposals for real arms control, then pressures from allies and Congress to compromise, then American back-pedaling over several years, and finally either a modest agreement or nothing," may come true. We will all live to curse the day if it does.

Mr. President, I will not take much more of my colleagues' time, but to say that the President has outlined a broad ranging and fundamentally sound arms reduction program.

I continue to emphasize the word reductions. Both sides have too much. We should work to reduce, not to freeze in place a great advantage for the Soviet Union that gives them no incentive whatsoever to reduce in the future.

That program ought not to be compromised further by pressures from the Congress—negotiating with the Soviets is difficult enough—and the issue of the nuclear freeze should be put to rest once and for all.

I thank my distinguished colleague for yielding.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield 4 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. CRANSTON. I thank my friend from Massachusetts and I applaud him for his leadership. It has been a

pleasure to work with him on this vitally important issue.

Mr. President, the world has taken a dangerous turn over the past few years. A while ago when the great and beloved Hubert Humphrey was a Member of the Senate, the rallying cry for America was full employment. Now under President Reagan the cry seems to be for full deployment.

The roll will soon be called on a proposal which, if implemented, could mean the beginning of the end of the nuclear arms race.

The vote today is in response to the people's call.

Never before since the birth of the nuclear age have so many Americans expressed so clearly their belief that the leadership of the United States and the Soviet Union have failed. Never before have so many Americans rallied behind a specific step that we and the Soviets could take together to end the threat to human life on our planet and to provide greater security for all of us and our children.

I have joined with Senators KENNEDY, HATFIELD, and PELL to press relentlessly for today's vote. With Senator PELL, I led the fight in the Senate Foreign Relations Committee to get the freeze reported out of committee so that the Senators can have their votes recorded on a proposal that more than 20 million of their constituents have stood up and voted on—with more than 60-percent voting "yes."

While the resolution before us does not mandate a freeze, it sets forth a specific plan, a road map of the route from the present unrestrained arms competition to a safer world.

Its practicality, feasibility and verifiability was attested to by expert testimony before the Foreign Relations Committee.

President Reagan could have grasped this epic opportunity.

He could have responded with open arms to the world's overwhelming cry for an end to the nuclear arms race.

President Reagan personally—not his ironically misnamed MX missile—could have been the nuclear peace-keeper. He could have been the peace maker.

Sadly, he has chosen not to take the role of the nuclear peace maker.

The next President of the United States must.

I believe that the next President of the United States could achieve a mutual, verifiable freeze of all testing and deployment of new United States and Soviet nuclear systems very swiftly. We have in hand the means of verifying such a testing and deployment freeze. A mutual moratorium, pending a formal agreement, could readily be achieved.

Negotiations on a production freeze and a treaty for a systematic, stabilizing reduction in nuclear arms could then proceed as a top priority.

The two points I want to make are: First, a testing and deployment freeze is readily achievable; and second, such a freeze is an essential step for ending both the qualitative and quantitative aspects of the nuclear arms race. The freeze is the only way to insure that new deployments do not outpace efforts to control them.

Resting our hopes for future security on building more nuclear weapons while saying we want less is not being realistic. We can ill-afford to be unrealistic when survival in the nuclear age is at stake.

Mr. President, earlier this month President Reagan announced the fourth major shift in his arms control negotiating posture in the last 9 months.

Many have questioned the motivation of this sudden flurry of public proposals by a President who opposed every major nuclear treaty negotiated with the Soviets by Presidents Kennedy, Nixon, Ford, and Carter.

But whether the upcoming elections, or American freeze supporters, or our European allies produced the greatest pressure upon the White House is not the important question.

At issue are the merits of these new Reagan proposals.

Any proposal which increases the prospects for an end to the nuclear arms race and for a beginning of a substantial, stabilizing reductions in bloated United States and Soviet nuclear arsenals should be welcomed by the President's supporters as well as his most vocal critics.

It was 18 months into the Reagan administration before the President offered even a bare outline of a START negotiating position. Now, almost 3 years after his election, Ronald Reagan is pressing with greater fanfare a build-down plan for strategic arms control, a concept that would have the superpowers agree to retire up to two old nuclear warheads for each new one deployed.

The problem with this Reagan plan is obvious. In an effort to end the quantitative arms race, it would institutionalize a qualitative competition to build more deadly, more accurate nuclear missiles that are potentially less and less verifiable.

With more than 50,000 nuclear weapons in our two arsenals—nearly 20,000 of them strategic weapons—it could take decades of this scenario of building-up and building-down before we achieved any significant reductions in our respective destructive powers. Any arms control plan with build-down as its centerpiece is a prescription for an incredibly costly nuclear arms competition to continue well into the next century.

The ill-defined build-down scheme is based upon dangerously unrealistic assumptions that are not justified by the

history of the arms race. Build-down proponents assume that United States and Soviet strategic planners would necessarily move toward more survivable nuclear weapons which, they assert, would be certain to stabilize the arms race. But, as we have seen with the MX deployment plans, aging nuclear weapons are not being replaced with more survivable systems. And new United States and Soviet deployments—such as the MX and the SS-20 missile—will not produce greater stability in the foreseeable future.

The fundamental weakness of the Reagan administration's negotiating premise at the START and the INF talks is the President's Orwellian insistence that we must build more in order to get less. Arms control efforts by every American and Soviet leader since the advent of the nuclear age have failed because of a similar reluctance to accept the basic fact that to reach a world with fewer deadly nuclear weapons, we must first stop building more weapons.

This is the basic premise of the bilateral nuclear freeze proposal, which recognizes that we must halt all new nuclear deployments. Only by stopping new deployments will there be the breathing space necessary for negotiators to achieve the deep cuts in our arsenals that can lift the nuclear sword of Damocles which hangs over our civilization.

The PRESIDING OFFICER. Who yields time?

Mr. COHEN. Mr. President, I yield 7 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. DENTON. Mr. President, as Winston Churchill said: "You must look at the facts, because the facts look at you." Let us look at just a few of the facts about the strategic balance and the state of our national defense. We must look well and closely, not only because our national and personal lives, along with our freedom, are at hazard, but also because we are required by the Constitution to provide for the common defense. What are the truly relevant facts?

Overall, it is a fact that the chances for peace, for freedom, for arms reductions—those chances would be reduced by a nuclear freeze at this time, under present conditions.

There was a time when the United States had a nuclear monopoly, then a first-strike capability against the Soviet Union, and never used them, in spite of the dropping of the Iron Curtain after framed elections in Eastern Europe, the Hungarian revolution, and other provocations.

Now, the fact is that, over the last 10 years, the Soviet Union has built toward an advantage in every category of strategic systems: Land-based missiles, submarine-launched ballistic missiles, and bombers.

It is a fact that the Soviet Union's massive strategic forces building program has produced a situation in which the Soviet Union outnumbers the United States in virtually every category that one can imagine, and certainly in the categories that are most important for the strategic balance, such as modern, accurate missiles and warheads.

Without dealing with dry statistics, the following are the most clearly understandable facts:

It is a fact that the Soviet strategic systems are new and that U.S. systems are old. By strategic systems, I mean land-based missiles, ballistic missile submarines, and long-range bombers.

It is a fact that 77 percent of Soviet strategic nuclear weapons are carried on launchers less than 5 years old. By contrast, only 4 percent of U.S. weapons are on launchers less than 5 years old.

Ninety-four percent of Soviet strategic nuclear weapons are on launchers less than 10 years old; 77 percent of U.S. weapons are on launchers 15 years old or older.

All our deployed land-based intercontinental ballistic missiles are old and obsolete. Their maintenance costs are increasing very rapidly, and may soon reach the point where it would be cheaper to buy new missiles altogether.

Strategic systems are no different from automobiles or furniture. Even if they are never actually used to deliver weapons, strategic systems wear out and become obsolete.

A nuclear weapons freeze, even if bilateral and enforceable, would lock the current imbalance into concrete. It would leave our declared adversary with a numerical advantage. Perhaps even more important, it would leave him with new weapons of modern design and using the latest technology. It would leave us with old weapons based on technology already out of date.

Under a freeze based on current conditions at some point all our systems would simply wear out, but the Soviets would still have an effective and usable capability to attack and destroy our country.

When you come right down to it, the United States has already frozen the size of its forces, and in some categories the numbers have actually been reduced. In 1967, before even the first SALT Treaty, we limited the number of our land-based missiles to 1,055.

For more than 10 years, while the United States has frozen or reduced the size of its strategic forces, the Soviet Union has greatly increased its own. The number of warheads on land-based missiles increased from 1,500 in 1972 to 5,000 today. The size of the Soviet missile submarine force went from 57 to 70, and the number of

Soviet strategic bombers increased from 150 to 356 during the last decade.

Mr. President, the facts about our strategic modernization program, which is designed not to increase the total number of our strategic systems but "to give the United States a deterrent force by replacing outmoded systems with new ones that are more effective, survivable and reliable," are clearly stated in a point paper prepared by the Department of Defense and sent to me on April 21 by Mr. Ronald F. Lehman II, then Deputy Assistant Secretary of Defense for Strategic and Theater Nuclear Forces Policy. I ask unanimous consent that the text of Mr. Lehman's letter and the point paper be printed in full immediately following my remarks.

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

OFFICE OF THE  
ASSISTANT SECRETARY OF DEFENSE,  
Washington, D.C., April 21, 1983.

HON. JEREMIAH DENTON,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR DENTON: The attached point paper on Strategic Force Modernization represents an analysis of the impact of President Reagan's strategic modernization program on the force limitations imposed by the SALT II Treaty. As the analysis shows, the focus of the program is clearly on modernizing our outmoded weapons with new ones that are more reliable, survivable, and effective.

Your support of the President's program is greatly appreciated and I trust the information provided will be helpful.

Sincerely,

RONALD F. LEHMAN II,  
Deputy Assistant Secretary of Defense,  
Strategic and Theater Nuclear Forces  
Policy.

POINT PAPER ON STRATEGIC FORCE  
MODERNIZATION

It is the policy of the United States to take no actions that would undercut existing arms control agreements, such as SALT II, as long as the Soviets exercise the same restraint. This policy is designed to promote opportunities in the START negotiations and recognizes that the SALT II treaty is not of sound base for a long term arms control agreement. Although SALT II counting rules included a large number of B-52 hulks, in substance, United States strategic forces are and have been less than the limit of 2,250 launchers allowed by SALT II.

The President's strategic modernization program is not designed to increase the total number of our strategic systems. It is designed to give the United States a deterrent force by replacing outmoded systems with new ones that are more effective, survivable, and reliable.

Since 1967, the United States has maintained a force of no more than 1,054 ICBMs. The 54 Titan missiles are now being deactivated. The MX Peacekeeper ICBM, to be deployed in hardened Minuteman silos, will replace the Titan missiles and the Minuteman missiles already in the silos.

Since 1972, the United States has maintained a force of no more than 656 SLBM launchers, with the current total at 568. 160

Polaris launchers have been deactivated since agreement on the SALT II Treaty, although about half of these still count under SALT rule. Trident submarines will maintain our force level until older Poseidon submarines reach the end of their thirty-year full life in the early 1990s.

At the signing of the SALT II Treaty, the United States declared a force of 574 heavy bombers—active inventory plus those in storage/retirement. The active force is now at 297 with the retirement of B-52C/F/D bombers and attrition of B/52G/H and FB-111 bombers. The 100 B-1B bombers now being procured are replacements for some of the B-52C/F/D bombers already deactivated. When they become available in the 1990s, Advanced Technology (STEALTH) bombers will begin to replace the remaining B-52s.

As the strategic modernization program evolves with continuing replacement of systems aging out, the total number of strategic systems would not exceed the 2,250 limit provided by SALT II.

The total number of nuclear weapons of all types in the United States stockpile was one third larger in 1967 while the megatonnage was four times greater in the early 1960s.

**The PRESIDING OFFICER.** Who yields time?

**Mr. KENNEDY.** Mr. President, I am glad to yield 3 minutes to the Senator from Maine.

**Mr. MITCHELL.** Mr. President, I thank the Senator.

**Mr. President,** many years ago, Albert Einstein observed that the "unleashed power of the atom has changed everything save our modes of thinking." Today, there is hope that the people of this country are beginning to prove him wrong.

The American people have been demanding since 1981 that nuclear arms control become a priority for our Government.

The issue in the nuclear debate is survival. Not Democratic survival or Republican survival, but the survival of our Nation and our civilization.

The NATO and Warsaw Pact nations today possess some 50,000 nuclear warheads, some more powerful—many times more powerful—than the bomb dropped on Hiroshima.

The NATO and Warsaw Pact nations possess 17,400 intercontinental nuclear warheads, each sufficient to destroy a city. But there are only 3,000 cities with 100,000 people or more in the entire world. So-called battlefield nuclear weapons, such as artillery shells, are virtually all the same size as the 1945 bomb which destroyed the center of Hiroshima. To call such weapons tactical is to strain the sense of the English language.

The United States currently deploys the equivalent of 3,875 megatons of explosive power. The total explosive power detonated in the Second World War, including the atomic bombs, is estimated at 2 megatons. A fraction of our arsenal could completely destroy the Soviet Union. It could virtually de-

stroy the Northern Hemisphere of our planet as well.

The loss of human life in a nuclear war would be catastrophic. In an all-out exchange, more people would die in the first few hours than have died in all the wars of history combined. The World Health Organization estimates that over 1 billion people would die immediately, 1 billion more would be severely injured and most of them would die. Two billion people is over half the world's population. No catastrophe of comparable scale has ever faced the human race. The loss of 50 million lives in World War II pales by comparison.

In yesterday's edition of Parade Magazine, Dr. Carl Sagan of Cornell University described a study based on information from Mariner I, which measured the effects and duration of huge dust clouds on Mars.

A 1-megaton nuclear explosion raises 100,000 tons of fine dust. Nuclear explosions also cause fires and smoke. A computer simulation of the effects of exploding 5,000 megatons demonstrated that dust and smoke would blanket the Northern Hemisphere so that sunlight could not penetrate. Land temperatures would fall to 13 below zero, Fahrenheit. The blanketing could last for months, long enough to assure the virtual extinction of most plants and animals in the Northern Hemisphere. The dust cloud cover, when it finally began to move, would have similar effects on the Southern Hemisphere. By the most conservative reckoning, in such a world what we know of as civilization would not exist. The human race could barely survive, if at all.

But the computer simulation also found a far more ominous fact: That even a 100-megaton exchange, a so-called limited nuclear war, would have a similar outcome. Such an exchange would not use even 1 percent of the existing nuclear forces, but it could threaten the survival of half of the world.

The idea of a nuclear arms freeze is a response to that prospect.

The freeze proposal is straightforward. A freeze would be mutual, not one-sided. It would be verifiable, not taken on trust. And it would preserve our ability to deter nuclear blackmail and nuclear war.

The conservative columnist, James J. Kilpatrick, has observed that the freeze is simply a new element in an idea as old as warfare: The idea of calling a truce. Kilpatrick asks why opponents object to it and finds no answer.

It is not easy to understand why the freeze has been the subject of denunciation rather than debate.

The freeze has been attacked as too simplistic.

That charge is a red herring. A nuclear freeze—like any other arms control suggestion—would have to be negotiated. And negotiations would have

to result in a mutual freeze, applying to both sides. They would have to result in a verifiable freeze, so both sides would know neither could cheat. That is what the amendment before us provides.

The issues now being negotiated in the START talks would all be negotiated in a freeze. We would negotiate how to count the different kinds of weapons, modernization, replacement rates, reduction rates, satellite monitoring and on-site verification. These are issues in every arms negotiation, and it is misleading to suggest that they would not be part of a negotiated moratorium.

The difference is in approach: Instead of starting from a premise that allows the Soviets to modernize and catch up where they are behind us, both sides would simply agree to a moratorium on their present relative positions. They would, as Kilpatrick says, "call a truce."

The argument is made that a moratorium would lock us into some kind of inferiority as against the Soviets.

But that is an assertion that the President's own Commission on Strategic Forces—the Scowcroft Commission—has put to rest. The Scowcroft Commission clearly said that we have now, as of this moment, the ability to reliably deter an attack on us, because we have the ability to respond with devastation against any attack the Soviet Union could launch.

There are no grounds for asserting that the United States lags behind the Soviets in nuclear deterrence.

One-quarter of our nuclear deterrent forces, the land-based missiles, have been said to be potentially vulnerable to a Soviet first strike; the so-called window of vulnerability. But the Scowcroft Commission exploded that myth. "To deter surprise attacks we can reasonably rely both on our other strategic forces and on the range of operational uncertainties that the Soviets have to consider in planning such aggression." That is what the Scowcroft Commission said about the window of vulnerability.

The Commission confirmed that our forces are strong and effective enough now to deter attack. It confirmed that the Soviets do not have the capacity to launch such an attack in any event. The basis for the Commission's conclusion is straightforward. Because only one-quarter of our total forces are in land-based missiles, three-quarters of our forces would in such an attack be untouched. In the unlikely event of a 100-percent successful Soviet strike that entirely eliminated our land-based forces, the vast majority of our nuclear deterrent would remain. We could still totally destroy the Soviet many times over. Just one ballistic missile carrying American

submarine can destroy 160 Soviet cities.

So, contrary to the assertion that a freeze would lock us into some kind of inferiority, the fact is that we have now the ability to deter attack. And deterrence is the only purpose of nuclear weapons.

We should be able to debate the elements of a nuclear freeze without implying that our Nation is defenseless against the Soviet Union or that we stand in imminent danger of an all-out nuclear strike with no ability to respond. That is untrue. The Scowcroft Commission has confirmed it, and the administration has accepted it.

Soviet missiles are heavier in payload to make up for being less accurate than ours. Our missiles are both more accurate and more numerous. We do not need the heavy payload to reach and destroy targets. They do. Most of their missiles use unstable, unreliable liquid fuel; the bulk of ours use solid fuel. Seventy percent of Soviet missiles are in land-based silos, potentially vulnerable to a U.S. strike. Seventy-five percent of ours are on intercontinental bombers, and on nuclear submarines which can either evade a first strike or are for the foreseeable future invulnerable.

The Soviets have more submarines than we do, but their submarines are noisier and far more detectable. They can only keep some 15 percent of their submarine force at sea at any one time. Our submarines are virtually undetectable, our submarines-based missiles are longer range and more accurate, and half of them patrol continuously. The Soviets are now moving to the quieter Typhoon class of submarine, armed with better missiles. A nuclear freeze could freeze that modernization.

Our bomber fleet consists of B-52's which, despite their age, remain superior to anything the Soviets can put into the air. The fleet has been effectively modernized and continues to be modernized. The B-52's carry advanced air-launched cruise missiles and the shorter range gravity missiles, against which there is no known defense possible. The Soviets have no comparable missile. The Soviet intercontinental bomber fleet has never been equal, let alone superior to ours. For the most part it consists of propeller-driven Bear planes. The Backfire bomber must be fitted for midair refueling to achieve intercontinental range. But the Soviets are now planning to build a true intercontinental bomber, the Blackjack. The freeze could freeze that modernization.

Our cruise missiles are small, light, and accurate. They are infinitely superior to the Soviets, whose cruise technology is years behind ours at the moment. A freeze would freeze this relative disparity in place.

The Soviets are moving toward building heavier land-based missiles, equivalent to the proposed MX. But if their current missiles do not credibly threaten us, why allow a buildup that could result in a real threat in the future? The freeze would stop that planned deployment.

A freeze would not give us overwhelming superiority. The Soviets would not agree to anything that gives us a huge margin, any more than we would agree to allow them a huge margin. We do not need overwhelming superiority because we do not plan an attack. We need reliable deterrent ability, and that we have.

Both sides now have the capacity to deter attack. Neither has the ability to launch an attack without committing suicide. The nuclear force levels of both the United States and the Soviet Union are roughly equivalent, although not parallel. Both are a deterrent to nuclear war. The nuclear freeze would simply maintain that status quo as a preliminary to mutual reductions.

Supporters of a freeze have been accused to naivete and of overlooking the reality of Soviet brutality. The shooting down of KAL 007 is presented as evidence that the Soviets do not share Western values, and that they will never consider the human cost when it is a question of their power or prestige at stake.

But that is precisely why arms agreements—mutual and verifiable agreements—are so essential. We do not have to negotiate arms agreements with countries which share our values. If the Soviet Union shared our values, there would be little need for negotiation.

I have served on active duty in our armed forces in Berlin, where the reality of the Soviet presence is tangible. I do not underestimate either Soviet brutality or Soviet determination to sacrifice whatever they think necessary for political and military security. They will make sacrifices for their power and prestige. But there has never been any evidence that they will risk suicide.

The belief that we can build up our nuclear weapons at a tremendous rate and spend the Soviets into collapse or defeat is an illusion. Neither an appallingly mismanaged economy nor a series of political reverses and difficulties in recent years has deterred Soviet pursuit of their security goals. Nothing in the Soviet political system prevents the diversion of resources to match a U.S. arms buildup. And nothing in Soviet history suggests they would not do so.

The belief that if we can maintain a technological edge on the Soviets we will assure our security files in the face of nuclear arms developments over the decades. The Soviets have

eventually matched each technological advance.

In 1960, we fielded the first submarine launched missile. It took them 8 years, but in 1968, the Soviets had their own. In 1966, we developed the first multiple warhead missile. In 1968, the Soviets had one too. In 1970, we developed the first multiple warhead missile that could be independently targeted. But by 1975, the Soviets had that, as well.

Today we have a technological edge in long-range cruise missile development, in neutron bomb production, and in some other fields. How long will it be before the Soviets catch up? They may never surpass us—they have not done so in the past. But whenever they catch up, we simply ratchet the arms race up another step to keep ahead. The freeze proposes that we stop now, in our relative positions, instead of perpetuating this dangerous technological spiral.

The nuclear freeze has been attacked on the grounds that we cannot trust the Soviets.

But the freeze does not require us to trust anyone. Like any other arms agreement, it would be subject to verification and monitoring. No advocate of a nuclear freeze has claimed we should trust the Soviets. Those who claim a freeze could not be verified are overlooking some very fundamental facts.

Under a freeze banning all new deployments, any new weapon being put into place for potential use would be immediately visible by satellite monitoring. Any testing would be immediately verifiable in a situation where no testing is permitted. A ban on deployment would be at least as easy to verify as a ban on weapon modifications where detecting violations requires continuing and exact measurements of a large number of possible activities.

A production ban would be harder to verify, but not necessarily impossible. As former Under Secretary of Defense, William Perry, has pointed out, our intelligence gathering in the past has permitted us to monitor Soviet production so that we have predicted every new ICBM before it was even tested by the Soviets.

Those who claim that onsite verification is essential have never explained why the Soviets could be persuaded to agree to it in a complex proposal like START, but not on a proposal like the freeze. The Soviets agreed to onsite testing in principle, on the comprehensive test ban treaty, a treaty which the current administration has mothballed. That agreement does not meet all the needs of comprehensive verification of a freeze—but it is a clear contradiction of the oft-heard claim that the Soviets would never agree to

onsite inspection. They have done so in the past.

In all the debate over verification, one factor has been ignored. What could not be verified would not be frozen. So, if the Soviets did not agree to acceptable verification of development, our weapons developments would not be stalled either. If they failed to reach a satisfactory verification agreement on production, our production need not be frozen. That is, after all, the essence of a negotiated position.

Opponents of the freeze maintain that the Soviets have no incentives to negotiate, such as public opinion pressures or the needs of their allies, both of which are felt in the West. By that reading the Soviets did not need to negotiate SALT I and SALT II. There were no fewer pressures on them to negotiate agreements in the past than there are today.

As to why a freeze is preferable to the far more complicated and uncertain outcomes of the START proposal or some version of the build-down suggestion, which the administration is also pursuing, there is a simple answer. Time. Last year, the administration said that START might take as long as 10 years to reach conclusion. Nothing in the build-down proposal promises a faster outcome. But a freeze could be reasonably pursued on a much shorter timescale.

A freeze would help counteract the bargaining chip mentality which has dominated arms controls for so long and so unproductively. The bargaining chip gave us deployed MIRV's, which everyone now agrees are the most destabilizing step taken in the last decade. Former Secretary Kissinger has said that if he had it to do over again, he would not have insisted on moving forward with MIRV's.

Today's bargaining chip is equally destabilizing: The MX missile, whose accuracy and throw weight directly threaten the only part of their nuclear arsenal in which the Soviets can have any confidence. Can we seriously expect them to leave us with such a threat in place and not move to protect their major source of deterrence? Would we allow our submarines to be subjected to a threat without taking action? I think not.

Yet the bargaining chip theory is alive and well at the arms talks now, and will, unless we stop, again dominate the development of the nuclear arms race in the coming years.

If START does, indeed, take a decade to negotiate, as the administration says, in 10 years' time, we will be debating ways to overcome Soviet advances in the areas where we now outpace them. That much is certain.

But the fundamental facts will not have changed. We will both still have enough weapons to annihilate each other and the rest of the world. We

will both face retaliatory capacity which will make any first strike suicidal. That much is predictable.

Surely it is time to recognize what we all know to be true: Nuclear weapons do not deter war. Since 1945, wars have been all too frequent and common. The only purpose of nuclear weapons is to deter the use of other nuclear weapons.

Our past nuclear superiority in all categories has never deterred Soviet aggression. It did not prevent aggression in East Germany in 1953, in Hungary in 1956, or in Czechoslovakia in 1968.

Those who claim that Soviet actions in Afghanistan and Poland somehow result from Soviet nuclear strength are ignoring history.

The only use for nuclear weapons is to deter the use of nuclear weapons, not to project power or to overawe adversaries. When we consider the military actions in which both the United States and the Soviets are engaged right now, it is clear that our ownership of nuclear weapons has not stopped Soviet adventurism any more than their possession of weapons has prevented our acting as we deem necessary for our interests.

The amendment before us would assure that the option of a nuclear freeze is considered in the arms negotiations now underway. There is no valid substantive or strategic reason why it cannot and should not be a negotiating option. There are only political objections. But when we are dealing with the potential of world destruction, political objections are not good enough.

● Mr. DURENBERGER. Mr. President, the Kennedy-Hatfield freeze resolution represents one of the most significant phenomena of mass politics in my memory. Like no other resolution I can recall, it has focused the public's attention on the threat posed by nuclear weapons. I have no doubt that the nuclear freeze campaign—which began prior to the introduction of this amendment—has been the major force behind the administration's recent shift toward a more flexible and realistic set of policies in our START negotiations with the Soviet Union. In that respect, the freeze resolution has already performed a singular service.

As we have all learned, the use of arms control to contribute to the prevention of nuclear war is perhaps the most urgent—and the most complex—task facing our diplomacy. As a result, any action which we take in this body, including a vote on what is merely a nonbinding and symbolic resolution, must be carefully examined.

Over the past 2 years, we have been treated to any number of resolutions concerning arms control strategies. All have had distinct merits, but all have been flawed as well. In that respect, the freeze resolution is no exception.

I have already noted that one of the major assets of the freeze resolution is that it has served to galvanize the public. Given the general lack of attention to nuclear weapons in the past, thanks in large part to what Robert Lifton has called the psychic numbing of the public, the arms race was able to proceed largely unchecked. To have overcome this psychic numbing is no mean feat.

There is more than just a political side to the freeze resolution, however. As a suggestion for a negotiating strategy in Geneva, it has one distinct merit. It is based, as this debate has made clear, on the fundamental recognition that "enough is enough." In other words, the resolution is predicated on the common sense proposition that the Soviet Union and the United States both already have more than enough destructive power at their commands to deter any opponent who is even faintly sensible. What this means, as the authors of the freeze resolution clearly recognize, is that it is foolish to argue for more net megatonnage as a means to deter the Soviets, or anyone else. Indeed, to the extent that the addition of still more warheads to existing arsenals will raise the statistical risks of an accident, more megatonnage is not simply wasteful; it is dangerous as well.

The freeze resolution encapsulates this reality in a way that is crisp and clear. It attempts balance and depth by referring to a freeze which is bilateral and verifiable, and it covers the entire spectrum of the arms race, from development to testing, production, and deployment. Finally, it appears to leave room to exclude weapons as negotiators might see fit, a point which is perhaps not sufficiently understood by either extreme opponents of the freeze or many of the backers of the resolution. For instance, it seems clear that if negotiators decide, they can freeze only intercontinental weapons, leaving the theater weapons which are planned by the entire NATO alliance untouched. Also, as I would surmise from the statements and postures of various colleagues, a freeze would not preclude the B-1 bomber, and possible not the Trident II missile either.

But if the freeze has substantive as well as political merit, I believe it suffers from a major drawback as well. The chief disadvantage of the freeze, in my opinion, is that it is based on the fundamental conceptual proposition that modernization of the strategic nuclear weapons arsenal is necessarily always inimical to sound arms control.

There is certainly much in the historical record to sustain this view. I find it difficult to believe that many Americans now seriously believe that the development of MIRV technology has made us any better off than we

were in the mid-1960's. To the contrary, as we have belatedly recognized in official circles thanks to the Scowcroft Commission, any technology which increases the ratio of warheads to fixed-site launchers is highly destabilizing. So I do not want to make the claim that the freeze resolution is unsound because modernization is an unmixed blessing. It is not, particularly when those who authorize modernization fail to exercise some basic commonsense.

But neither is modernization necessarily hostile to the goals of arms control. To understand that, let us remember that the chief purpose of arms control must be to take measures—both mutual and unilateral—which decrease the temptation to use nuclear weapons as instruments of warfare. Arms control must above all else contribute to one goal: crisis stability. It must focus on means, ranging from weapons design to arms levels to communications devices, which give decisionmakers the time to work their way out of a crisis, while making clear to all parties that everything is lost and nothing is gained if either side should launch.

How can modernization help in that regard? For one thing, if we were to substitute single-warhead missiles for the existing arsenals of Minuteman III missiles and the planned arsenals of MX missiles, crisis stability would be increased. Yet this kind of modernization would probably be prohibited if our negotiators took the freeze resolution literally.

As another example, there seems to be a widespread consensus that, of all our strategic nuclear weapons, bombers are the most stabilizing for they are slow to anger. They take hours to reach their targets, and they can be recalled once they are launched. The only constraint on the viability of this important second-strike deterrent is its survivability both before launch and after an attack is ordered.

Yet our fleet of B-52 bombers is suffering from the problems of severe age. The last B-52 airframe rolled off the production line more than 20 years ago. Admittedly, the planes have been substantially upgraded since then, chiefly through the addition of newer avionics and the development of new weapons, such as the air-launched cruise missile. But the basic airframes are old, and they simply were not designed to take the kind of punishment which goes with low-level flight, the profile they have adopted for years. That is why each year, more and more B-52's are simply retired, and it is perhaps why a few of them have crashed recently. Their basic mission has outstripped their basic design.

If we want to preserve the integrity of our air-breathing strategic weapons—weapons which are wholly second-strike in nature—then we need

to modernize that portion of our arsenal. If we do not, we will slowly see the disappearance of a vital leg of our strategic triad.

In other words, as editorials in the New York Times and elsewhere have made clear for at least 1 year, the chief failing of the freeze resolution is that it does not recognize the complex dynamics of the qualitative arms race. It makes a sound point about numbers, but it is on shaky ground when it deals with qualitative characteristics.

Finally, let me note that we face a bit of a logical trap with respect to the freeze resolution. If it is treated as basically a symbolic but nonbinding resolution, then one must question its fundamental worth. That was best illustrated, I feel, when the House last spring voted for the freeze resolution and then promptly turned around and voted for the MX missile—a destabilizing and unnecessary weapon which I oppose on its merits.

But if the freeze is treated as more than symbolism, it still suffers a major handicap. It changes the rules of the road which have been painfully worked out with the Russians over the past 15 years. The Soviets certainly make no bones about their fondness for modernization. We will not change that. But we can—and have—tried to steer their modernization and our own into channels which enhance rather than undermine crisis stability. The one-way conversion from land-based to sea-based missiles envisioned in SALT I is a good example of that.

Mr. President, I announced some 18 months ago that I had severe reservations about the freeze resolution. I told its sponsors that if the freeze were put up against an even more wrongheaded resolution, such as the "peace through strength" plan, I would vote for the freeze. But that is not the case. We are being asked to look at the freeze on its own.

I would much prefer that we incorporate the sound points of the freeze in our arms control policy through such means as adoption of a comprehensive test ban, as freeze backers like Eugene Carroll at the Center for Defense Information have suggested. That would permit us to stop the modernization of warheads, which is totally unnecessary, and focus on the modernization of launchers, which is occasionally needed. I would much prefer, as well, that we recognize the profound victory of commonsense over rigidity which was recently won by freeze proponents when the President announced his latest arms control proposals.

Unfortunately, we do not have that choice this evening. Instead, we are being asked to engage in an ideological litmus test at the wrong time and for the wrong reasons. This is likely to be one of the hardest choices I will make

in casting a vote, but I intend to vote against the freeze resolution.●

Mr. COHEN. Mr. President, I yield myself 10 minutes.

Mr. President, I think it is unfortunate that a member of the Armed Services Committee is here managing a bill on the debt ceiling. I think it is unfortunate that we have to bring this particular matter, which is certainly deserving of weighty consideration, up in the waning hours of our debate over whether or not we are going to increase the debt, but since we are faced with that prospect now I shall at least try and draw my colleagues' attention to some of the matters that have been raised concerning the freeze resolution.

I, as other Members of this body, do not wish to in any way criticize the Senator from Massachusetts or the Senator from Oregon for offering the amendment. I think that the advocates of the freeze have done a very constructive thing in this country. I think they have served to focus our attention and our concentration very much on the subject matter which could not be of greater importance not only to Americans but to the world itself.

First, I shall quote from several publications to show that questions about the freeze have not just been raised by Republicans or the Reagan administration or conservative magazines as such.

Legitimate questions about the freeze resolution have been raised by such conservative publications as the New York Times, and let me quote from a major editorial in the New York Times. It says:

To exclaim "Stop nukes now" displays passion, but no practicality. What's the next sentence? Where is the credible arms control policy that freeze advocates have failed so far to advance?

Skipping over to other paragraphs:

Yet the proposals of the freeze movement itself have barely evolved past the original, simplistic formula of "stop, now."

The House resolution still calls for an "immediate" freeze through negotiations with Moscow. Yet such negotiations would have to take several years. The resolution still calls for a "verifiable" halt in producing nuclear arms. Nice, but infeasible.

And the editorial concludes:

A dozen or more pro-freeze Senators have endorsed the build-down idea. Unfortunately, instead of welcoming such innovations, many freeze enthusiasts attack them. And the House Democratic leadership continues to press for the freeze resolution: stop, now. But there's still no next sentence. Where is the program to match the piety?

That is coming from the New York Times. Another conservative publication is the New Republic, not to be confused with the National Review. What does the New Republic have to say? The New Republic points out sev-

eral major deficiencies with the effort. Let me quote from this article:

The freeze campaign has also mobilized the energies of vast numbers of well-intentioned Americans who are concerned about the possibility of nuclear catastrophe. The popular pressures it has generated in the country and in Congress have already had the salutary effect of pushing the Administration finally to engage the Soviets in strategic arms talks.

And I agree with that. But as a practical proposal, the halt-in-place freeze is a disaster.

Here is the New Republic labeling the halt-in-place freeze as a disaster as a program. Why? First, they say it is unverifiable. Second, a global halt in place effectively cancels the administration's bold, stroke in arms control, the zero-option offer on intermediate range nuclear weapons.

With the Soviets allowed three hundred missiles on the ground and the U.S. zero. We are now engaged in negotiations at Geneva to resolve the issue. If the halt-in-place idea were to prevail in Washington, however, we wouldn't need negotiations in Geneva. The issue would be settled with a Soviet victory and a precedent would be set for future talks, encouraging the Soviets to stall until political pressures in the West forced a collapse. The Soviets are stalling now in Geneva, but Senator Kennedy, complaining about slow progress, makes it sound as if the fault were ours.

Collapse of the U.S. position at Geneva would also cause disarray in the NATO alliance. Helmut Schmidt and other European leaders have gone out on a limb to support the U.S. position on intermediate nuclear weapons. If they find that limb sawed off by the U.S. freeze movement, just as it was in the neutron bomb affair by Carter, they could be forgiven if they never again risked their political futures on U.S. Promises.

Then this article goes on to say: But there exists an even more fundamental problem with the halt-in-place proposal. It ignores the requirement of deterrence, which has proved the only guarantor of peace in the nuclear age.

Basically, Mr. President, these two articles point out two significant problems to begin with.

No. 1, the issue of verification. It is interesting to note now the cries coming out of Capitol Hill or downtown or among all the professional critics about the absence or the lack of proper intelligence gathering capability with respect to Grenada.

Now, the voices are asking us what has happened in Grenada? How could we possibly have underestimated the size of the Cuban force there and the size of the munitions that are stored in those warehouses? Where was the intelligence? We had an inability to effectively monitor or gather intelligence concerning the size of forces and the size of munitions.

We are dealing with a nation that does not disclose anything to its citizens. This is the Soviet Union which failed to disclose for at least 5 days the fact that they had shot down a Korean jet liner. It took them 5 days

to even admit that to their own public. And I will not go into all the other justification they gave during that long, tragic period of time. Most Russian people do not even know their sons are in Afghanistan.

But this resolution implicitly assumes that the Soviet Union would simply agree to a statement, a mutual verifiable freeze. The question becomes, how do we know? How would you verify whether or not there is research and development and production of any kind of weapon, not to mention a nuclear weapon? The fact of the matter is it cannot be done without massive on site inspection.

Now we have wonderful satellite technology. I mean, it can probably pick up the lettering on the side of a building. But the one thing it cannot do is it cannot see through a rooftop. That is why we could not tell what was in those warehouses in Grenada, and that is why we cannot tell what is under those roofs in the Soviet Union.

So we have an immense problem of verifiability. And a simple declaration that something is verifiable does not make it verifiable.

Second, the words are "mutual verifiable treaty." Let me submit to my fellow colleagues, this is not mutual, even though you call it mutual. It is unilateral as it applies to our allies. It is a unilateral decision affecting our allies because right now at this very moment we are sitting down in Geneva and we are trying to negotiate a reduction in those SS-20 missiles. And if you have a freeze now, what this means is the Soviets get to keep their 360 SS-20's in place and you end up with zero. They get up from the table and walk away and so you have frozen in place exactly what they have done since 1979, more and more SS-20's.

So anyone who is laboring under the illusion that this is mutual has totally disregarded the efforts of our allies who have committed themselves to a dual track proposal of deploying the Pershing II and the ground launch cruise missiles unless the Soviets negotiate in good faith.

This is not just my view. I am looking at the October 8, 1983, issue of the Economist. I am quoting from that editorial:

The waverers have to be persuaded that a nuclear freeze though superficially attractive, would play into the hands of the Russians as much as unilateralism does.

The editorial goes on to say:

But be patient. The Russians, unencumbered by their own organized "peace" movements, can afford to play it long. Once the Pershings and the cruise missiles are in place, there will be a period of Russian huff, sulk and stalemate. Mr. Andropov will talk again of putting new missiles into East Germany and Czechoslovakia. He may threaten a walk-out at Geneva. He may contemplate waiting for a more malleable president at the White House. But if west Europeans stand firm, the odds are that the Russians

will now seriously think about bilateral reductions.

That is what the anti-nuclear movement would have prevented, had it succeeded in stopping deployment of cruise and Pershing-2. The Russians would have laughed. Now, provided deployment goes ahead, they may have to talk.

This is, I think, an intelligent, well-informed opinion coming from the British-produced Economist.

Mr. TOWER. Will the Senator yield for a question?

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

Mr. TOWER. I want to thank my distinguished colleague, Senator COHEN, for a very lucid, closely reasoned, and eloquent argument. He has done his homework, as usual, and has presented us with, I think, an unassailable case against adoption of a nuclear-freeze resolution.

I think that, for anybody who understands the arcane theology of nuclear deterrence, nothing could be more calculated to undermine the efforts of the President and his negotiators to achieve strategic-arms reduction.

Senator COHEN just mentioned the key word a few minutes ago—"reduction," reduction of nuclear arms, and that this militates against the achievement, against that goal when it locks into place Soviet superiority in land-based, urgent, hard-target-kill capability.

The ultimate effect of this will be the opposite of what its well-meaning sponsors intend. The effect will be to effectively lower the threshold of acceptable risk to the Soviets in any consideration of the prosecution of a nuclear war against the United States and its allies. For the sake of achieving real arms control, which means arms reduction, this proposal should and must be rejected.

I think my distinguished friend from Maine for putting the argument so well.

Mr. COHEN. I thank the Senator from Texas.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Maine has used his 10 minutes.

Mr. COHEN. I yield myself an additional 3 minutes.

Mr. President, the other major point that the New Republic article mentions—first it was a question of deterrence, and it goes through a fairly acute analysis of what would happen if you have a freeze at this particular point. You freeze in place the Minuteman, missile, which I think everyone can agree over a period of time is becoming more and more vulnerable. We freeze into place the B-52 bomber, and the bombers are older than some of us and certainly older than most of the pilots that are flying them. They are burning up on the runways. We have

had wings falling off, engines dropping. So we would freeze the B-52 as it is. And we would freeze the Polaris submarine, which is due to be retired in the early 1990's.

What the freeze resolution fails to take into account is the need to modernize from time to time. And that, of course, is why I was concerned about the need to find some way of reconciling what everybody wants in this country, and that is lower levels of nuclear weapons, with this need to take advantage of modernization programs which will enhance our security. And that is where the build-down concept was developed and evolved and ultimately became a part of President Reagan's actual negotiating posture.

I intend at an appropriate time to discuss the build-down further. Many Members of this body have informed me they would like the opportunity to vote on the build-down. I, frankly, think it is inappropriate to debate this issue on the debt ceiling bill. But, under the circumstances, I intend to discuss it at length following a vote—and I did not intend to try to preclude a vote on the freeze, but rather hoped to discuss it as soon as that vote is over.

But let me say that reference has been made to the Parade magazine article, Carl Sagan's piece. At the conclusion of that piece in Parade magazine, it refers to three major options that are being discussed. I think it is important to point out in that Parade magazine piece, it says they are not mutually exclusive, as some would like to argue. I can point to no better authority, in my judgment, than my friend, former Senator from Maine, former Secretary of State Edmund Muskie, who, as a freeze advocate initially, wrote an editorial for the Washington Post, dated March 6, 1983. I will quote just a few sentences from it.

It has great promise as a principle—here he is talking about the build-down principle—

that reconciles the objectives of arms control with the imperatives of military planning. It is the kind of constructive initiative for which those of us who support a nuclear freeze have been working.

The American and Soviet military establishments would be both liberated and constrained. They would have broad flexibility to choose which new systems to deploy, but they would have to decide whether modernization was worth the price.

I submit to you that Senator Muskie or Secretary of State Muskie is no ax to grind. He has no political gain at stake one way or the other. He wrote this piece unsolicited, certainly, by me and I wanted to and have commended him personally on several occasions for taking what I believe to be a statesmanlike and responsible position with respect to the freeze and the build-down.

I reserve the balance of my time.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield 3 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I rise to express my strong and enthusiastic support for the amendment offered by the Senator from Massachusetts (Mr. KENNEDY) calling for a mutual and verifiable bilateral freeze and reductions.

In November 1981, I believe I became the first U.S. Senator to endorse the nuclear freeze. At that time, the freeze movement was already developing impressive strength as Americans sought a viable and realistic alternative to a continued nuclear-arms race. Since that time, voters in nine States and the District of Columbia have endorsed the freeze. Throughout the United States, millions of Americans, fearful that the risk of nuclear war is increasing, have made known that they want a freeze now.

Unfortunately, the administration condemned the freeze without giving it fair consideration. The folly of the administration's unreceptiveness to the freeze has become clear as months and, now, years have passed with scant progress in the existing arms-control negotiations and no evidence of productive activity in other arms-control areas. Any agreement in the current negotiations is likely to be a long time coming, if there is any agreement at all. Accordingly, we must have some sort of restraint regime in place pending agreement in the intermediate-range nuclear forces—INF—talks and the strategic arms reduction talks—START—and the initiative of other arms-control efforts.

Mr. President, the freeze resolution is a carefully thought-through program of arms control which would begin with an effort by the Soviet Union and the United States to decide when and how to achieve a mutual and verifiable freeze. The two sides would have the leeway to decide how to implement the freeze. The negotiators would be expected to give special attention to the deployment of destabilizing weapons—such as a new generation of super-accurate ICBMs—whose deployment would make a freeze more difficult to achieve.

With the freeze in place, the two sides would be expected to pursue major, mutual, and verifiable reductions in a manner which enhances stability.

Thus, the freeze would be a critically important first step toward reductions. The freeze would stop the arms race in place to prepare the way for reduction. A number of proposals for reduction have been offered. Not one of those proposals can match the combination of a freeze and reductions as a

rational way to insure strategic stability while negotiated reductions occur.

In contrast to the freeze, under other proposals, the Soviets would be allowed extensive modernization of their strategic land, sea, and air forces. Under some other proposals, the Soviets and the United States would pay a price for modernization, but it would be allowed. Under the freeze, we and they could keep what we have, but only temporarily, before both sides moved on to reductions which would allow only the necessary modernization steps required to enhance stability and reduce the risk of nuclear war.

Some have expressed the concern that an across-the-board freeze might be very time consuming, if not impossible, to negotiate. Since each control applied under the freeze must be negotiated and must be verifiable, it is clear that some controls might be worked out more readily than others. Both sides should be willing, if necessary, to proceed on a step-by-step basis, insuring all the while that strategic stability was maintained. I should point out that witnesses with long experience in negotiating and dealing with the Soviet Union expressed doubts as to the feasibility of negotiating a freeze with the Soviets.

The freeze would not undercut existing negotiations. For example, if the INF negotiations were successful at an early date, a freeze could be implemented at a reduced level of armaments. Efforts to achieve reductions should be continued following a freeze to insure the lowest possible level of armaments in Europe.

Mr. President, in yesterday's Parade magazine, Dr. Carl Sagan discussed new analyses which indicate that deaths as a result of nuclear war could be measured in billions, not the hundreds of millions earlier calculations had shown. Dr. Sagan pointed out that the results of a so-called limited war could be almost as devastating as those following an all-out exchange.

We and the Russians had the talent and ingenuity to develop and build tens of thousands of nuclear weapons. Having shown the ability to create a holocaust, we must have the wisdom to turn away from those weapons.

The simple first step we need to take is a nuclear freeze. Next, we must reduce in a simple and straightforward way. Step by step, we must walk away from the terror we have created. There is no greater challenge. But we should do no less. Let us not forget that before an elevator can start coming down, it must stop going up—and that is what a freeze is all about.

Let us not forget the old adage that the Senator from Oregon cited, that when an elevator is going up, it has to stop or freeze for a moment before it starts going down.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield 3 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I rise to support the proposal offered by the Senator from Massachusetts and the Senator from Oregon, and would offer the Senate the thought that more is involved in this proposal than the specific details of existing nuclear armaments on both the Soviet and the American side.

What is involved is an effort not just to stop the present rise in those arms levels. For, if we can find it in ourselves to do that, we might also find it possible to avoid what could be the ultimate and most ruinous of all the measures yet contemplated, which is the prospect of moving the nuclear arms race into outer space.

The Honorable Dean Rusk who served with such distinction as Secretary of State to President Kennedy and President Johnson has recently called attention to an instance of what he called preventive diplomacy during the Eisenhower administration. An opportunity was seen to forestall the extension to Antarctica of the arms race. Treaties were negotiated with the major countries of the world to insure that this vast part of the world was removed from the arms race, and reserved instead for scientific exploration.

It has worked. We have the same opportunity now with respect to outer space. If we fail to seize it, it is at the utmost peril to the nations of the world. It is all the things we have been talking about on this floor.

We can do it and we ought to do it. We can start to do it by measures such as this.

If I may, I would like to take 30 seconds to read a line from Dean Rusk. He said recently:

I should like to see my grandchildren look up into the vast universe and reflect that the heavens declare the glory of God and not the folly of man.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield 3 minutes to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. I thank the Chair.

Mr. President, it seems to me that today's debate is really over the goals and objectives which we should set for ourselves in our arms control negotiations with the Soviet Union. Should we or should we not seek to negotiate the most severe mutual and verifiable limits on the modernization of United States and Soviet strategic forces? Those of us who support the Kennedy-Hatfield freeze amendment believe

that we should. How many involved in this debate today regret that we ever let the MIRV genie out of the bottle? A ban on the testing and deployment of MIRV's in SALT I would have led to a far more stable strategic balance. Our ICBM's would not be theoretically vulnerable to Soviet attack, as they are now.

Today we are about to let many additional genies out of the bottle, most notably sea-launched cruise missiles (SLCM's) and antisatellite weapons (ASAT's) referred to by the Senator from New York, which we may soon equally come to regret. A great many people in this country are convinced that the world would be better off without a proliferation of new nuclear weapons.

I would be the first to admit that the verification problems posed by some of these new weapons are severe. If the Soviet Union will not accept the measures needed for verification, then we may have no choice but to continue our modernization programs. But should we not make the effort? Should we not take the high ground, and place the burden of world opinion squarely on the Soviet Union's shoulders?

Technology has consistently outpaced our negotiators' ability to control it. And, as a result, we find ourselves in a less and less secure world even as we reduce the number of nuclear warheads in our arsenal.

So the question before this body tonight, Mr. President, truly goes to the heart of how to control the strategic arms race. Unlike the SALT I and SALT II agreements and the President's START proposal, we would not be seeking to channel the race in new directions and we would not be allowing both sides to continue all their planned modernization efforts. Instead, we would be attempting to close off the new channels of competition and then to negotiate reductions and changes in the status quo, leading to a more stable balance. A mutual and verifiable freeze is really the most conservative approach to arms control. Let us give our negotiators a chance to negotiate the most comprehensive freeze possible with their Soviet counterparts.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. Fifteen minutes, of which 5 minutes has been promised to the Senator from Montana.

Mr. KENNEDY. Mr. President, I yield 3 minutes to the Senator from Vermont.

Mr. LEAHY. Mr. President, I appreciate the Senator from Massachusetts yielding to me.

Mr. President, the amendment offered by Senators KENNEDY and HAT-

FIELD to express the support of the Senate for a mutual, verifiable nuclear freeze is long overdue. I am an original cosponsor of this resolution, and have spoken to the Senate many times in favor of it.

Much of the original force behind the nuclear freeze idea came from various grassroots groups in my home State of Vermont. Their work culminated in the passage of resolutions of support in more than 186 town meetings.

Keep in mind that Vermont is probably one of the most conservative States in the Union in the best sense of that word—careful, cautious—and certainly the most Republican State in the Union.

Ten States and dozens of counties, cities and towns across the Nation have also adopted resolutions in favor of a mutual, verifiable nuclear freeze.

In the elections last November where the freeze was on the ballot, more than 60 percent of the voters gave it their support. These votes, together with public opinion polls, prove that a substantial majority of the American people want the United States to attempt to negotiate a binding mutual and verifiable freeze with the Soviet Union. The Senate owes the American people a debate and vote on the issue of such importance. It is a sad commentary on our legislative body that it has taken so long to get the freeze to the floor of the Senate.

Mr. President, I have never had any question that a sound negotiating proposal based on the idea of a comprehensive, mutual and verifiable freeze could be developed. My interest has focused on identifying and assessing practical measures which could be included in a verifiable freeze. I have spoken to the Senate at length in this regard, including a detailed statement on May 10 of this year. At that time, I placed in the RECORD a preliminary study I asked the Congressional Research Service to do on issues which would have to be resolved in structuring a comprehensive freeze proposal. Others have been pursuing similar work.

The CRS study and other materials led me to reach some basic conclusions about a negotiating proposal based on the freeze idea.

A serious negotiable nuclear proposal could be developed which would freeze into place the present rough parity between the United States and the Soviet Union, and if concluded in time, avoid the next round of destabilizing deployments.

The major problem in devising a freeze proposal would be in the area of verification, a matter of special concern to me because of my membership on the Select Committee on Intelligence. The main challenge would be verifying a ban on the production of

missiles and warheads, counting mobile missiles of all types, and preventing covert deployment of warheads on missiles capable of carrying more than presently allowed under the SALT II fractionation limit.

Nevertheless, the record of current and former arms limitations agreements, as well as the proposals the Reagan administration has reportedly made in START and INF, suggest ways which could be found to resolve many, if not all of these verification problems. According to press reports, the administration is considering on-site inspections of mobile missile basing and of ICBM production. I see no reason why this principle could not be extended to other mobile missile basing and production of delivery systems and warheads.

Mr. President, if the goal of a mutual, verifiable nuclear freeze were adopted as the policy of the United States, and the formidable analytical resources of the executive branch were devoted to studying the issues, there is no doubt that a verifiable freeze negotiating proposal could be put together. If a freeze agreement were not both mutual and verifiable, neither I nor anyone else in this Chamber would support it. In those few areas where it might not be feasible to assure adequate verifiability, those issues could be deferred to a subsequent negotiation when verification means might be improved. I ask unanimous consent that an article I wrote for the October 1983 issue of the Arms Control Association newsletter analyzing the elements of a freeze proposal be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. LEAHY. Mr. President, let us be frank. The real difference between those who support a freeze and those who oppose it is not whether or not a verifiable freeze proposal could actually be devised and an agreement eventually negotiated with the Soviet Union. Obviously, if the administration wished to prepare a negotiating proposal based on the freeze concept, it could do so. It is disagreement about whether there is a rough balance between the United States and the Soviet Union, and whether, independent of arms control, substantial strategic modernization is needed for American security which divides freeze supporters and freeze opponents.

Here is my position: Both sides are presently preparing to deploy a new generation of strategic weapons, including highly accurate MIRV'd ICBM's, heavy bombers carrying cruise missiles, sea-launched cruise missiles, highly accurate MIRV'd SLBM's, and, eventually, mobile ICBM's. If this new generation of weapons does enter the arsenals of

both sides, particularly the new MIRV'd ICBM's, the strategic balance will be a great deal less stable than now. Once deployed, sea-launched cruise missiles and mobile ICBM's will pose serious verification problems. A freeze before these new weapons are introduced would preserve the rough balance that now exists, and would give the negotiators time to negotiate a more permanent treaty for deep reduction and other measures to strengthen strategic stability. But there is very little time left before this opportunity, like the chance to stop MIRV'ing in the late 1960's, passes us by.

Mr. President, neither I, the Senator from Massachusetts, the Senator from Oregon, nor anybody else is here supporting unilateral disarmament. The Soviet Union will continue every nuclear program it believes necessary until agreement is reached. Pending a freeze accord—or any other treaty limiting both sides' nuclear forces—the United States must also pursue sound, affordable, defense programs necessary for stability and security. I emphatically do not include the MX in this category. Its deployment would be contrary to our national interests independent of results in arms control.

This brings me to a criticism I have been hearing with increasing frequency lately. It is said that support for a nuclear freeze and support for the NATO decision on intermediate range nuclear forces are incompatible. This is simply not true, at least as far as I am concerned. Unless and until a freeze agreement is negotiated, the United States must take those steps necessary to maintain a secure deterrent for itself and its allies.

Should the goal of a freeze become the national policy of the United States, the first step must be to consult with our NATO allies about how to include the European nuclear balance. I believe our allies would immediately agree to include the INF problem in a comprehensive negotiation on nuclear forces. In my judgment, that has been their preferred course since at least the late 1970's, and probably even before. This is one reason I so strongly advocate combining the START and INF talks right now. We and our allies should look at the nuclear balance as a whole, and not try to break it into conceptually unsound parts such as "strategic," "theater," and "tactical."

Mr. President, a mutual, verifiable nuclear freeze is a practicable approach to halting the nuclear arms race, and I urge my colleagues to join me in supporting this amendment.

#### EXHIBIT 1

##### THE FUTURE OF THE FREEZE (Senator Patrick Leahy)

Recently, arms control approaches such as those espoused by Senators Nunn and Cohen, Congressman Albert Gore, and the

Scowcroft Commission have joined the nuclear freeze initiative as attempts to pressure the Reagan Administration into getting serious about arms control. These approaches are linked to further weapons deployments. Whatever one might think about the arms control value of these new ideas, the very fact that some members of Congress feel compelled to seek an arms control framework for strategic modernization—and that the President finds it necessary to respond positively—is a substantial triumph for the nuclear freeze movement. Besides educating millions of Americans to the character and dangers of the arms race, it has made arms control efforts politically indispensable in an otherwise hostile administration.

Many, myself included, are dubious about President Reagan's belated "flexibility," which may have to do more with gaining votes for the MX than with conviction that an agreement would serve national security. The President should be given a chance to prove his sincerity, but in the meantime the freeze movement cannot stand still. With the recent House vote, the nuclear freeze initiative has reached a watershed. If it is to remain a strong, credible force in the dynamics of arms control policy, it is now time for the nuclear freeze initiative to be transformed from a general idea into a detailed and well-defined proposal which could provide a realistic basis for negotiations with the Soviet Union. To fulfill its early promise, the nuclear freeze movement has to move on. Freeze supporters must get engaged in addressing the specific problems and issues of an actual negotiating proposal based on the freeze concept.

Most of the work on the freeze to date has been advocacy by supporters or criticism by opponents. Unfortunately, rather than constructive dialogue, we have had a monologue of the committed on both sides. Although some important analytical work is being done, it is attracting little attention in Congress and the arms control community. The barrier of skepticism about the practicality of a nuclear freeze has not been breached.

To raise the level of debate, difficult issues such as verification, negotiability, implications for security, and impact on strategic stability must be identified and analyzed as part of a concentrated effort to define a freeze proposal. At my urging, the Congressional Research Service recently completed a preliminary review of some of these issues. In addition, I have seen valuable material produced by the Federation of American Scientists, and Senator Proxmire has made many important statements on specific freeze issues on the Senate floor. There have been other writings as well, but on the whole, the effort has not been coordinated.

From this fragmentary and preliminary work, objective people should be able to recognize that there is an array of verifiable measures which could be included in a freeze proposal. As a contribution to what I earnestly hope will be a serious effort by the freeze movement, I would like to offer some general observations about potential issues which would have to be resolved in shaping a specific freeze proposal, especially in the area of verification.

#### ISSUES TO BE RESOLVED

Clearly, the United States has the capability to adequately verify numerical limits on all currently deployed strategic nuclear delivery systems, and probably most theater and tactical systems as well. With Soviet

agreement to certain cooperative measures, including a ban on deliberate concealment measures such as telemetry encryption, the United States can also monitor significant limitations on testing of delivery vehicles—although some test limits would still be monitorable even without cooperative measures. This is demonstrated by the provisions and negotiating history of the ABM Treaty, and SALT I Interim Agreement, and the SALT II Treaty.

The Comprehensive Test Ban Treaty negotiations suggest that a total halt to all nuclear testing is feasible. In my view, that treaty was not derailed as a result of verification difficulties as the Reagan Administration alleges, but by the downturn in superpower relations that followed the Soviet invasion of Afghanistan.

In both the START and INF talks, the Reagan Administration evidently has proposed various kinds of limitations on total missile warheads and on deployed and non-deployed missiles. It has called for the dismantling of all existing Soviet SS-20s and SS-4s and SS-5s, with a total ban on the deployment of all intermediate range missiles. To prevent Soviet stockpiling of intermediate range missiles, one can only suppose the U.S. proposal includes a prohibition on the production or testing of such missiles as well. I cannot imagine our arms control negotiations making such proposals without sufficient confidence that these constraints could be verified.

#### BANS VS. LIMITS

Virtually, the only verification task specific to a comprehensive freeze involves a ban on production of all nuclear weapons and their delivery means. Perhaps one should add a freeze on deployment of tactical nuclear weapons and dual capable aircraft in Europe and other theater nuclear systems. However, in INF there has apparently been some discussion of the problem of tactical nuclear capable aircraft, so it may be safe to conclude that even the Reagan Administration believes that some limitations on shorter-range systems are conceivable.

The most militarily significant verification difficulties with a freeze would come, for the most part, in measures aimed at banning or controlling new systems now being deployed or developed: Mobile missiles and cruise missiles.

The current Administration's initial INF proposal sought to avoid some of these verification problems by banning ground-launched cruise missiles, as well as medium- and intermediate-range ballistic missiles on a global basis. This is consistent with the objectives of a freeze, which would extend the principle to new strategic systems as well. However, as the Geneva negotiations have demonstrated, seeking to deal with the INF issue in isolation is proving to be extremely difficult. This is another argument for the comprehensive freeze approach, in which the totality of the nuclear arms race is addressed. The continued separation of the START and INF negotiations may be contributing to the overall stalemate of the arms control process. I feel the two negotiations should be combined.

#### WARHEADS

Another serious problem involves the monitoring of covert deployment of additional warheads on missiles not currently fitted with their maximum warhead capacity. This issue, while very real, will exist in virtually any meaningful arms control agreement which seeks to limit warheads, including the START and INF proposals.

U.S. monitoring capabilities, especially if supplemental by substantial cooperative measures such as a prohibition of the denial of telemetry, random challenge inspections, automatic sensors, and the like, ought to be able to deal effectively with this task.

A further problem that must be discussed is the disparity in ages of the United States and Soviet Union's nuclear delivery systems, specifically heavy bombers and ICBM's. This is one of the main arguments freeze opponents offer against an agreement which would prevent pending U.S. modernization plans. Experts must examine this issue closely. However, there is a reasonably stable nuclear balance at present. If a freeze could be concluded before the Soviets carry out a new modernization cycle, I believe current U.S. strategic forces are adequate to maintain credible deterrence. The extensive modernization, maintenance, and upgrade programs presently on line for the Minuteman-ICBM's and the B-52 heavy bombers should insure that these mainstays of our deterrent will be capable of carrying out their mission for many years in the future.

#### MAINTENANCE AND REPLACEMENT

To preserve the reliability and effectiveness of both sides' strategic deterrent, it seems reasonable that a properly structured nuclear freeze have provisions permitting continued maintenance and replacement of current systems with equally capable models as well as continued production of invulnerable missile firing submarines, though not of more capable sea-launched missiles.

Despite the manifest wishes of a large segment of Congress and the American people, I have regretfully concluded that the Reagan Administration will never give serious consideration to any arms control approach based on a mutual and verifiable freeze. This means that the freeze movement cannot benefit from the sophisticated analytical resources of the Government. Given this unfortunate reality, it is up to the freeze movement itself to do the basic analyses of the issues raised in this article and elsewhere. The objective should be the development and continual refinement of an arms control approach based on as comprehensive a freeze as feasible, consistent with fundamental verification and security requirements.

If the nuclear freeze movement is to continue to influence arms control thinking, advocates must begin moving rapidly from the abstract to the practical. The current arms control debate has been injected with new life, thanks in large part to the nuclear freeze. However, freeze supporters must keep working on these difficult issues on their own. We are unlikely to receive help from anyone but each other.

**The PRESIDING OFFICER.** Who yields time?

**Mr. KENNEDY.** Mr. President, I yield 5 minutes to the Senator from Montana.

**The PRESIDING OFFICER.** The Senator from Montana.

**Mr. MELCHER.** Mr. President, once again we are here discussing the need for a freeze in the growth of our nuclear arsenal and that of the Soviet Union. I support a mutual verifiable nuclear freeze. I am a cosponsor of the nuclear freeze resolution and I am a cosponsor of this amendment. But the fact is that nothing new is coming out of this debate tonight. We have talked

about what we know of the dangers of nuclear war again and again in this body and every time the discussion is based on generalities and assumptions.

We talked about the danger of nuclear war during the debate on neutron weapons in 1977. We discussed again in 1979 when the Senate considered the SALT II Treaty. Senator Roth and myself hosted several meetings for Senators at which we brought in experts—pro and con—to tell what they knew about the advantages or disadvantages of SALT II. And, we just recently discussed the whole issue again during the debate on the MX missile.

It became apparent to me during the debate on the MX missile and the deployment of more missiles in Europe that neither the Members of the Senate nor, more importantly, the American people could appreciate the importance and seriousness of the debate because there was very little detailed and scientific information about just what would happen in case of nuclear explosions by accident, by computer failure, or by deliberate nuclear war. Without that information, we can hardly expect the American people or the people of this world to appreciate the importance of these kinds of debate.

As a matter of conscience, the Senate should note the following: Despite the 40,000 nuclear weapons in the world, we know very little about the effects of nuclear explosions on human, animal, and plantlife or on the soil, the aquatic environment, the natural territorial ecosystems, the atmosphere, the stratosphere, or the weather conditions surrounding the planet Earth.

Most of the scant information that forms our knowledge of the impact of nuclear war today comes from the original studies made on the impact of the relatively small—12.5 kilotons and 20 kilotons respectively—atomic bombs that were dropped on Hiroshima and Nagasaki more than 30 years ago.

I stress this is very scant knowledge compared to nuclear capability or, more accurately, nuclear liability that is accumulated in warheads and tactical weapons in the almost four decades since then.

Much of the additional knowledge since 1945 has been to hypothesize the greater effects on the biosphere that would result from our larger and more potent nuclear bombs.

Further, even this new information, and that such as the study just completed by Drs. Carl Sagan and Paul Ehrlich and their associates is not disseminated to the general public in a comprehensive fashion. They exist as individual studies that very seldom find their way into the hands of ordinary people.

No matter what the vote here tonight on the nuclear freeze, the debate will not be ended. It will only be ended when the people of this country, the Soviet Union, and other countries that have nuclear arsenals have the kind of factual and understandable information on just what a nuclear war will do to us all, as well as the rest of life on Earth. When that knowledge is understood, it will result in a world chorus in unison that says no to the thought of nuclear war. This is the reason I have introduced S. 1968, which directs establishment of a National Institute for the Biological Assessment of Nuclear Explosions. This Institute would be established as an independent Federal agency to research, simulate, and collect all data on the effects of nuclear explosion on life and the biosphere. It would also act as a clearinghouse for information developed in other studies in our universities, private, and Government centers of nuclear research.

S. 1968 requires public dissemination of the research removing the shroud of secrecy surrounding the information necessary for the general public—the people—to understand and comprehend the results of nuclear explosions. The people of the United States and the world need this information so that all can appreciate the awesome responsibility to avoid nuclear devastation.

The alternative is to rely on obsolete information or on dramatizations such as the ABC Network's production, "The Day After." This is just not enough.

The question is life, life itself, starvation or freezing, death by thirst or slower death by nuclear radioactive fallout, the end of habitation of Earth. While we continue to debate the policy that we shall follow on nuclear arms, whether it is on the MX, on the deployment of Pershings in Europe, or on other weapons, while the efforts of mutual verifiable agreements of limiting nuclear arms buildup between the United States and the Soviet Union—while all of that goes on, let us recognize that collecting and disseminating the effects of nuclear blasts is information that people have a right to know.

Mr. President, I urge all the Senate to review and to consider just what is known and what our right and our responsibility is to make known that we do know and that we continue to build up in our storage of knowledge on nuclear explosions, whether or not each of us is making our own judgment on this amendment before us.

But however we vote on that, I urge all of the Senate, all of my colleagues to review very carefully and seriously the public's right to know just what all this could mean if nuclear explosions were inflicted upon this Earth.

The PRESIDING OFFICER. Who yields time?

Mr. MELCHER. Mr. President, I yield back the remainder of the time I have to the Senator from Massachusetts.

Mr. COHEN. Mr. President, how much time do I have?

The PRESIDING OFFICER. Twenty-three minutes and forty-one seconds.

Mr. COHEN. I yield 2 minutes to the Senator from Washington.

Mr. EVANS. Mr. President, 2 days ago I had the privilege of participating in a remarkable civic event in Seattle, Wash., called Target Seattle. Target Seattle is a weeklong citywide discussion of the United States-Soviet relationship and the prospects we have for controlling and reducing the thousands of warheads we have targeted on one another. Target Seattle scrupulously presents both sides of the argument and as a program it does not seek to convert; it seeks to inform. This year's event is a followup to a similar event held last October, and 2 days ago literally thousands of citizens gave up a Saturday afternoon, and hundreds of other citizens volunteered their time, to explore the options facing the United States as it confronts the fact it is a cotenant on this planet with the Soviet Union.

This year's discussion centered on the nature of the Soviet Union, its history, and the unique problems a country like the Soviet Union presents to U.S. citizens and policymakers. Implicit in this discussion was the wide recognition that nuclear weapons per se do not endanger us; rather they are made dangerous by the fact they are the principal and ever-present reality of the United States-Soviet political struggle.

Although a simple point, it nevertheless reveals considerable sophistication, and it suggests U.S. citizens are ready for a public debate on this subject that goes beyond individuals seeking to outdo one another in expressing their horror at nuclear war. That, of course, is the starting point on any discussion of preventing nuclear war, not the end of it.

The debate before us promises us much more than that. Yet I do not believe the public or the country is well served by a debate whose practical political result is to divide those who share much in common by labeling one group "profreeze" and another "probuild-down." In my remarks at Target Seattle I suggested the public effort for peace should remain big enough to embrace the interests and concerns of both those who urge a freeze on the testing, production, and deployment of nuclear weapons and those who find build-down a more compelling arms control proposal. There is merit in both proposals and it should be noted, I think, that the ad-

ministration's latest START proposal itself is a combination of build-down with a freeze at lower levels.

Nonetheless there are genuine and important differences between the two competing proposals before this body. They demand a choice, and the choice I have made is for the build-down resolution. The build-down more nearly expresses the sense of the Scowcroft Commission and those Members of Congress who took the initiative on a new negotiating proposal for the START talks. The build-down proposal directs that arms control efforts should go hand in hand with modernization of strategic forces toward more stabilizing, and more survivable modes of deployment at reduced numbers of warheads.

Both the Scowcroft report and the build-down congressional initiative are bipartisan efforts. Both seek to limit the most destabilizing weapons. Both recognize that the present vulnerability of our land based ICBM's creates dangerous instability during crisis situations.

But most important, the build-down proposal better meets the standard the participants of Target Seattle demanded of themselves: No arms control proposal can be judged outside the context of the present United States-Soviet relationship. Given the course of recent events, given the demands we are putting on our European allies, given the fact political cohesion at home strengthens the hand of our negotiators in Geneva, and given the fact build-down permits interim force modernization, the arguments for build-down become all the stronger.

Mr. DOLE. Mr. President, the Senator from Kansas must question whether this resolution addresses the reality of our nuclear deterrent. Our deterrent forces, far more than the Soviets, rests on a triad of land-based ICBM's, manned bombers, and submarine-launched nuclear forces. The strategic flexibility that this triad provides has helped make our defenses credible. And a credible deterrent these forces have been, for no potential aggressor could be under the illusion that a first strike could demolish that triad.

In the tension-ridden years since World War II, there has not been a major world conflict—and few can really doubt that our nuclear defenses have helped prevent it.

Mr. President, with that said, we all recognize that the manufacture and deployment of nuclear weapons by both the United States and the Soviet Union has gotten out of control.

Irrespective of who is right on the question of which side possesses superiority, whether in numerical advantage, throw weight or whatever—nuclear weapons may no longer be a safe-

guard but could become a threat to our peace and well-being.

In a perfect world we could move from that recognition to a commitment by both sides to eliminate these weapons from our arsenals. But this is not a perfect world, and we are dealing with a dangerous adversary. We must, therefore, look to realistic solutions—not perfect solutions—and work to insure that these weapons, all weapons, remain servants to our own defense and the defense of our friends and allies, not the masters of our own destruction.

We have been negotiating for years, throughout both Democratic and Republican administrations, with the Soviets in both the INF and the SALT/START talks on mutually agreeable solutions to control the rogue genie of nuclear weapons. We have all been disappointed that our attempts have to date been futile. President Reagan has repeatedly attempted to introduce flexibility at both the INF and the START talks—and repeatedly has met with stony silence to negotiate seriously. In his address to the U.N. General Assembly, the President challenged the Soviets to work with us to control nuclear arms, and was rebuffed, as he was rebuffed on his October 4 proposals on a build down. The Soviets have repeatedly failed to seize the occasion for real reductions, apparently hoping that by standing fast, we will continue to make unilateral concessions while they continue a propaganda war to weaken our resolve and that of some of our European friends.

Mr. President, the resolution currently before us seeks to address this impasse we face, but I find it seriously flawed. It puts the cart before the horse. A freeze of current weapons would reward the Soviet buildup of ICBM's and leave us with an unacceptable situation in Europe, given the Soviet focus on theater nuclear weapons there. It would not allow for necessary force modernization. Another favorite approach is the build down—a plan whereby we would build down two weapons for every new one deployed for the privilege of catching up with the Soviets. In the area of air-launched cruise missiles alone, our present triad defense would have to be virtually dismantled in order to deploy these missiles. And there would be no obligation on the Soviet side to build down any weapons until they wanted to deploy new ones.

It is more productive in my view to preserve our nuclear defenses while offering the Soviets something that both sides can agree to. With an eye to what these weapons are designed to do, rather than a rigid formula, we can best see how to limit them. It remains my belief that the proper ordering of our approach would be a reduction of all strategic and intermediate-range nuclear forces below today's deploy-

ment figures for both the United States and the Soviet Union. The proposal should parallel our present nuclear triad force structure. Then, and only then, nuclear force levels could be frozen at that lower, reduced level—which would then become the ceiling for a new round of negotiations. Special attention should be paid to weapons that are the most destabilizing, to verification procedures, and to nonnuclear technological breakthroughs that could affect nuclear defense.

Mr. President, the fear of a nuclear holocaust is shared by us all, as is the sincere desire to eliminate its causes and its possibility. But any serious proposal must take into account the long-term nature of a negotiated, verifiable, and realistic agreement with the Soviets. We have a vital need to protect our own defenses and our own interests in the interim, modernizing our forces where necessary. Let us not reward the recent Soviet buildup of land-based ICBM's by yielding to the temptation to freeze our arsenals at current levels. At the appropriate time, let us urge a course that goes beyond a freeze—a reduction of all strategic and intermediate-range nuclear forces below today's deployment figures for both the United States and the Soviet Union. But such a proposal must be realistic and in context.

A freeze at this time would have the same effect on our strategic balance as would the failure to deploy Pershing and cruise missiles in Europe this fall, an effort that is itself being undermined by Soviet propaganda efforts. Given the disparity in land-based ICBM's and given the unwillingness of the Soviets to bargain meaningfully in Geneva, Mr. President, now is not the time for a freeze, no matter how sound the concept may be.

Mr. GORTON. Mr. President, although I oppose the amendment, I am not one who would impugn the motives of the advocates of the nuclear freeze proposal. Their desire to help lead the world to an era of greater peace and stability is clear. Freeze proponents, and the extensive grassroots support they have engendered, are largely responsible for bringing arms control to the top of the public agenda, where it unquestionably belongs.

But as we consider this amendment, we must examine the freeze, not as an eminently justifiable reaction of fear and outrage to the arms race, but as a concrete arms control proposal which seeks to make the world safer and more secure. Scored in this light, the freeze proposal does not bear up very well because, as one Senator has pointed out this evening, it does not answer the question, "After a freeze, then what?"

Let me briefly outline my objections to the freeze proposal. As I do so, let

me reiterate that these concerns relate to the likely impact of a freeze.

First, it is doubtful that a freeze could be achieved quickly. A review of past arms control negotiations suggests that they are extremely complex proceedings, and the freeze debate in our own House of Representatives demonstrated that there is no easy consensus as to what constitutes a freeze. In addition, a freeze agreement would require the same complex verification provisions as any comprehensive agreement. So let us begin by acknowledging that we are discussing a negotiating proposal, but not a quick fix for the arms race.

Second, if we were to achieve a freeze agreement, it still would not produce a favorable environment from the point of view of stability. In his earlier description of Soviet nuclear forces, the Senator from Massachusetts (Mr. KENNEDY) explained that the Soviets lag far behind the United States in both strategic bombers and submarines. The unanswered question is what that gap tells us about stability.

Bombers can be airborne quickly and therefore are relatively invulnerable to attack. They take a long time to get where they are going, and they can be recalled. As strategic systems go, they are relatively stabilizing. Yet the Soviets have very little capability in manned bombers.

Submarines, of course, are the least vulnerable weapons of all. The U.S. emphasis on strategic submarines is a reflection of our defensive, deterrent-oriented posture. Again, the Soviet capability in these stabilizing systems is small.

What, then, do the Soviets have? They have a large number of land-based missiles in fixed silos, carrying 5,200 warheads; 3,600 of these warheads are accurate enough to be used in a first strike, and these are crammed into a small number of silos atop huge MIRV'd missiles.

Leaving aside for the moment the question of whose policy is responsible for Soviet feelings of insecurity, we should recall the virtually unanimous sentiment that MIRV'd missiles, based in fixed silos and armed with accurate warheads, are the most destabilizing weapons of all. Yet these weapons are the principal feature of the Soviet strategic arsenal. I do not see the logic of a proposal which, in seeking to provide a balance, would lock in place an arsenal so heavily dependent on destabilizing weapons.

The prospects are not much better on the U.S. side. The first result would be the loss of our B-52 fleet simply because of its age. We would lose one leg of our triad and one of our more stabilizing systems. Thus, we would begin to rely more heavily on destabilizing weapons.

We have several new Trident submarines, but aside from them our submarine- and land-based missile force is between 10 and 20 years old. By eliminating one leg of the triad, our vulnerability would be increased, and simple attrition would begin taking its toll.

These effects are based on the assumption that little progress would be made in pursuing reductions after a freeze. That assumption, in my view, is well founded. It would be no easy proposition to find equitable tradeoffs between new Soviet missiles and old U.S. missiles, or between new Soviet missiles and old U.S. bombers and submarines.

Let me insert a brief comment here about modernization programs. The Senator from Massachusetts (Mr. KENNEDY) spoke earlier about disingenuous attacks on the freeze which characterize it as a call for unilateral disarmament. Freeze supporters, of course, speak in terms of an agreement which would be mutual, and I am certain that they view the proposal in those terms. But many of these same people have called for the cancellation of virtually every U.S. strategic modernization program, even in the absence of a negotiated agreement. Whether thus intended or not, such action would amount to unilateral disarmament. But what concerns me most is that if Congress formally endorses the freeze proposal, the pressure to cancel these programs will be intense, and unilateral disarmament might well become the policy of the United States.

Finally, Mr. President, let me express my concern over the inclusion of the European theater weapons into this "global" freeze proposal. In deploying the SS-20, the Soviets obtained the ability to target accurately most of the significant military assets of Western Europe with missiles only a few minutes from their targets. That unilateral action created a dangerous imbalance which must be addressed.

Incorporating the INF issue into a freeze agreement would reward the Soviets for their destabilizing action. It would lock Western Europe into a permanent position of inferiority, and it would extend the Soviets opportunity to try to separate the United States from the nuclear defense of our NATO allies. Again, I fail to see how such an action would enhance stability. The INF issue should be included in comprehensive arms negotiations, but only in a format within which the imbalance created by the Soviets can be addressed.

I have risen in this Chamber several times to express my strong support for the build-down proposal. My support for this initiative is based upon my conviction that it addresses realistically the substantive challenges of arms control.

A build-down would not only end, but would actually reverse, the growth of United States and Soviet nuclear arsenals. It would permit new weapon systems to be built. Far from being a disadvantage, this will let both sides continue to plan their own defenses and remain confident of their ability to deter aggression.

Most importantly, by reducing total numbers of warheads and linking modernization with reductions, a build-down agreement would encourage both sides to abandon those weapons systems which are vulnerable to a first strike. On this point, the build-down has been the subject of some disingenuous attacks. Far from being an excuse for the production of the so-called first-strike weapons, it is the only proposal I have seen which confronts the threat of a first strike and takes positive steps to eliminate it.

Finally, the build-down is negotiable because it contains the same incentives for both sides, it bites equally hard on the military forces of both sides, and it relies on each side to pursue its own self-interest in order to produce a more stable strategic balance.

It is clear to me that the build-down most effectively addresses the real problems of arms control. I would hope that freeze advocates would recognize that the build-down is a substantially better alternative, and not a mere attempt to divert attention from the freeze. If they are unable to do so, I would sincerely hope that they would at least recognize that it is acceptable and would endorse it accordingly.

The build-down is unique among arms control proposals in the breadth of support it has attracted. Thanks to the efforts of Senators COHEN, NUNN, and PERCY, along with Congressmen ASPIN, GORE, and NORM DICKS from my own State, it is now a part of the U.S. position in the START talks. With the support of a sizable community of freeze advocates, we would present a strong negotiating front to the Soviets, united behind a fair, viable proposal. Faced with such unity, I am convinced that the Soviets would perceive their own self-interest and hasten progress toward an accord.

Mr. COHEN. Mr. President, I yield 4 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. GOLDWATER. Mr. President, this is not the first time this Senate or this Congress or this country has gone through this debate. I think prior to every war that we have ever been engaged in, the biggest obstacle to peace has been in the Congress, when we become convinced that there is going to be no more conflict.

Now, I hope and pray with all the fervor I can command that that is true. I have a strong feeling that we

are getting into that condition, but I do not think we are there yet.

Now we come up with this idea of a nuclear freeze. The thing that bothers me is, what are we going to freeze? I would much rather get the Soviets to agree not to make any more missiles and we not make any more missiles and then take my friend Senator Cohen's idea of let us stop building and they will stop building and we will cut down. But when we freeze and they do not freeze, we have accomplished nothing.

This is a rather impressive chart in the rear of the Chamber. It is very colorful, but it does not tell us anything because it is only the warheads that we have mounted on missiles that are going to do any good if they are ever used. We forget that it takes a long time to mount a new warhead on a missile. It is not like loading an M-16 rifle. It takes probably 20 to 24 hours or more to adequately install the warhead and put in the longitude and latitude, et cetera, of the target.

So I do not see any need for this legislation, although I can understand the emotional feeling. I can understand the heartfelt desire to accomplish something with this type of legislation, but I do not think it is going to get there. I would much prefer a multilateral drive at disarmament, not just involving the Soviets and ourselves but taking in all the countries of the world that have the ability—and I can say that is any country in this world that cares to try to have the ability to manufacture nuclear weapons—if we can get ourselves together and decide that not just nuclear weapons but all weapons are things that we should do away with, with the exception of those that we need for a certainty for the proper protection of the freedom of our people.

Mr. President, as I say, I laud the efforts of those who are interested in this approach, but it is a completely wrong approach and it is not going to accomplish what the proposers think it will.

I just returned from a very quick trip to parts of the world that are of importance to us, and the general comment that I heard was, "Thank God, you people are finally waking up." They were very pleased with our actions in Grenada. They naturally were very upset about the happenings in Lebanon, as we all were. But the idea that the United States is finally beginning to act like a major power, when the borders of its own country and the freedoms of its own people are threatened, is giving heart to the rest of the world. In spite of the garbage that we read in our local press and listen to on our radio and television, people are happier about this than the Washington Post, the New York

Times, and others, would have us believe.

So, Mr. President, I am going to vote against this amendment. I think it is a praiseworthy attempt to get something done, but it is not going to do the right thing. I hope we can come to this vote rather soon. I think our minds are made up.

I yield the floor.

Mr. KENNEDY. Mr. President, how much time remains on each side?

The PRESIDING OFFICER (Mr. SIMPSON). The Senator from Massachusetts has 6 minutes, the Senator from Maine has 18.

Mr. KENNEDY. May I inquire from the Senator from Maine—I do not mind using the remaining time on this side, but I do not want to use it and find out there is 18 minutes on the other side—if the Senator wants to work out some time agreement, we will have some degree of certainty about it.

Mr. COHEN. I am not aware of any other requests for time on this side.

Mr. KENNEDY. I would be glad to take 3 minutes, if the Senator wanted to take 3 minutes, and yield back the time, otherwise I would like to hold some time in case there are some points that are raised since the Senator has 18 minutes, three times as much time as I have. But if he wants to take 3 minutes, I will take 3 minutes and we will move toward a vote.

Mr. COHEN. If I could respond, I may want to take just a few moments to explain the amendment that will follow the Senator's, and that may take me longer than 3 minutes to explain.

I would like to talk now without losing my right to speak a third time under the rules, if there is no objection to that.

Mr. KENNEDY. I certainly will not object to that.

Mr. COHEN. Mr. President, let me take just a few moments to respond to some of the comments made by my colleagues.

My colleague from Vermont indicated that if the goal of the freeze were adopted, it would set us on the road to reducing the levels of armaments in this world and that he would not support the freeze resolution unless it were verifiable and mutual.

The question that constantly has to be raised over and over again is, how do you verify the research, development, and production activities of a nation that is closed not only to the Western world but, indeed, to its own society? How do you verify what the Soviets are doing under their rooftops?

I think there has been ample evidence, with the example I gave on Grenada, that we underestimated what they had under those roofs. That is just a sample of the things to come when you pass resolutions which are

well-meaning and well-sounding but are unrealistic.

Second, it is not mutual as it applies to our allies. At a critical time in history, when our allies are experiencing mass demonstrations, with people sitting in Great Britain and in West Germany, here we are at 10 after 8 after an hour's debate about to pass a resolution which says what? I have asked my colleagues, do they really mean this? I have gone to colleagues during the markup of the authorization bill in the Armed Services Committee saying, "Look, you are all for cutting the defense budget. Would you like me to cut the Trident submarine? That will save several billions of dollars right there." And people who support the freeze resolution say, "For God's sake, don't touch the Trident; we need that. We have to have the Trident. It is stabilizing. It is a great deterrent and our best system. So don't cut the Trident out of the budget."

My response is, "My heaven, you want to freeze the production of our systems right now, so that means no more Tridents."

Senator GARN earlier pointed out the inconsistency of such an approach.

I have gone to people supporting the freeze and said, "What about the B-52? Do you want to continue to rely upon that as one of the aging legs of the triad?"

They will say, "I support the B-1" or "I'm for stealth." They have their bases covered. They want to be in a position, as one colleague told me, of saying, "It's really only a statement, a moral statement. It's not binding. It's only a resolution."

But the fact is that if you pass a resolution like this tonight, you are sending a signal to our allies who do not think it is mutual.

If Margaret Thatcher can be in favor of deploying the Pershing and the ground-launched missile; if Chancellor Kohl can take the political heat in saying, "We are going to deploy"; if President Mitterrand of France can say, "It is imperative that we go forward"; if Prime Minister Craxi can say, "Yes, it is imperative"; but we, on the floor of the U.S. Senate, after an hour's debate, are going to say it is not important that you go forward, that we are going to freeze right now and it is mutual. I think it would be a devastating thing if we were to pass a freeze resolution in this body.

No. 1, it is not mutual. No. 2, it is not verifiable. It freezes in place our current systems, which are aging.

One final point: It is not enough to cite the public polls. It is not enough to say that an overwhelming majority of people who are polled on the subject, "Do you support a freeze?" answer, "Yes," without fully knowing the consequences or without being fully informed of what it does, and

come back and say that is the reason for passing this resolution tonight; because if we are going to govern this country only by poll, you do not need to be here. You do not need to be in the U.S. Senate. All you have to do is plug up a computer, punch out the questionnaire, "Do you favor a freeze or are you opposed to it?" and push a button. They do not need you here.

The real test of leadership in this country is not whether or not you can read a poll, whether you are a good judge of public opinion polls, but whether you are a good judge of the public interest.

Leadership, it seems to me, involves more than telling the people what they want to hear. It involves telling them what they have to know; and they have to know the hard, cruel facts here: that it is not verifiable; because you say it is verifiable; that it is not mutual because you declare it to be mutual. It is not in the best interest of this country to support this resolution as it is phrased.

Mr. President, I yield 5 minutes to the Senator from Illinois.

Mr. PERCY. Mr. President, on September 20, the Foreign Relations Committee, by a 10-to-7 vote, defeated a motion to report the Kennedy-Hatfield nuclear freeze resolution, Senate Joint Resolution 2, to the Senate with a favorable recommendation. I voted against the motion, for reasons which I shall shortly enumerate.

Normally, such a vote in committee would have prevented the resolution from being sent to the Senate for its consideration. However, because the freeze has national standing and a nationwide constituency, a strong majority of the committee believed the proposal should be debated and voted on by all Senators. Accordingly the committee voted 10 to 4 in favor of reporting Senate Joint Resolution 2 to the Senate with an unfavorable recommendation.

Mr. President, this is the second time this session that the nuclear freeze has been proposed as an amendment to pending legislation. On July 13, Senators KENNEDY and HATFIELD submitted the nuclear freeze as an amendment to the fiscal year 1984 defense authorization bill, although it was never called up. During debate on that bill, some of my colleagues suggested that the Foreign Relations Committee was trying to bottle up the freeze resolution and prevent it from coming to a vote in committee or on the floor. In remarks to the Senate on July 20, I took sharp exception to that allegation.

I think the record is now perfectly clear on this matter. By its action last month, the Foreign Relations Committee has obviously acted responsibly with respect to the freeze resolution and has discharged its responsibilities

in a carefully considered and fair manner.

Mr. President, I do not think that the debt-ceiling bill is the appropriate vehicle for this amendment. The nuclear issue is too important to be debated in the very restricted time we have before us if we are to complete action on this legislation before our deadline expires tonight. But the issue is now before us, and we will vote tonight on the freeze.

Before we vote, I want to express my views on the nuclear-freeze proposal.

First, let me say that the message which the people of Illinois and all the other States are sending is being heard loud and clear in Washington. Citizens from all walks of life and all parts of the political spectrum are speaking virtually with one voice on one aspect of the issue—namely, demanding that the Government act to halt the deadly competition in nuclear arms.

We in Government are vested with the special, and extremely important, responsibility of translating this outcry of concern into practical, and prudent, policies. However fervently one resolution or another may be supported, any treaty that eventually incorporates its particular arms-control approach will have to receive a two-thirds approval in the Senate to enter into force.

I continue to have concerns about certain aspects of Senate Joint Resolution 2 in its present form, concerns which I believe explain why the freeze does not command consensus support in the Senate.

I believe that the distinguished Senator from Maine (Mr. COHEN) has eloquently explained tonight his reasons for opposing the freeze. For the reasons he has given, reasons that I support, I feel that many others in this body are highly skeptical of the practicality of it, though we highly commend that the freeze resolution has brought about the paramount issue of our time, the most important single subject we will ever deal with. How we are going to control the arms race that is underway.

The first problem I see is that the resolution would sanction each side's keeping what they now have. That certainly is the appearance of that resolution, though it does call for reductions. The first attention would have to be given to a freeze and how we verify it and how we maintain it. In my view, the levels of nuclear weaponry deployed on each side are unacceptably high.

So if we think we would really accomplish much with a freeze, we literally would not. We would just freeze present systems at totally unacceptable levels. The Soviets have already offered in START to cut their strategic forces by more than 25 percent. The question can be raised, why

should we spend time negotiating an agreement that would let them keep what they have when they have already indicated willingness to reduce by at least 25 percent?

Second, in the judgment of our European allies, a total nuclear freeze would undermine the Alliance's December 1979 dual-track decision on intermediate nuclear forces—INF—and undercut our efforts to negotiate the total elimination of all nuclear land-based missiles of intermediate range deployed in Europe—the so-called zero option. In March, the German people overwhelmingly reelected Chancellor Kohl and in so doing indicated that they are fully prepared to accept the deployment of new INF systems on their soil should the arms-control talks in Geneva fail to provide a negotiated solution to the threat posed by the Soviet SS-20 missiles. An American endorsement of the freeze proposal now would pull the rug out from under the German Government and other close allies in NATO.

After all, it is NATO that last week reaffirmed a request that some of us had made of the President last March, a request that we simply begin the process of destroying some of our old missiles. NATO unanimously confirmed—and we have joined them—that we will begin the process of destroying the 1,400 nuclear weapons.

Third, a freeze would be enormously difficult to verify.

This has been stated, of course, by my distinguished colleague from Maine, and I am sure will be joined in by others.

This is not to say that verification provisions for a freeze could not be worked out. If we were able to gain Soviet consent to an unprecedented degree of onsite inspection and monitoring, a freeze might be verifiable. But this would take a very long time to negotiate. And this time could be better spent negotiating significant reductions, which the freeze resolution itself calls for but the freeze resolution and the flaw in it calls for freeze now which must be negotiated which would take months to negotiate and certainly I do not know as if we ever would get to a point where they would be satisfied and we would be satisfied that we have adequate verification for that freeze.

Lastly, I do not believe that all strategic modernization is necessarily detrimental to strategic stability. Some modernization is needed simply because older systems, like our B-52 bombers, are literally falling apart. Other programs, such as the new, small, single-warhead ICBM recommended by the Scowcroft Commission, could enhance the survivability of the U.S. retaliatory force and thereby discourage the Soviets from entertaining any notions of a first strike. A total freeze—one which allowed for no ex-

ceptions—would thus not only force us to maintain increasingly obsolete and unsafe systems but also perpetuate current instabilities.

In summary, I applaud the freeze movement for bringing public awareness to bear on the problem of achieving substantive arms-control results. This has indeed been a remarkable accomplishment. But I do not think that the freeze proposal itself offers a prudent or practical solution to lessening the dangers of such a catastrophe.

The PRESIDING OFFICER: Who yields time?

Mr. KENNEDY. Mr. President, how much time remains? I understand I have 6 minutes remaining?

The PRESIDING OFFICER: The Senator from Massachusetts has 6 minutes remaining.

Mr. KENNEDY. Mr. President, I yield 2 minutes to the Senator from Arkansas.

The PRESIDING OFFICER: The Senator from Maine has 3 minutes remaining.

The Senator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, first of all I ask unanimous consent to have printed in the RECORD a study of Adolescents' Concerns about the Threat of Nuclear War, by Dr. John M. Goldenring and Dr. Ronald M. Doctor.

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

ADOLESCENTS' CONCERNS ABOUT THE THREAT OF NUCLEAR WAR  
(By John M. Goldenring, MD, MPH, FAAP, FSAM, and Ronald M. Doctor, PHD.)

Over the past two years, studies by Dr. John Mack and associates have suggested that adolescents are very concerned about the prospects of a nuclear war occurring between the U.S. and the Soviet Union. Since Dr. Mack will be presenting his findings to the Committee, we will not discuss them in detail. We wish to acknowledge, however, that his work stimulated our own research.

Much of Dr. Mack's work is based on in-depth personal interviews, and on questionnaires taken from schools where there might be some question as to the representativeness of the data. We set out to design a psychological study along epidemiological lines which would add to Dr. Mack's work by overcoming its potential limitations.

Thus, the survey which is appended to our testimony has been devised. It is designed to allow us to rate teens' concerns about nuclear war in comparison to other worries, some of which are known to be of significance to them for past psychological studies. In this way we also avoid "cluing in" the teens as to the fact that we were particularly interested in their worries about nuclear conflict.

We allow teens first to spontaneously list their three greatest worries, and then to rate major worries on a one to four scale, where four signifies "very worried." Then the teens are asked to rank their top five out of these twenty worries. Only after this are teens asked any questions specific to the issue of nuclear war.

The data we will present today comes from 913 adolescents who were given the

survey in the classroom at six schools in the Los Angeles and San Jose areas. To our knowledge these teens had not been exposed to any unusual school programs on the nuclear issue. Eighty-eight percent of our respondents were tenth through twelfth graders with a mean age of 16.1 years. Males accounted for 50.7 percent of the sample and females 49.3 percent with no significant age differences between males and females. Forty-eight percent of the adolescents were White, 17.3 percent Asian, 15.5 Black, 11.5 percent Latino and 1.8 percent Native Americans, with 6 percent giving other responses to our ethnicity questions. Parents of these teens had high school education completed in 86.5 percent of cases with 42 percent having college or post-college degrees. In these families, only 4.5 percent of male heads of households and 11.5 percent of female heads of households were unemployed. There was an average distribution of school performance in the teens with 47.2 percent listing themselves as C to B students.

Thus the sample appears to be representative of a good ethnic mix and to have an economic profile which is fairly characteristic of the State of California. This is not a sampling of extremely intelligent or extremely poor or extremely white adolescents. It is our belief that they probably are also representative of the nation as a whole, but in order to prove this we intend to administer the questionnaire in several parts of the US in different kinds of schools, and in rural, suburban and urban areas. Our data should, therefore, be considered preliminary, but nonetheless very strongly suggestive.

#### SURVEY RESULTS

The results of teens' spontaneous fear listings have not yet been analysed, but we do have results of ratings and rankings of fears from the list of twenty which was offered to the students (see study questionnaire attached).

The number one worry both in mean score and in percent ranking it either 3 or 4 (worried or very worried) and for those who ranked this number one of their top 5 fears was "Parents dying." Mean score was 3.16 with 74 percent ranking it 3 or 4 on the worry scale and 29.3 percent listing it as their greatest worry. This is entirely the result expected, since death of parents has several times been shown to be the number one stressor for children and adolescents.

The second highest mean worry score, 2.95, occurred with "Getting bad grades", and is also expected since success in school and self, family and community esteem are very strongly linked.

Then however, we come to a most remarkable and previously unnoted and unpredicted finding. Third highest mean score with 2.69 goes to "fear of nuclear war"! Fear of "becoming very sick or crippled" is a close fourth with a mean score of 2.63. When one looks at percent ranking either worried or very worried there is a virtual statistical tie for third between "being a victim of violent crime" (mean score 2.52) with 59.5 percent, "nuclear war" with 58.2 percent and "not being able to find a job someday" with 58.1 percent (mean score 2.47). Interestingly also, "people starving in the world" had a mean of 2.51 (48.9 percent) and out scored "your own death" (mean of 2.41 and 45.6 percent). (See Table II)

When we look at percent ranking fears number one of their top five, we find the even more remarkable result that fear of nuclear war comes in second with 12.4 per-

cent, higher than bad grades, not finding a job and one's own death! This again is totally unpredicted from any past studies. However, no studies previously have tried to see how fear of nuclear war compares with other common worries. The fact that it is among the top five fears in our analysis is extraordinary. That it is among the top three no matter how we analysed the data is frankly astonishing. Adding up the ranking data, 32.8 percent of the teenagers surveyed listed nuclear war as one of their top three worries.

Analyzing the data further, we find that our worries list breaks down into three major categories:

(1) Fears of Bodily Harm: (Parents dying, own death, violent crime, becoming sick/crippled.)

(2) Personal Concerns (Bad grades, parents divorce, pregnancy, addiction, moving, looking ugly, no job, not being liked.)

(3) External or Environmental Concerns (Nuclear war, pollution, nuclear plant leaks, overpopulation, starvation, earthquakes, getting cancer.)

The consensus of experts and past studies is that none of the issues in the third cluster should be highly significant for teenagers who are supposedly self-absorbed and concerned with peer group status and body image. Our study clearly belies this conclusion. Instead, we find that a significant portion of our adolescents, representing roughly one third of the respondents, is concerned about nuclear war, and about the other world or environmental issues in cluster group three. These worries appear to occur in addition to cluster one and two concerns, since there is no difference in those worries between the group which is worried about nuclear war and those who are not worried about it.

A portion of our sample also received questions about self-image and other adjustment characteristics. It turns out that the subsample which is concerned about nuclear war and environmental issues is also composed of teens who speak more with their parents about their problems, are better adjusted and read more. In short, we would hypothesize that they represent a pool from which future national leaders will likely come.

Thus we have determined that:

(1) Very significant numbers of teenagers are very concerned about the possibility of nuclear war, so much so that a third of them list it as one of their top three concerns and over 10% consider this a greater worry than their parents' death.

(2) The group of teens which is most concerned, about one third of the total, is also aware more than their peers of other potential dangers in the environment, and they appear to represent some of the most mature and better adjusted teens with high leadership potential.

However, how worried are they, and does it make any difference in their lives that they are worried? To look at these questions, the second half of our survey presented a number of questions specifically related to the possible occurrence of nuclear war with the Soviet Union. (See Part II of study questionnaire appended.)

When asked if they ever thought about nuclear war, 56.7 percent said "a few times", and again 32.9 percent, roughly one third, responded "often." Then, the adolescents were asked if a nuclear war between the US and USSR would occur within their lifetime. Forty-two percent said "probably yes" and nine percent responded "definitely yes"!

When asked if such a war could be prevented, the vast majority, 76.6 percent, said probably or definitely yes, but 10.7 percent said "probably no" and 3.7 percent said "definitely no". Again, significantly more pessimistic answers came from the previously described group which is more worried about nuclear war.

Only 21.7 percent of the sample felt they or their families would survive a nuclear war, while 13.9 percent were unsure. There were no significant differences between high and low nuclear-worriers on this question. This incongruity shows that many of the "low worriers" may be more concerned about the possibility of nuclear war than they care to admit. Since Dr. Robert Lifton will be discussing with the committee this phenomenon known as "psychic numbing", we will not dwell on it. It is a factor in our sample, but less remarkable than the number of adolescents who readily admit their serious concern.

Finally, we attempted two questions designed to try to identify if the degree of fear uncovered has in some way effected teen's behavior. We particularly included these questions, though we admit they may be imperfect, because of the anecdotal clinical experiences of ourselves and our colleagues. Over the past two to three years in discussions with teens we have spontaneously encountered an attitude of anomie: "Since we are going to die in a nuclear war soon we might as well get high, have sex, drop out."

Therefore, we asked if nuclear war fears had caused teens to think that perhaps they did not want to get married and have children. Fourteen percent somewhat agreed and nine percent strongly agreed with that idea. When asked if the possibility of nuclear war made them want to "live only for today", 15 percent agreed somewhat and 5.8 percent agreed strongly. On both questions, the high nuclear worry group again showed a more significant response.

We further conclude, therefore:

(1) Over half of the teens surveyed believe that there will be a nuclear war with the Soviet Union in their lifetime, and nine percent were certain that it would happen. This degree of pessimism is very disturbing, though most of the sample still had hope of preventing such a war.

(2) It is our suspicion that from 5-15 percent of our sample are very severely worried about the threat of nuclear war, and that they are so pessimistic as to consider delaying plans for marriage and family. Some of their anomie may also be reflected in a "live for today" attitude which could lead them toward drug and alcohol abuse, sexual promiscuity and delinquency, though our data do not allow us to comment on the exact extent of this problem.

We are facing, potentially, a very serious problem with our nations youth, many of the most concerned of whom are potential future leaders. Over half of them have never had an opportunity to talk with any adults about their fears. Forty-one percent also state that they receive insufficient information about nuclear war in school.

There appears to be a communication gap which adolescents are filling with fear instead of hope. This is occurring because we are not talking to youth about the nuclear threat and we are not convincing them by word and deed that there is hope for their future. It is not true that adolescents care only about zits and the opposite sex! A very large number are very concerned about the future state of the planet which they and

their offspring will inherit from the current ruling generations.

Why don't we talk to our teens and reassure them on this issue? It is because we are uncomfortable, worried, afraid; whether consciously or not, about our own future. The kids know it. Over half the teens we asked believe their parents are also worried or very worried about nuclear war. And like other topics about which adults are uncomfortable: human sexuality and death and dying for example, the threat is ignored in the home and in classrooms. The inevitable result is misinformation, despair, unwarranted fantasies and, sometimes, socially undesirable behavior.

We believe now is the time to begin talking honestly with youth about the threat of nuclear war—about our own real fears, our hopes and about what can be done to prevent the Holocaust. This must happen in churches, in schools, in communities and in families throughout the US and indeed throughout the world.

We do believe this is a nationwide problem of youth fears and disaffection, and perhaps a world-wide problem, so that over the next year we hope to expand our preliminary data by administering our questionnaire throughout the U.S. and overseas. In fact, the questionnaire is hopefully being given to Russian adolescents at this very moment. We will report this data as it becomes available.

It is often said that one should listen to the wisdom of the young. The fact is, many of our youth are very afraid that there will be a nuclear war between the U.S. and the Soviet Union. We do not know if this fear is new or increasing, only that it is real, astonishing in magnitude and that it probably mirrors our own adult fears. The question before us is: will we overcome our fears, listen to and talk with our nation's youth, and convince them—and ourselves—that there is hope for our future?

Acknowledgements: (Special thanks to Wayne Shoumaker for his invaluable assistance with our statistical analysis. Alice Powell, MA, MFCC helped design and administer the questionnaire. In addition, some of the subsample data cited is from extra questions which Ms. Powell is asking as part of her doctoral thesis work in Psychology. Katherine West, MPH, a doctoral candidate in Public Health typed the original "final draft" of the study and was of invaluable help in designing the demographic questions. Dree Newman, MD, Rod Boone, PhD, Louise Miller, MPH and Charlene Newman, RN were also of constant help during the designing of the study.)

TABLE 1.—BASIC DEMOGRAPHIC INFORMATION ON RESPONDENT SAMPLE; NUMBER OF RESPONDENTS IN SAMPLE WAS 913; COLLECTED FROM VARIOUS SCHOOLS IN NORTHERN AND SOUTHERN CALIFORNIA

	Percent	Cum percent
Grade in school:		
Seventh.....	5.5	5.5
Eighth.....	8.9	14.4
Ninth.....	7.6	22.0
Tenth.....	15.7	37.8
Eleventh.....	31.1	68.8
Twelfth.....	31.1	99.9

*Sex and age of students*

	Percent
Male (average age, 16.07).....	50.72
Female (average age, 16.18).....	49.28

  

	Percent	Cum percent
Race of students:		
Latino.....	11.5	11.5
White.....	47.9	59.4
Asian.....	17.3	76.7
Black.....	15.5	91.8
Native American.....	1.8	93.6
Other.....	6.4	100.0

[In percent]

	Male	Female
Education of male and female heads of household:		
6 or less (grade school).....	4.9	4.8
7-11 (high school).....	8.6	8.7
12 (high school graduate).....	14.7	24.3
13-15 (college).....	19.4	23.2
16 (college graduate).....	25.4	21.3
16+ (professional).....	16.9	11.2
Do not know.....	10.2	6.5
Employment status of male and female heads of household:		
Employed.....	90.3	72.8
Unemployed.....	4.5	11.1
Disabled.....	1.6	1.5
Retired.....	2.9	.9
Homemaker.....	.2	12.9
Do not know.....	.5	.8

  

	Percent	Cum percent
Approximate grade point average of students:		
D-C.....	14.3	14.3
C-B.....	47.2	61.4
B-A.....	34.8	96.3
A.....	3.7	100.0

TABLE 2.—MEAN RATINGS AND PERCENT OF RESPONDENTS WHO RATED "WORRIED" OR "VERY WORRIED" ON EACH OF THE 20 ITEMS

Item	Mean	Percent worried or very worried
1. Getting cancer.....	2.00	26.4
2. Earthquakes.....	2.06	30.2
3. Getting hooked on drugs.....	1.70	21.9
4. People not liking you.....	2.08	29.4
5. Not being able to find a job someday.....	2.47	58.1
6. Having to move somewhere new.....	1.83	21.5
7. Getting (or making someone) pregnant.....	1.91	25.9
8. Nuclear war.....	2.69	58.2
9. Looking ugly.....	2.10	31.7
10. Parents divorcing.....	1.91	29.3
11. Pollution.....	2.19	34.2
12. Being a victim of a violent crime.....	2.52	59.5
13. Parent dying.....	3.16	74.4
14. Nuclear power plants leaking.....	2.69	40.9
15. Your own death.....	2.41	45.6
16. World over-population.....	2.00	29.3
17. Becoming very sick or crippled.....	2.63	52.7
18. Your family not having enough money.....	2.29	39.8
19. People starving in the world.....	2.51	48.9
20. Getting bad grades.....	2.95	68.1

TABLE 3.—PERCENTAGE OF RESPONDENTS ON EACH ITEM WHO RATED EACH ITEM AS THEIR "GREATEST WORRY"

	Percent	Cum percent
My greatest worry is:		
Parents dying.....	29.3	29.3
Nuclear war.....	12.4	41.7
Bad grades.....	10.2	51.9
Not finding a job.....	9.0	60.9
One's own death.....	5.9	66.8
Not being liked.....	5.2	72.0
Being a victim.....	3.9	75.9
Earthquakes.....	3.4	79.3
Becoming sick/crippled.....	3.2	82.5

TABLE 3.—PERCENTAGE OF RESPONDENTS ON EACH ITEM WHO RATED EACH ITEM AS THEIR "GREATEST WORRY"—Continued

	Percent	Cum percent
Pregnancy.....	2.5	85.0
Parents divorcing.....	2.5	87.5
No money in family.....	2.4	89.9
Getting cancer.....	2.4	92.3
World starvation.....	1.5	93.8
Pollution.....	1.3	95.1
Drug addiction.....	1.3	96.4
Moving somewhere.....	1.3	97.7
Looking ugly.....	1.1	98.8
Nuclear leaks.....	.8	99.7
World overpopulation.....	.3	100.0

Mr. BUMPERS. Mr. President, I wish to point out that in a study of all adolescents in this study, which is very comprehensive, the No. 1 chief concern of children in this country in their teens is one of their parents dying. Their second chief concern is nuclear war.

I think everyone will find this very interesting reading in the RECORD.

Second, the other day I was debating some issue in the Chamber, I think it was the Clinch River breeder, and we were talking about deficits and I made the point that everyone is against deficits as long as it does not require them to quit spending.

Here we are debating an issue which is very much the same way. Everyone is for stopping the insanity of the nuclear arms race as long as it does not require us to quit building nuclear weapons and nuclear systems.

Mr. President, I predict that this body will still, if we survive that long, 10 years from now, be sitting here debating an issue very similar to this and the arguments that are made here today will be made then.

Just as soon as we catch up, we will be for a freeze. Unhappily, catching up is like beauty. It lies in the eyes of the beholder.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. BUMPERS. Mr. President, I am sorry. I thank the Senator from Massachusetts for yielding.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, how much time remains? I need the last 2 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts has 4 minutes remaining.

Mr. KENNEDY. Mr. President, I yield 1 minute to the Senator from Vermont.

Mr. LEAHY. Mr. President, I shall only take 30 seconds.

The Senator from Maine referred to how I felt on the issue of verification. I can assure the Senator from Maine and the Senate I would never vote for any treaty that could not be verified.

I point out, however, there is a CRS study which I had commissioned as well as one by the journal put out by

the Federation of American Scientists that deal with the issue of verification. Both point out the real difficulties in verification of the freeze but discuss ways to address them adequately.

I think the freeze we propose can be verified.

Mr. President, I ask unanimous consent to have printed in the RECORD a public interest report from the journal of the Federation of American Scientists on verification of a freeze.

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

[From the Federation of American Scientists (FAS) Public Interest Report, September 1982]

#### VERIFICATION OF A FREEZE: SOME GENERAL OBSERVATIONS

In support of the proposition that a comprehensive freeze on much of the testing, production, and deployment of nuclear weapons and their associated delivery systems is verifiable, one can make the following general assertion:

The marginal utility of additional weapons is small in comparison to the survivable destructive potential already amassed by both sides.

Since each side can be devastated by the explosive equivalent of 400 one-megaton bombs, and since each side has long ago assured the delivery of at least this capability even after surprise attack, any clandestine additions to either side's destructive potential are going to have sharply limited significance.

This does not suggest that compliance with treaty provisions does not matter. Rather it suggests that compliance or non-compliance with treaty provisions is unlikely to affect nuclear deterrence itself. In other words, verification of a freeze agreement is not, as it is so often portrayed, a matter of the "survival of the nation." The risks involved in possible Soviet cheating under a freeze regime are, in the first instance, political risks, involving each side's perceptions of who is moving ahead, or falling behind, in the arms race.

Indeed, the major risk involved in Soviet cheating on a freeze is that its discovery would lead to quantum leap in mistrust on the American side; to vigorous renewal of the arms race; and to a dangerously confrontational international atmosphere. In effect, both sides would end up right where they are today, only worse.

Since the Soviets are known to favor some sort of freeze over continuation of the arms race, it should be pointed out that this fact—that the most likely U.S. response to Soviet cheating would be reversion with a vengeance to the arms race—represents a most powerful incentive for Soviet compliance. It applies, in particular, even to those treaty provisions the Soviets might know could be verified only with low-to-moderate confidence. In point of fact, however, Soviet military planners do not know the full range and extent of U.S. monitoring capabilities. What they do know is that the probability of detection is never zero, and that it approaches 100% for major projects of significant duration.

#### LOW PROBABILITY BUT HIGH RISK

Thus, according to former Secretary of Defense Harold Brown, "A somewhat less than even chance of U.S. detection would probably appear as a prohibitively high risk

to a Soviet planner contemplating contemplating cheating, particularly when he considered the likely U.S. reaction to such a discovery." And yet, Brown noted, "anything less than a 50% chance of detection . . . we consider as providing 'low confidence' in our monitoring capability."

This disjunction—between what we consider adequate for verification and what is required to reliably deter Soviet planners—is noteworthy. The Soviets must necessarily consider that the U.S. monitoring capability—which is actually an aggregate of many individual capabilities—has a composite probability of detection that is highly variable. To this must be added the compounding factor that over time, the secret project could be exposed by an accident, a defector, a dissident participant, an intelligence source, inadvertence, and so on.

Moreover, let us not forget that the Soviets would enter into a treaty precisely because they wanted the U.S. bound by its terms! Cheating involves the danger that the treaty will come apart when the cheating is discovered. Why should they run this risk for no particular military utility?

#### THE GHOST OF "TYPE III"

But cheating under a treaty, if discovered, does more than end the treaty. It risks ending it with a bang—a much bigger bang than would, for example, Soviet public withdrawal. Years ago, Herman Kahn coined the term "Type III deterrence", by which he meant the deterrence afforded by fear of making the other side angry. This applies to deliberate treaty violations, in particular. If the Soviet Union is found to be cheating under an arms race agreement, the U.S. can be expected to renew the arms race with special force, and to reject future agreements with the Soviet Union for a long time.

Under these circumstances, so long as the most significant aspects of the agreement can be verified by the U.S. with high confidence, then low-to-moderate, short-term monitoring confidence—and a related greater than 50% long-term monitoring confidence—for the remaining provisions should suffice in order to deter Soviet violation of the entire agreement.

#### VERIFYING A MODEL FREEZE

This issue is an effort to bring the concept of a strategic weapons freeze into sharper focus. It contains three elements.

First, there is an editorial (above) describing some fundamental premises underlying verification—without agreement on these or other such premises, no consensus on "verifiability" is possible.

Second, some background information is provided on the many, and astonishingly effective, means of verification which are at our Nation's disposal. Last, but obviously not least, is a sketch of one way in which a freeze might be defined.

We hasten to add that this yeoman effort by two of our staff (Christopher Paine and Thomas Karas) has many loose ends, some of which we hope to treat in later issues. There is the question of controls on defensive weapons. There is the linkage between the freeze and subsequent reductions; no freeze is going to be stable indefinitely and, by the same token, no freeze is going to be politically or strategically defensible if viewed in steady state. There is the question of how the freeze might be implemented. There are obviously a host of definitional questions. And so on.

Indeed, this freeze is only a sketch of one of a variety of treaty possibilities in each of

which enough is frozen to justify the word "freeze." In its design, there are necessarily branch points, not all of which are fully exposed and for none of which was there space to justify the choices. Thus for long-lived weapons such as nuclear submarines and nuclear bombers, need replacement provisions be included in the freeze? And can the same be said of missiles? What is the real meaning of this model freeze's decision to close down final assembly plants for missiles but not to prevent missile components from being manufactured and installed?

Accordingly, it might be well to state briefly here what distinguishes the freeze approach from other approaches. Obviously, in neither case can one halt more than the two sides can agree on, and verify. But in the one case the presumption is that the negotiation is aimed at isolated weapons systems most vulnerable to agreement, and that no effort will be made to put together a really comprehensive package.

In the freeze approach, on the other hand, the presumption is that an effort will be made to end, or dramatically slow, the arms race rather than simply to manage it. In this context, the presumption is that serious negotiating efforts will be made to stop the central manifestations of the arms race. Weapons systems testing, production or deployment would be permitted to continue only if the negotiators saw no way to stop it, or if it would hopelessly complicate or burden the agreements they could otherwise reach.

In sum, what is contained within is designed simply to stimulate more concrete thought on a subject which now commands the support of solid majorities from the most diverse walks of American life. It behooves all interested in arms control to begin to think through the details of what can, and what cannot, be done with this public support. Readers are encouraged to write to and talk with our nation's leaders and convince them of our position.

#### NATIONAL TECHNICAL MEANS IMAGING RECONNAISSANCE SATELLITES

##### "KH-11"

The KH-11 satellite won fame in 1978 when CIA employee William Kampiles went to jail for selling its interpretation manual to Soviet agents. The big spacecraft, which probably weighs about 10,300 kilograms, usually flies at altitudes of about 300 to 600 kilometers. That means that its imaging system probably returns fairly wide-area pictures of the ground. But if it also carries longer focal-length telescopes, it could zoom in on more interesting targets for greater detail. The "ground resolution"—meaning the smallest size of objects distinguishable—of KH-11 images is probably between 2 and 5 meters, depending on what assumptions we make about its telescopes and sensors.

The military virtue of the KH-11 is that it operates nearly in "real time." It doesn't use cameras with photographic film, but instead forms images on an electronic focal plane. A scanning mirror sweeps across the satellite's field of view, and the light from the mirror registers on the focal plane as a series of electrical impulses which become digital "bits" of data, either recorded for later playback or directly transmitted to the earth stations of the U.S. Air Force Satellite Control Facility. It is possible, but not certain, that KH-11 data is beamed upward to the satellites of the Air Force Satellite Data System, from which it is relayed to ground stations. In any case, the Satellite Control Facility Remote Tracking Station in Green-

land can pick up KH-11 signals minutes after the satellite has passed over the Soviet Union. Again via the Satellite Data System satellites, the Remote Tracking Station can pass the data immediately to the Air Force satellite headquarters in Sunnyvale, California for further processing. Because this is a CIA-owned satellite, at some point the images go to CIA headquarters for analysis.

Most likely the sensors on the KH-11 are multispectral—they form images in several bands of visible and infra-red light. These images can carry information that is just as valuable as the details of size and shape produced by the finer resolution of "close-look" photographs, as we shall see below. The KH-11 satellites keep recording images and transmitting data until their maneuvering fuel runs out—which takes upwards of two years. The U.S. seems to keep two of these spacecraft operating at any one time.

**"Big Bird"**

The "Big Bird" satellite, primarily an Air Force vehicle, stays up about six months, weighs about 11,000 kilograms, and flies somewhat lower than the KH-11—between about 160 and 280 kilometers. Maneuvering at lower altitudes, where some air resistance against the vehicle accumulates, probably uses up a good deal of thruster fuel. But the main limit on the satellite's lifetime is its use of old-fashioned photographic film to record images. The satellite surveys larger areas with a camera developed by Kodak that develops the film on board and then transmits a television-scanned image of the developed picture. The satellite also carries a few (some say 4, others 6) film pods that it can send back to earth for development. These are no doubt used to have the satellite take a more detailed look at specially chosen targets.

**"Close-look"**

A third type of imaging satellite can take quite close-up pictures, resolving objects on the ground which are perhaps six inches across. This "close-look" satellite can swoop in at altitudes as low as 80 or 90 miles, photographing the ground with color film. The film is released on command for re-entry and then caught in mid-air by special airplanes based in Hawaii. The close-look satellites run out of fuel and film more quickly than the other types, and they usually stay in orbit for 60 days or so.

Since the "Big Bird" became available, the Air Force has flown the close-look satellites much less than before and apparently is almost out of them. The most recent went into orbit at the end of February, 1980. According to the trade press, both the "Big Bird" and the close-look satellites will be replaced in 1984 with a large satellite that will have a long lifetime and take very detailed pictures as well.

**ELECTRONIC RECONNAISSANCE**

**"Ferret"**

From time to time, when the Air Force launches a Big Bird, it attaches a much smaller satellite which jumps up to a higher orbit, over 400 miles up. This smaller satellite probably collects information about Soviet radar, indicating what frequencies and types of signals the Soviets are using to watch out for incoming planes and missiles. Since the U.S. has flown very few of these in recent years, one might speculate that the Big Bird or the KH-11 can collect some of the same types of information.

**"Rhyolite-Chalet"**

The United States has also sent up a series of geosynchronous satellites—they re-

volve around the equator once every 24 hours, thus hovering over one spot—for intelligence purposes. In a spy trial a few years ago, this type of satellite was identified as "Rhyolite," although the name has probably changed by now (the new name may be "Chalet"). The Rhyolite type of satellite collects the telemetry—the information on rocket performance—sent back by Soviet missiles when they are tested. It may pick up other kinds of military communications inside the Soviet Union as well.

A likely candidate for the most recent satellite in the Rhyolite series is one launched in March, 1981. It probably has more sensitive listening devices than the earlier versions. Senator John Glenn, who in 1979 expressed doubts about the verifiability of the SALT II agreements, now says he thinks new developments do make them verifiable. In 1979, Secretary of Defense Brown said that in a year or so we could replace the eavesdropping capabilities we lost in Iran. Apparently we have. (We also have ground-based listening posts in China.)

**OCEAN RECONNAISSANCE**

The Navy has another kind of electronic intelligence satellite for monitoring the oceans. These satellites fly in a series of four—a "mother ship" and three sub-satellites nearby. By detecting the radar and communications signals of ships from more than one receiving point, the Navy can locate the ships. If necessary, the imaging reconnaissance satellites or aircraft could be assigned to take pictures.

**"UNKNOWN"**

In January, 1982, the U.S. launched yet another type of intelligence satellite, one from which apparently three sub-satellites split off. This set of satellites flies at about 360 miles up, not 600 like the ocean reconnaissance type. And while the plane of the ocean reconnaissance satellite orbit is inclined about 62.5 degrees to the equator, the inclination of this type is 97 degrees. That brings the satellites closer to the poles and allows them to cover more of the earth's surface. They would have a better view of the Soviet naval ports north of the Arctic circle than do present U.S. ocean reconnaissance satellites.

**MISSILE WARNING**

**Defense Support Program (DSP)**

With 3 satellites in geosynchronous orbit (1 over the Eastern Hemisphere and 2 over the Western Hemisphere) the DSP system provides early warning of ICBM and SLBM launches by infrared detection of rocket plumes. The satellites also carry visible light detectors and radiation sensors for detecting nuclear explosions and provide surveillance of missile test launches.

**NUCLEAR EXPLOSION DETECTION**

**"Vela Hotel"**

Launched in the 1960's into orbits 60,000 miles up, these satellites carried "bangmeters," or nuclear explosion detectors for monitoring the atmosphere and space for violations of the partial test ban treaty. The last working pair of these satellites still provide some data.

**Defense support program**

The U.S. missile early warning satellites also have some ability to detect the electromagnetic radiation from nuclear explosions.

**Global positioning system (GPS)**

The new military navigation system satellites also carry a system called "IONDS"—the Integrated Operational Nuclear Detection System. Combinations of signals from

the ultra-violet and x-ray sensors which will eventually be carried by all 18 of the GPS satellites will give the precise locations, using time of flight measurements, of any nuclear explosions in the atmosphere or in space out to 11,000 miles.

**Seismic sensors**

Seismic stations around the globe detect underground nuclear explosions. In connection with the incomplete draft treaty for a Comprehensive Nuclear Test Ban Treaty, the Soviet Union has agreed to the placement of additional unmanned stations on Soviet soil.

**UNDERWATER ACOUSTIC SURVEILLANCE SYSTEM**

The U.S. Navy has the world's oceans virtually "wired for sound," using both seabed and mobile acoustic sensors. These are useful not only for keeping tabs on nuclear-capable Soviet ships but also for detecting any nuclear tests in the oceans.

**GROUND-BASED MONITORING POSTS**

The U.S. Intelligence Community maintains a network of electronic "listening posts" and test observation radars near most of the major Soviet missile-testing areas. For example, posts in Turkey monitor the IRBM and developmental SLBM testing range at Kapustin Yar, while two listening posts in Sinkiang, China's western-most province bordering on Soviet Central Asia, monitor the main ICBM test complex at Tyuratam. Listening posts in Norway monitor operational tests of SLBMs fired from submarines in the White Sea. Additional facilities are believed to exist at other locations.

**OTHER SPECIAL RADARS**

Soviet test warheads descending to their impact areas on the Kamchatka Peninsula or in the Western Pacific are tracked during the high-altitude portion of their flights by the giant "Cobra Dane" phased-array radar at Shemya Air Force Station, Alaska, and during their near-earth trajectories by the shipborne "Cobra Judy" phased-array radar.

**PLANES AND SHIPS**

**SR-71, U-2, and TR-1 aircraft**

These high-altitude reconnaissance platforms, based in the United States, Europe, and Japan, fly along coastlines and border areas of the Soviet Union and Warsaw Pact nations, peering into the foreign territory with side-looking radars, cameras, and electronic intelligence receivers.

**Electronic intelligence submarines and ships**

So-called "Holystone" submarines—Los Angeles-class nuclear attack submarines specially configured for signal and communications intelligence missions, eavesdrop along the coastlines of the USSR. Intelligence-gathering surface ships overtly perform a similar mission.

**HUMINT**

Intelligence analysts also garner information from agents, defectors, émigrés, defense attachés, businessmen, tourists, and from the painstaking collation and sifting of published literature.

**ON-SITE INSPECTION**

Under the Protocol to the 1974 Treaty on Underground Nuclear Explosions for Peaceful Purposes, the Soviet Union and the United States agreed to detailed "on-site" inspection procedures whose general principles were carried over into the negotiations for a comprehensive ban on all nuclear

tests. While not immediately available to the intelligence community to assist in verifying agreements, such inspection arrangements are clearly not as far out-of-reach as they once were.

In verifying the delivery vehicle and nuclear warhead production bans which could be a part of a far-reaching comprehensive nuclear freeze agreement, on-site verification would be selectively employed to further investigate—with the intent of definitively identifying—ambiguous activities which are detected by national means but whose explanation remains unclear.

#### VERIFICATION OF A MODEL FREEZE: MONITORING TASKS

A comprehensive freeze on the testing, production, and deployment of nuclear weapons and their primary delivery vehicles could be broken into seven key provisions which are distinct for the purposes of negotiation and analysis but interlocking and mutually reinforcing from the perspective of verification:

(1) a freeze of "indefinite duration" (like the ABM Treaty), without modernization,<sup>1</sup> on the deployment of ICBMs, SLBMs, IRBMs, and (if necessary) GLCMs;

(2) a numerical freeze—permitting modernization and one-for-one replacement of delivery vehicles, but with no increase or modernization of weapons load—on strategic bombers, other "dual-capable" aircraft assigned a nuclear role, nuclear-armed ships and subs, and nuclear artillery and battlefield missiles;

(3) a prohibition on the flight testing of "new" or significantly modified ballistic missiles, and a low limit on the number of operational ballistic missile flight tests;

(4) a Comprehensive Test Ban (CTB) on nuclear explosions;

(5) a shut-down of existing main assembly facilities for intercontinental, submarine-launched, and intermediate-range ballistic missiles, and a prohibition on the transfer of this activity to other sites;<sup>1</sup>

(6) a shut-down of existing key nuclear component fabrication and final assembly facilities for nuclear weapons, and a prohibition on the transfer of this activity to other sites; and

(7) the international inspection and installation of safeguards at all nuclear facilities to permit a verifiable cutoff of weapons-grade nuclear materials production and the conversion or disposal of existing stockpiles.

#### I. THE DEPLOYMENT FREEZE

Few would dispute that a freeze on the number of deployed strategic nuclear delivery vehicles can be adequately verified. Soviet missiles are unambiguously identified with either fixed ICBM launchers, in the case of large liquid-fueled ICBMs, or easily counted submarines, in the case of submarine-launched ballistic missiles. As Secretary Brown testified during July 1979 Senate hearings on ratification of the SALT II Treaty, "We have high-confidence in our ability to monitor the number of fixed ICBM launchers, SLBM launchers, and heavy bombers ("high-confidence" means a counting error of 10% or less). [Charts not printed in the Record.] Brown noted that ICBM silos are "readily identifiable during construction, and take a year or more to build."

The missiles themselves, he reported, "require extensive support facilities, including

missile handling equipment, checkout and maintenance facilities, survivable communications, and nuclear warhead handling, storage, and security facilities. Our intelligence collectors regularly examine the existing ICBM fields, but in addition they also conduct extensive surveys of the Soviet Union at periodic intervals for evidence of additional ICBM activity. The intelligence community judgment is that we would detect a Soviet effort to deploy a significant number of excess fixed ICBM launchers even if they departed substantially from their current deployment practices." In other words, even if the Soviets were to deploy their missiles in salt mines or grain elevators, U.S. ability to monitor ICBM-associated support, transport, communications, and security measures guarantees a high probability of detection.

"Turning to SLBMs," Brown testified, "we monitor the launch, fitting out, and sea trials of each submarine. We also monitor Soviet ballistic missile submarines at operational bases, at sea, and at overhaul facilities. In addition, we search for evidence of SSBN-related activity at other facilities, and we monitor naval activities generally with a wide range of intelligence collection systems. We are confident we can monitor closely the number of SLBM launchers."

As for strategic bombers, Brown said, they are "large in size, built at a small number of plants, and deployed at a limited number of operational bases which are closely monitored. The total inventory of heavy bomber-type aircraft can be monitored with confidence."

Potential prohibitions on major modernizations (e.g., adding a new stage, more reentry vehicles, etc.) and system replacement for new production are primarily verifiable through monitoring other aspects of the Soviet weapons program, for the simple reason that before a new missile or reentry vehicle can be installed in a silo, it must first be developed, tested, and produced. Under one scheme, the only replacement permitted would be for missiles fired in operational tests, and since no new production would be allowed under a freeze, this would foster a tendency to conserve missiles, leading to few tests and therefore few "opportunities" for replacement. However, since transporting a Soviet missile from its storage area and loading it into a silo requires, according to official testimony, "a minimum of two or three days," there is a significant change that missile replacement in violation of the freeze would be detected by imaging reconnaissance satellites.

Lesser modifications to the missile might be accomplished in less time and be considerably harder to detect, given that routine maintenance, including replacement of defective components, would be permitted under a freeze. Thus a prohibition on major modifications to existing missiles would be verifiable chiefly as a consequence of monitoring the testing prohibitions of the freeze agreement.

A freeze on mobile ICBMs and IRBMs, "while more difficult than counting silos," Brown testified, "is a manageable task."

"For example, the Soviets are now deploying the mobile SS-20 IRBM, and we can estimate the number of launchers deployed with reasonable confidence. If the Soviets made special efforts to conceal mobile ICBM launcher, or if they deployed a system without central support facilities, the uncertainties could be larger. But covert deployment of a force on a scale large enough to be militarily significant would be

a formidable task, requiring successful concealment of a large number of deployed launchers, and of their production, support and training exercises as well, and deployment without central support facilities would entail operational disadvantages."

While complaining about the novel "instability" cause by the Pentagon's alleged inability to target the "highly mobile" SS-20s, the Reagan administration has issued regular updates on the exact number of SS-20 launchers deployed and the number of SS-20 sites at various stages of completion, even to the extent of having sufficient confidence to accuse the Soviets of violating their own unilateral SS-20 European deployment freeze by completing construction of bases begun before the freeze took effect. Clearly, a deployment freeze on at least this current generation of Soviet IRBMs is adequately verifiable.

All these conditions apply to the threatened potential unverifiability of ground-launched cruise missiles as well. Although the missiles themselves are small and probably in some cases not directly accessible to counting, they will be embedded in transport, security and launch-control systems that is monitorable, and during peacetime they will be deployed in main operating bases which can be surveyed from aircraft and satellites.

#### II. A NUMERICAL FREEZE ON DUAL-CAPABLE LAUNCH PLATFORMS AND DELIVERY VEHICLES

To prevent circumvention of the freeze and diversion of superpower energies into a destabilizing tactical/theater-nuclear arms race, a freeze on the numbers and payloads of such systems would be desirable. However, because many of these systems perform both conventional and nuclear missions, and their production and support systems are intimately connected to those for conventional weapons, a freeze on replacement and modernization of these systems does not seem politically feasible for the immediate future.

What would be feasible in the near term would be to freeze the current inventories of such weapons by type, for example: long-range strategic bombers (B-52/B-1; Bear, Bison/new Soviet bomber); peripheral attack bombers (F-111, Backfire); long-range nuclear-certified attack aircraft (e.g., A-6, Binder); nuclear-armed attack submarines (SSN-688, Charlie/Alfa classes) nuclear-cruise missile-equipped surface ships (Iowa, Kirov); and nuclear artillery/battlefield missiles (8-inch, 155mm artillery, Lance, Pershing 1-A, Frog, Scud and Scaleboard missiles). Also frozen would be the nuclear payloads of such systems. One-for-one replacement and modernization of the delivery vehicles could be permitted, and transfer of deployed or currently stockpiled weapons to these new platforms could be allowed, but with no increase in weapons load.

According to one retired member of the intelligence community, each side has a fairly good idea of which forces on the other side actually are assigned a nuclear mission, as opposed to being theoretically "capable" of performing one. Special training, communications, operations, and security measures accompany the deployment of "nuclear-certified" units in the field, making moderate-to-high-confidence verification of a numerical freeze on these systems quite feasible. In addition to imaging and electronic reconnaissance satellites, both countries maintain ocean surveillance satellites to keep track of world-wide naval deployments, and the United States has the

<sup>1</sup> See article "Should Limited Production and Replacement be Permitted?"

added benefit of information gleaned from a unique worldwide acoustic surveillance system.

Deployments of theater and tactical nuclear weapons in and around Europe, the key area of confrontation for these systems, are also monitored by SR-71, U2R, and other reconnaissance aircraft which overfly border areas and peer into Eastern Europe, monitoring activity at known nuclear weapons storage sites, and looking for signs of additional sites and dual-capable units. National Security Agency and military intelligence "listening posts" also gather vital signal (SIGINT) and communications (COMINT) electronic intelligence (ELINT) about the locations and operations of dual-capable units.

Based on our own intelligence analysis of Soviet dual-capable weapons payload capabilities, a common data base could be established with the Soviets on which systems should be included, and maximum allowable weapons load counting rules could be developed to ease verification tasks. For example, if one version of the Backfire can carry more weapons than another, then all versions might be considered as carrying the larger weapons load. The nuclear weapons themselves could not be modernized or replaced with newly produced versions. This provision would be verifiable mainly through the freeze on warhead production, which would preclude a supply of new warheads for tactical and theater systems.

Many observers have expressed the concern that the widespread deployment of cruise missiles threatens to make the freeze unworkable. Although cruise missiles are a legitimate cause for concern, they do not represent that great a departure from previous systems. It has already been suggested above how the deployment of GLCMs might be frozen and verified in a manner similar to mobile IRBMs.

Because deployed ALCMs must be attached to aircraft, which can be monitored with high confidence, ALCM deployment could be frozen and reliably monitored under a freeze, particularly if the parties adopted rules, as in SALT II, limiting ALCM deployments to heavy bombers.

However, for a host of reasons—including Soviet dependence on a variety of short- and medium-range cruise missiles, difficulties in distinguishing between shorter- and longer-range versions, the fact that they use technologies and components in common with conventional weapons and can in theory be assembled in any one of thousands of light manufacturing facilities, and because their testing is not easily monitored—it will probably prove difficult to include cruise missiles in the nuclear delivery vehicle production and testing bans.

Their deployment can be effectively hemmed in, however. The shutdown of nuclear warhead production facilities will, at a minimum, drastically curtail the number of cruise missiles which potentially could be armed with nuclear warheads. Those nuclear ALCM and GLCM deployments existing at the time a freeze enters into force can be frozen and monitored effectively. That leaves the problem of what to do about SLCMs—sea-launched cruise missiles.

Deployment of nuclear-armed SLCMs on submarines and surface ships could be restricted to those ships and subs which were commonly identified as having a nuclear role at the time the freeze is negotiated. Under the warhead production segment of the freeze, no new warheads could be produced for these systems, but, for example,

existing warheads in the tactical airdrop inventory, such as B-61 bombs, could be redeployed on SLCMs, provided that for each eligible sub or surface combatant so equipped, the equivalent in weapons delivery capability is retired from what ever force gave up these weapons. As a purely hypothetical example, one squadron of A-6 carrier attack planes, or Blinder bombers, might be exchanged for the payload equivalent in attack subs armed with SLCMs. In other words, a technologically and numerically frozen, but free-floating, population of warheads might be redeployed, under agreed "exchange rates" based on real payload-carrying capacities, on a numerically frozen, but replaceable and upgradable inventory of "dual-capable" delivery vehicles.

Finally, the deployment of conventionally-armed long-range cruise missiles on vessels not included in the theater nuclear forces of either side might be prohibited in the interest of easing the task of verification.

### III. DELIVERY VEHICLE TESTING FREEZE

The verification of a ban on the testing of new missiles and major modifications to existing missiles could be accomplished under a freeze much the way it would have been under the SALT II Treaty. A set of percentage changes in key missile size and performance parameters would be agreed upon as constituting the boundary between "old" (permitted) and "new" (banned) missile testing. Over an extended test series of 20 to 30 firings required to validate a new design of major modification, these limits could be monitored with high confidence using a broad array of collection systems, including imaging and ELINT satellites, ground-based listening posts, test observation radars, and high-flying SR-71/U2R aircraft.

A limit on the number of operational tests would be monitored by these and other systems, including the DSP early warning satellites and ocean surveillance satellites.

### IV. A COMPREHENSIVE TEST BAN

During the Carter administration, the United States, the Soviet Union, and the United Kingdom reached agreement on the broad issue involved in verifying a test ban agreement, but at least half the "details" of the verification scheme remain to be worked out. Agreement was reached, however, on placing unmanned seismic monitors on the territory of each of the three parties in such a way as to gather seismic data from all possible test sites. These data would not be the sole means for verifying compliance with the test ban, but instead would be integrated into the worldwide seismic monitoring network and, even more importantly, into the stream of data coming from other relevant U.S. collection systems, including imaging, ELINT and Vela satellites, underwater acoustic sensors, and atmospheric sampling aircraft to detect signs of "venting."

It was also agreed during the Carter-era negotiations that on-site inspections would be allowed in the case of doubts about suspicious events that could not be allayed by data exchange and consultation. More precisely, there could be a hierarchy of requests and mandatory responses that would lead to either an on-site inspection or a *prima facie* case that there was indeed something to hide. In short, a comprehensive test ban would be adequately verifiable. Debate on this point more often than not represents the displaced doubts of CTB opponents concerning its *desirability*, not the ability of U.S. monitoring systems to confine cheating under a test ban to occasional

very-low-yield tests which themselves carry at least some risk of detection, if only through agents, emigres, and defectors.

### V. BALLISTIC MISSILE PRODUCTION FREEZE

According to Secretary Brown's 1979 testimony, "our intelligence system has enabled us to build a comprehensive understanding of the Soviet ICBM system from design through deployment. We know that the Soviets have four design bureaus for the development of their ICBMs. We monitor the nature of the projects and the technologies pursued at these bureaus. We know which bureau is working on each of the new or significantly modified ICBMs known to be under development. We have a reasonably good idea of when they will begin flight testing of these missiles. Missile production takes place at several main assembly plants and at hundreds of subassembly plants, employing hundreds of thousands of workers."

Then-Undersecretary of Defense William Perry testified, "We monitor the Soviet activity at the design bureaus and production plants well enough that we have been able to predict every ICBM before it even began its tests."

Defense Intelligence Agency Director Maj. General Richard Larkin and Vice Director for Foreign Intelligence Edward M. Collins informed the Joint Economic Committee, in prepared testimony of July 8, 1981, that "there are 134 major final assembly plants involved in producing Soviet weapons as end products. In addition, we have identified over 3,500 individual installations that provide support to these final assembly plants." A table accompanying their report noted that "missile materiel" was produced in "49 plants," and they provided a table giving a five-year annual breakdown of Soviet missile production by type.

Clearly, our national intelligence system has amassed a considerable body of knowledge, over more than 20 years of constant observation, concerning the Soviet ballistic missile production system. This accumulated stock of knowledge, in conjunction with current monitoring capabilities, would permit a shutdown of ICBM, IRBM, and SLBM main assembly plants to be verified. Given a willingness to forgo further development of conventional bombing capability, and bilateral agreement on what constitutes a "long-range strategic bomber," there is no technical reason why main bomber assembly plants could not also be closed down. And given the present state of knowledge and monitoring confidence concerning each side's production system, the freeze could very likely be extended to include major subsystem manufacturing facilities (e.g., for missile stages and reentry vehicles) as well. Since nothing would be coming in or out of these facilities in their shut-down condition, any significant alteration in their operating status would not long escape detection by the variety of sensors deployed on imaging reconnaissance satellites. Doubts about the mission of facilities not included in the freeze could be resolved, in the first instance, by intensive monitoring by national means (possibly facilitated by "cooperative measures") and subsequently by data exchange and "voluntary" on-site inspections along the lines worked out for the draft Comprehensive Test Ban Treaty.

### VI. NUCLEAR WARHEAD AND WEAPONS-GRADE MATERIALS PRODUCTION BAN

For perhaps a two- or three-year period, a ban on nuclear warhead production could be implemented and verified along the same lines as the ballistic missile production ban,

as it would take at least that long to secretly replicate warhead production facilities. The ban would involve placing in caretaker status the principal nuclear component fabrication and final assembly facilities for nuclear warheads and bombs. For example, on the U.S. side this would include the unique U-235, U-238, and lithium-deuteride "secondary" component fabrication facilities at the Y-12 plant in Oak Ridge, Tenn., the Rocky Flats "primary" (fission-stage) facility outside Denver, Colorado, and the Pantex assembly plant near Amarillo, Texas. Similar Soviet facilities no doubt have been identified and are already under frequent surveillance by U.S. intelligence systems.

During this warhead production moratorium, agreements could be negotiated placing all nuclear facilities and materials stockpiles under IAEA safeguards (suitably strengthened, if necessary), creating the basis for long-term confidence that the warhead production ban would be respected. The CTB system of "voluntary" on-site inspections to resolve serious treaty-related ambiguities could be maintained to buttress the IAEA system of safeguards, leading to a verifiable cutoff in weapons grade-materials production.

#### THE SYSTEMS CAN WORK TOGETHER

The different types of reconnaissance systems, both imaging and electronic, can be used in conjunction with one another to improve the information "take." For example, the Defense Meteorological Satellites (not mentioned above) can let the controllers of the imaging satellites know when the areas they want to survey are free of cloud-cover, so that satellite maneuvers can be made and the cameras turned on. Analysts of the digital images from the KH-11 may find new missile sites of special interest that they want the Big Bird to take a closer look at, or that justify an even closer look by the high-resolution film-return satellites.

The detection of a missile launch by early warning satellite over the Eastern Hemisphere could help the radar operators in the North Pacific to prepare to monitor the re-entry into the atmosphere of Soviet test warheads.

Navy analysts might combine information taken from pictures of Soviet ports, the signals received by ocean reconnaissance satellites, data from their extensive underwater acoustic sensor system, and sightings from ships and aircraft to keep close tabs on Soviet naval deployments.

Those who observe Soviet rocket tests might first learn that a test is under preparation from KH-11 images, then pick up the telemetry from the test using the "Rhyolite" satellite, then observe the re-entry vehicles (missile warheads) from a special radar ship in the North Pacific.

#### SHOULD LIMITED PRODUCTION AND REPLACEMENT BE PERMITTED?

In the view of many freeze advocates, the main purpose of the freeze is to halt the arms race rather than to eliminate the deterrent, in whole or in part, by degrading its reliability or otherwise diminishing its effectiveness. A conscious process of disarmament through year-by-year reductions in existing arsenals is the usual approach to reducing the size and destructiveness of the nuclear deterrent.

It is within this context, then, that the question arises as to how much replacement of worn-out weapons should be permitted under a freeze so as to preserve the deterrent's effectiveness pending disarmament.

If, at the time a freeze goes into effect, both sides have adequate stockpiles of reserve missiles, permitting replacement could still be consistent with the shut-down of main missile assembly facilities. But it is also possible that either or both sides would insist on maintaining a capacity for producing spare missiles as a hedge against aging, technical failures, and breakdown of the treaty regime.

If production of spares for currently deployed missile systems were allowed to continue, under a freeze, assuring that this output would not become a proxy for major modernization should still be possible through close monitoring of the testing restraints which would be part of any freeze agreement. However, foreclosing the option of production for replacement as well as for modernization would make the prohibited modernization of deployed or stockpiled missiles that much easier to verify.

Likewise, a ban on the modernization or replacement of strategic nuclear submarines and bombers could be included in a freeze agreement, but in their primary role as launch platforms for delivery vehicles (SRAMs, cruise missiles, SLBMs), they do not represent the cutting edge of the current arms race. As long as their number and payloads were frozen, bombers and submarines themselves could be replaced or even modernized without severe repercussions on the stability of the strategic balance. If only as a tremendous cost-saving measure, however, their inclusion might be desirable.

#### ACRONYM GUIDE

- ALCM—Air-Launched Cruise Missile.
- COMINT—Communications Intelligence.
- CTB—Comprehensive Test Ban.
- DSP—Defense/Support Program (satellite).
- ELINT—Electronic Intelligence.
- GLCM—Ground-Launched Cruise Missile.
- GPS—Global Positioning System (satellite).
- HUMINT—Human Intelligence.
- ICBM—Intercontinental Ballistic Missile.
- IRBM—Intermediate Range Ballistic Missile.
- NTM—National Technical Means (of verification).
- SIGINT—Signal Intelligence.
- SLBM—Submarine-Launched Ballistic Missile.
- SLCM—Sea-Launched Cruise Missile.
- SRAM—Short-Range Attack Missile (open bombers).
- SSBN—Sub-Surface Ballistic Nuclear (missile submarine).
- SSN—Sub-Surface Nuclear (attack submarine).
- SOSUS—Sound Surveillance System.

#### IMAGE INTERPRETATION

Techniques for interpreting pictures taken from the air were already highly developed by the end of World War II and probably did not change much during the early 1960's when the first spy satellites became available. Now, however, the advent of high-speed, high-capacity computers has given the image interpreters a whole new set of tools.

Traditionally, photo-interpreters have analyzed the pictures collected for them by examining the size and shape of objects, the shadows they cast, the patterns that objects and their surroundings form, the tone or shade of the light coming from the objects or their background, and the texture of the surfaces. The interpreters could then draw both on their own experience and knowl-

edge and on specially designed "keys" to draw conclusions about the pictures. The key would probably consist of both verbal descriptions and actual pictorial examples of the different kinds of installations of military interest.

For example, the interpreter might see a picture with excavations, mine headframes, derricks, piles of waste, conveyor belts, bulldozers, power shovels, but with just a few buildings. His key would suggest that this is a mine. Special kinds of equipment, the tone or color of the waste piles and the ore piles, as well as knowledge of the local geology might further indicate that this was a uranium mine.

Another picture from a different location might show facilities for storing and handling large quantities of the same kind of ore observed coming out of the mine. Provisions for large sources of heat and mechanical energy and particular types of processing equipment identify the plant as a uranium mill. (The shadows cast by the equipment might help to determine its shape and measure its size.)

Still another plant, elsewhere, might show characteristics of being a highly enriched uranium fuel fabrication plant. Besides a few characteristic buildings, it would probably have extraordinary security arrangements (fences and watchtowers) and special facilities for handling radioactive materials. (A plutonium reprocessing plant for extracting fissionable plutonium from spent nuclear fuel would have those features and particular patterns of chemical processing equipment and waste storage facilities as well.) From the science of "cratology"—the study of special-purpose containers—the interpreters might get a very good idea of where the nuclear fuel was being shipped and why.

Modern image gathering and processing have greatly refined the traditional art of the photo-interpreter. For example, the interpreter doesn't just form a general impression of the tone of the light reflected from the surfaces in the picture. With digital images, he gets an exact measure of the amount of light which registered to form each pixel, or dot, making up the whole picture. Through "multi-spectral" imaging, the analyst has a record of how much light of different kinds was reflected, absorbed, scattered, or emitted by the same surface. With that information, the analyst can deduce more information about the surfaces in the picture. Camouflaging and the surrounding foliage, for example, would have different spectral reflectance properties.

Computers can take the image information gathered by the satellite and further enhance it in a variety of ways. Some of the techniques of image processing include:

- Building multi-colored single images out of several pictures taken in different bands of the spectrum, making the patterns more obvious;
- Restoring the shapes of objects by adjusting for the angle of view and lens distortions;
- Changing the amount of contrast between objects and backgrounds;
- Sharpening out-of-focus images;
- Extracting particular features while removing the background;
- Enhancing shadows;
- Suppressing glint;
- With two or more images of the same scene, the computers can build three-dimensional "stereo" pictures, fit other pictures taken at different angles onto the same grid, and detect how the scene has

changed from one picture to the next. This change detection is useful, for example, in spotting new weapons deployments, such as mobile nuclear missile sites.

The image interpreters can use all these techniques to extract more information from the pictures they examine. But the computers can also use the techniques to help the interpreters decide which of the many thousands of pictures gathered every year to pay more attention to. The computers are learning themselves to recognize pat-

terns. For example, the computer might be fed all the pictures of Soviet ICBM fields and told to display only those which show some difference with previous pictures; the difference might indicate construction of new launch silos.

VERIFICATION OF A NUCLEAR FREEZE, TASKS AND SYSTEMS

	Monitoring tasks	Imaging reconnaissance satellites	Electronic reconnaissance satellites	Ocean surveillance satellites	Missile warning satellites	Satellites "Vela Hotel" IONDS	Ground-based seismic sensors	Acoustic underwater surveillance	Ground-based monitoring posts	Test observation radars	Aircraft and ships	HUMINT and overt collection	On site inspection	Overall monitoring confidence level (estimate)
I. Deployment freeze:														
A. Count fixed ICBM/IRBM launchers <sup>1</sup>	X	X	X	X	X	X	X	X	X	X	X	X	X	High
B. Count mobile ICBM/IRBM/GLCM launchers <sup>2</sup>	X	X	X	X	X	X	X	X	X	X	X	X	X	High/moderate
C. Count SLBM launchers <sup>3</sup>	X	X	X	X	X	X	X	X	X	X	X	X	X	High/moderate
D. Count launchers for MIRVed missiles <sup>4</sup>	X	X	X	X	X	X	X	X	X	X	X	X	X	High/moderate
E. Count strategic bombers (incl. ALCM) <sup>5</sup>	X	X	X	X	X	X	X	X	X	X	X	X	X	High/moderate
F. Count other primary nuclear mission aircraft (e.g., FB-111, Backfire)	X	X	X	X	X	X	X	X	X	X	X	X	X	High/moderate
G. Count nuclear-armed ships/subs (including those with SLCM's, ASROC's, SUBROC's)	X	X	X	X	X	X	X	X	X	X	X	X	X	High/moderate
H. Count nuclear artillery/battlefield missile units, weapon depots	X	X	X	X	X	X	X	X	X	X	X	X	X	High/moderate
II. Delivery vehicle testing freeze:														
A. To monitor (prohibited) testing of new ICBM's/SLBM's/IRBM's, monitor flight tests of existing missiles to detect changes in length, diameter, launch-weight and throw-weight (no greater than 5 percent)	X	X	X	X	X	X	X	X	X	X	X	X	X	Moderate-high/moderate
2. Number of stages/type of propellant (no change permitted)	X	X	X	X	X	X	X	X	X	X	X	X	X	High/moderate
3. Number of RV's (no increase from maximum number tested for each type)	X	X	X	X	X	X	X	X	X	X	X	X	X	High/moderate
4. Weight of RV's (no decrease from lightest test flown)	X	X	X	X	X	X	X	X	X	X	X	X	X	High/moderate
5. RV performance (no increase in ballistic coefficient above maximum already tested and no maneuvering)	X	X	X	X	X	X	X	X	X	X	X	X	X	High/moderate
B. Monitor limit on operational ballistic missile flight tests (6 or less per year)	X	X	X	X	X	X	X	X	X	X	X	X	X	High/moderate
III. Nuclear weapons testing freeze (CTBT):														
A. Detect ambiguous seismic events	X	X	X	X	X	X	X	X	X	X	X	X	X	High/moderate
B. Monitor activity/geography at potential test sites	X	X	X	X	X	X	X	X	X	X	X	X	X	High/moderate
C. Detect evidence of nuclear explosions on land/in sea/air/space	X	X	X	X	X	X	X	X	X	X	X	X	X	High/moderate
D. Identify ambiguous events	X	X	X	X	X	X	X	X	X	X	X	X	X	High/moderate
IV. Ballistic missile/strategic bomber/SSBN production freeze <sup>1</sup> :														
A. Monitor shut-down of existing main assembly plants and shipyard(s)	X	X	X	X	X	X	X	X	X	X	X	X	X	High/moderate
B. Detect ambiguous activity at other facilities	X	X	X	X	X	X	X	X	X	X	X	X	X	High/moderate
C. Identify ambiguous activity	X	X	X	X	X	X	X	X	X	X	X	X	X	High/moderate
V. Nuclear warhead production freeze:														
A. Monitor shut-down of existing key nuclear component fabrication facilities	X	X	X	X	X	X	X	X	X	X	X	X	X	High/moderate
B. Detect ambiguous activity at additional facilities	X	X	X	X	X	X	X	X	X	X	X	X	X	High/moderate
C. Identify ambiguous activity at additional facilities	X	X	X	X	X	X	X	X	X	X	X	X	X	High/moderate
VI. Weapons-grade nuclear materials cutoff:														
A. Monitor military nuclear materials production facilities	X	X	X	X	X	X	X	X	X	X	X	X	X	High/moderate
B. Detect ambiguous activity at civilian nuclear facilities	X	X	X	X	X	X	X	X	X	X	X	X	X	High/moderate
C. Identify ambiguous activity	X	X	X	X	X	X	X	X	X	X	X	X	X	High/moderate

Comprehensive freeze could include a ban on replacement of these systems from new production. Note: Xi = indirect assistance in monitoring provision.

The PRESIDING OFFICER: The time of the Senator has expired.

Mr. KENNEDY, Mr. President, I understand I have 3 minutes remaining.

The PRESIDING OFFICER: The Senator from Massachusetts has 2 1/2 minutes remaining.

Mr. KENNEDY, I yield myself 2 1/4 minutes.

Mr. President, first of all there have been comments made implying that those of us who support this proposal

are merely following public sentiment. Let me say that I believe the U.S. public is really ahead of the politicians on this issue. They are ahead of this body and they are ahead of the House of Representatives, although not by much, because it has supported this proposal.

I would also like to quote some of the experts who believe that the Soviet Union is not ahead of the United States.

General Vessey, on May 11, 1983, was asked whether he would trade the United States' strategic capability for the Soviet Union. "Not on your life," he said before the Armed Services Committee.

Gen. David Jones said: There is too much pessimism about our current capability. I would not swap our current capability. I would not swap our present military capability for that of the

Soviet Union nor would I want to trade the broader problems that each country faces.

The PRESIDING OFFICER. The Senator's 2½ minutes have expired.

Mr. KENNEDY. Mr. President, if we do not stop the nuclear arms race, the nuclear arms race is going to stop us. If we do not stop building arms, how are we going to get other nations to stop it?

I wonder what would have happened if that truck that went into the Marine barracks did not have a 5,000-pound bomb, but had a nuclear bomb.

It is time now to stop the arms race.

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

Mr. COHEN. Mr. President, I yield 2 minutes to the Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. NUNN. Mr. President, I will not take but a moment.

I oppose the Kennedy amendment and support the Cohen build-down amendment for very fundamental and important reasons.

The freeze prevents all modernization. Both sides need to move toward systems that are more survivable and systems that require less of a hair trigger. Modernization is not always stabilizing, but we must design arms control agreements like the build-down that will give both sides the incentive to move to stabilizing systems that requires modernization.

The build-down is a much sounder approach than the freeze for many reasons. I will concentrate only on one. It achieves the virtues of a nuclear freeze by placing a cap or ceiling on warheads and on destructive power. It goes far beyond the freeze by assuring reductions in warheads and destructive capability, and primarily it avoids the grave danger of the freeze which prevents even stabilizing changes in nuclear forces by permitting and encouraging changes on both sides which reduce the incentive for the first strike.

Mr. President, I will not take the remainder of my time. I urge my colleagues to vote against the Kennedy amendment, and I urge them to support the Cohen amendment when it is presented.

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

Mr. TSONGAS. Mr. President, today the Senate is debating the nuclear freeze. It has been a long and arduous effort to bring this issue to the floor. We have been opposed; we have been delayed; we have been detoured. But we persevered. We insisted on our right to bring the freeze to a vote, both in committee and now on the floor.

In committee, we participated in four separate hearings, the first of which did not begin until June of this year, 5 months after Senate Joint Resolution 2 was introduced. By July the

patience of many of us was exhausted. Nine of the Foreign Relations Committee members signed a letter to the chairman formally requesting that the committee meet to consider Senate Joint Resolution 2, the nuclear freeze. I request unanimous consent that a copy of the letter be printed in the RECORD at the conclusion of my remarks.

The committee met on August 2 in accordance with the request. We were unable to obtain a vote on the freeze due to the parliamentary tactics of the freeze opponents on the committee. It was not until September 20, 8 months after the resolution was introduced that the committee finally voted on Senate Joint Resolution 2, reporting it and a nuclear arms reduction resolution both unfavorably.

It is now October 31, another 2 months have passed, and finally the Senate is debating the freeze. Not with the help or support of the majority leadership, I might add, but nonetheless, the freeze as an amendment now stands before the Senate. It is high time, Mr. President, high time.

Why is there such reluctance, such dread of this nuclear freeze resolution? Why has so much effort gone into preventing its consideration in the Senate?

It is no mystery that President Reagan opposes the freeze strongly. But the President opposes many items of legislation, and that has not prevented them from coming to a vote. There is more to it than that. I think that the real reason for fearing the freeze is quite simple.

The people of the United States want to end the arms race and the freeze is their way of telling us. The implications are far reaching. The freeze means an end to the ever widening spiral of nuclear weapons production and deployment. The freeze means an end to massive military budgets. The freeze means a dedication and commitment to effective arms control. The freeze means an end to cold war, chest beating and the beginning of a more balanced and constructive relationship with the Soviets. The freeze means, above all, an end to business as usual.

Now, any number of symbolic measures could convey those ideas, but the freeze is unique. It is much more than a resolution or a mere expression of congressional opinion. It is a highly sophisticated document well grounded in current realities and possibilities. It is practical and feasible, and it has massive public support all over the United States. That is what alarms so many of its opponents.

The race for more nuclear weapons of greater destructive power moves forward relentlessly. We see this superpower competition in almost every category of nuclear weapon—we are developing the MX and the Soviets are

testing two new solid-fueled, land-based strategic missiles. We have deployed advanced cruise missiles with more scheduled for Europe, and the Soviets are expected to produce a new cruise missile of their own. We have the new Trident missile submarines. The Soviets have built at least two new Typhoon submarines, each equipped with 20 nuclear tipped missiles. The United States is now committed to building a B-1 strategic bomber. The Soviets are flying a prototype called the Blackjack, very similar to the B-1. And of course in Europe, the Soviets have deployed 250 SS-20 nuclear missiles, to which we will respond with Pershing II and cruise missiles, and to which the Soviets say they will respond with their new cruise missile and updated short range ballistic missiles.

As warhead after warhead is built, as missile after missile is deployed, as more and more elaborate instruments of command are built and installed, the risks of an accidental or intentional launch grows every day. What the nuclear freeze stands for is above all an end to this madness of redundant, dangerous, and senseless weapon making.

Carl Sagan, the astronomer whose studies of space have brought us closer to Earth, has just published another contribution to our knowledge. Summarizing a scholarly paper he coauthored with four other scientists, Dr. Sagan described in this weekend's Parade magazine the astounding and horrifying conclusions of his work on the "Global Atmospheric Consequences of Nuclear War."

Dr. Sagan and his colleagues found that dust and debris created by a 5,000 megaton nuclear war would cut off the Sun's warming rays to the northern hemisphere, resulting in a severe drop in temperatures for months or longer. Sagan writes:

But because the temperatures would drop so catastrophically, virtually all crops and animals, at least in the northern hemisphere, would be destroyed, as would most varieties of uncultivated or undomesticated food supplies. Most of the human survivors would starve.

These are new consequences of nuclear war, previously not calculated in the grim predictions of fire, heat, destruction, and radiation. This article is important, Mr. President, and I ask unanimous consent that it be printed at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. TSONGAS. Mr. President, the freeze will soon have its first full Senate vote. There was no vote last year on the freeze. But from 17 co-sponsors last year and now up to 34 co-sponsors this year, the freeze resolution is gaining support and will gain more. The outcome may not be suc-

cessful today, but we will continue our campaign to make the freeze a reality. We have the energetic support of millions of Americans and the overwhelming argument of averting a nuclear holocaust. The nuclear freeze is a winner today, Mr. President, and will be a reality in the near tomorrow.

## EXHIBIT 1

U.S. SENATE,

Washington, D.C., July 13, 1983.

HON. CHARLES H. PERCY,

Chairman, Senate Foreign Relations Committee, Washington, D.C.

DEAR MR. CHAIRMAN: We are writing to express our concern and dismay over your stated intention to postpone once again action by the Senate Foreign Relations Committee on the nuclear freeze resolution. Your wish to delay action until at least September 20, represents the fourth time this year that action on this resolution has been scheduled, but then postponed.

We recognize that there are serious and sincere disagreements over the merits of the nuclear freeze resolution. Our views on this resolution are not uniform. However, we do feel that the committee is obligated to act on this proposal, to call the roll and send it to the full Senate with a majority and minority report—just as we did in the case of the Adelman nomination.

Many of us feel strongly that the Committee should be recorded on this issue. If a majority is not obtained, however, we should then report the resolution without recommendation.

It has been more than two years since this proposal was first introduced in the Senate—and yet the Senate still has not voted on it. The House has already acted on the freeze proposal and more than one fifth of the American electorate have made their views known directly.

We do not believe that it strengthens the integrity of the committee system for this resolution to remain bottled up in our committee. And we do not believe we should leave ourselves open to the charge that the committee agenda is set at the whim of the Presidential assistants.

Therefore, pursuant to Rule 3 (b) of the Standing Rules of the Senate Foreign Relations Committee, we hereby request a meeting of the committee to report the nuclear freeze resolution favorably or unfavorably (or without recommendation) so that the full Senate will have the opportunity to be recorded on this proposal of deep interest to millions of American citizens.

Sincerely,

Claiborne Pell, John Glenn, Joe Biden, Alan Cranston, Paul Sarbanes, Edward Zorinsky, Paul Tsongas, Christopher J. Dodd, Larry Pressler.

(NOTE.—The article from Parade magazine entitled "Global Atmospheric Consequences of Nuclear War" is printed earlier in today's RECORD.)

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

The PRESIDING OFFICER. The Senator has 1 minute.

Mr. COHEN. Mr. President, let me take this 1 minute to perhaps clarify one thing.

There has been suggesting here and elsewhere that somehow if you are for a freeze, you are for world peace, and if you are against the freeze, you are for world war. Nothing could be more

absurd in my judgment than that argument.

I heard a quote from General Vessey just a moment ago and Gen. David Jones. You have to quote the entire statement. General Vessey and Gen. David Jones and James Schlessinger, and I would add Harold Brown and Bill Perry, have all come out against the nuclear freeze. Harold Brown, Bill Perry, James Schlessinger, David Jones, and Vessey have all supported the guaranteed build-down. You cannot take the statements out of context because the context is that the trends are all adverse.

Mr. President, if we vote for this amendment, we should bring our negotiators home from Geneva because we would have voted for a unilateral freeze as far as our allies are concerned.

Mr. President, I ask unanimous consent to have printed in the RECORD the articles to which I have made reference in my earlier statement.

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

[From The New York Times, Apr. 19, 1983]

"STOP NUKES"; THEN WHAT?

The nuclear freeze resolution that comes up before the House of Representatives tomorrow is a primal scream against mankind's atomic predicament. OK., agreed: The overhanging nuclear nightmare justifies screaming. But then what? To exclaim "Stop nukes now" displays passion, but no practicality. What's the next sentence? Where is the credible arms control policy that freeze advocates have failed so far to advance?

To its credit, the movement has aroused widespread public support, undoubtedly tempering the belligerency of the Reagan Administration's statements and helping to induce the reasonable new proposal for the Euromissile negotiations in Geneva. The freeze movement has also stirred Congressional interest in arms control—probably influencing the Scowcroft commission's far-sighted proposal to replace destabilizing multi-warhead missiles with small, single-warhead "Midgetman."

Yet the proposals of the freeze movement itself have barely evolved past the original, simplistic formula of "stop, now."

The House resolution still calls for an "immediate" freeze through negotiations with Moscow. Yet such negotiations would have to take several years. The resolution still calls for a "verifiable" halt in producing nuclear arms. Nice, but infeasible.

A freeze would ban weapons modernization—thus halting improvements in weapons that would stabilize the balance of terror. The resolution calls for but fails to give useful "special attention" to destabilizing first-strike weapons. It would freeze America in a potentially vulnerable Minuteman land-missile deployment while doing nothing about the Soviet Union's potential first-strike force. The remedy, the ingenious Scowcroft proposal to create "Midgetman," would be barred.

Is there some way to harness all this political energy to constructive arms control ends? There is talk of a conference committee compromise between House and Senate resolutions, but the best that could produce

is a least-common-denominator compromise. What's needed is a new approach to the arms control dilemma along the lines suggested by the Scowcroft report.

Two imaginative precursors of this proposal are already before Congress: the "build-down" proposal sponsored by Senators Nunn and Cohen would require dismantling of two older nuclear weapons for every new one deployed. Representative Gore's comprehensive plan would also move the superpowers toward the Scowcroft goal of reducing multiple-warhead missiles. Both would build on the SALT treaties, but emphasize ceilings on warheads rather than launchers and missiles.

A dozen or more pro-freeze senators have endorsed the build-down idea. Unfortunately instead of welcoming such innovations, many freeze enthusiasts attack them. And the House Democratic leadership continues to press for the freeze resolution; stop, now. But there's still no next sentence. Where is the program to match the piety?

[From The New Republic, Apr. 14, 1982]

## UNFREEZE ARMS CONTROL

Everyone is for the freeze: first it was the good burghers of Vermont, then Edward Kennedy and nineteen other senators, and now Henry Jackson, Sam Nunn, John Warner, and a cluster of other co-sponsors. Even Leonid Brezhnev is for a freeze of sorts. And no wonder. As the Nuclear Weapons Freeze Campaign, the St. Louis-based "clearinghouse" for the grass-roots anti-nuke crusade, puts it on its letterhead: "The freeze: because nobody wants a nuclear war."

The power of that slogan lies in its simplicity and its implication that only those who want nuclear war could oppose a freeze. Not surprisingly, therefore, when the freeze bandwagon finally pulled into Washington, every politician in town scrambled to jump on board. Consequently, the question is no longer: "Are you for a freeze?" but "What kind of freeze are you for?" Freezes now come in many varieties. The differences, though subtle, are crucial.

One proposal is from the grass-roots freeze campaign. Its objective is "a mutual freeze on the testing, production, and deployment of nuclear weapons and of missiles and new aircraft designed primarily to deliver nuclear weapons." In other words, a total ceasefire-in-place in the arms race. This proposal has been adopted by scores of town meetings, sixty-nine Catholic bishops, the YMCA, Linus Pauling, and so on. This proposal also inspired the Kennedy-Hatfield resolution, which is closely modeled on it.

The other major proposal is the Warner-Jackson resolution. Sensing that the freeze movement might overwhelm Washington and undermine the delicate strategic balance hammered out in two decades of negotiations, Warner and Jackson and other serious advocates of a strong defense proposed a freeze of their own: "a long-term and mutually verifiable nuclear forces freeze at equal and sharply reduced levels of forces." The key word here is "equal." It means that some ceasefire lines must be tightened out and some obsolete weapons system modernized to assure the preservation of stable deterrence. That is the traditional approach of the SALT treaties and the soon-to-be-announced START negotiations. We believe it is the only responsible way to approach arms control.

As an expression of general concern, the halt-in-place freeze is laudable. First, it provides the opportunity that every generation

needs to rethink and debate nuclear weapons policy. SALT II should have provided that chance, but its provisions were so esoteric and the debate so technical that it turned into an intramural discussion by the experts and never really touched the American people. We have not had a true national debate on nuclear weapons since the ABM days of the late Johnson and early Nixon Administrations. The freeze campaigns also mobilized the energies of vast numbers of well-intentioned Americans who are concerned about the possibility of nuclear catastrophe. The popular pressures it has generated in the country and in Congress have already had the salutary effect of pushing the Administration finally to engage the Soviets in strategic arms talks.

But as a practical proposal, the halt-in-place freeze is a disaster. First, it is unverifiable. The freeze resolution tries to solve this problem by denying it. "This is an essential, verifiable first step. . . ." Simple assertions, however, will not do. The production of nuclear weapons, for example, is exceedingly difficult to verify without on-site inspection. The USSR has consistently reiterated its opposition to on-site inspection. Thus one is faced with either abandoning the freeze proposal or abandoning the commitment to verifiability.

Second, a global halt-in-place effectively cancels the Reagan Administration's bold stroke in arms control, the zero-option offer on intermediate-range nuclear weapons in Europe. Last November the President offered to cancel planned American deployment of Pershing II and ground-launched cruise missiles if the Soviets agreed to dismantle their SS-20s, three hundred accurate and mobile nuclear missiles based in Eastern Europe and aimed at West European cities. Leonid Brezhnev's counteroffer is also a "freeze" (the Kremlin media adviser had done his homework): keep things as they are in Europe, with the Soviets allowed three hundred missiles on the ground and the U.S. zero. We are now engaged in negotiations at Geneva to resolve the issue. If the halt-in-place idea were to prevail in Washington, however, we wouldn't need negotiations in Geneva. The issue would be settled with a Soviet victory and a precedent would be set for future talks, encouraging the Soviets to stall until political pressures in the West forced a collapse. The Soviets are stalling now in Geneva, but Senator Kennedy, complaining about slow progress, makes it sound as if the fault were ours.

Collapse of the U.S. position at Geneva would also cause disarray in the NATO alliance. Helmut Schmidt and other European leaders have gone out on a limb to support the U.S. position on intermediate nuclear weapons. If they find that limb sawed off by the U.S. freeze movement, just as it was in the neutron bomb affair by Carter, they could be forgiven if they never again risked their political futures on U.S. promises.

But there exists an even more fundamental problem with the halt-in-place proposal. It ignores the requirement of deterrence, which has proved the only guarantor of peace in the nuclear age. The proposal is based on a simple notion that as long as each side has enough megatonnage to destroy the other, everything else is useless overkill. It assumes that as long as we have the capacity to knock out Soviet cities, we have deterrence. But deterrence requires the capacity to destroy the other side after a first strike. The key element in deterrence is survivability of retaliatory capacity. In a crisis, nuclear war will not start because of

numbers, because one side has, say, ten times overkill capacity as opposed to five. Nuclear war becomes more probable when the threat of retaliation becomes less credible. If one side begins to lose its capacity to deliver a second strike, the other side might be tempted in a crisis to strike first. But even more dangerous is the temptation on the side with the diminished retaliatory capacity to launch a preemptive first strike in a crisis before it is too late. Thus, those really concerned with decreasing the chances of nuclear war should focus less on absolute numbers than on the survivability of our strategic deterrent.

The halt-in-place is a threat to stability because it will ultimately jeopardize the survivability of America's retaliatory capacity. The Soviets will soon have a credible capacity for a first strike against one portion of the U.S. deterrent, the land-based intercontinental ballistic missiles. (That was the reason for the Carter Administration's Rube Goldberg mobile MX missile plan, now scrapped.) That will leave the U.S. dependent on the two remaining legs of the triad: the bomber force and submarines. The bomber force of old B-52s is rapidly losing its capacity to penetrate Soviet air space. The freeze would prevent us from modernizing the bomber force with new planes (like the B-1 or the Stealth) and cruise missiles. So America's deterrent capability basically would be in one basket—submarines. Our subs are now the most survivable leg of our strategic triad, but the freeze would prevent attempts to assure that long-term invulnerability. At the same time it would do nothing to prevent nonnuclear anti-submarine research.

The aim of arms negotiations is to decrease the chances of nuclear war, not simply to fix numbers. And the way to decrease those chances is to ensure deterrence. The freeze, pure and simple, would jeopardize deterrence. We recognize that the concept of deterrence is less satisfying emotionally, and more difficult intellectually, than the freeze. It also takes longer to explain and makes for duller copy than dramatic prophecies of the coming apocalypse. But our survival is at stake, and citizens and senators will simply have to cool their emotions and think.

The Jackson proposal, with its emphasis on freezing at "equal" levels of forces, appears to accept the complexities of deterrence. We would prefer language that talks of "stable" levels of forces, assuring deterrent capacity to both sides. But we should be doing more than simply engaging in linguistic jockeying to come up with a formula that incorporates the classic concepts of arms control while using the word "freeze." The Administration has a duty to devise an alternative, both to allay the fears of those disturbed by the prospect of nuclear war and to control the mutual suspicion and economic drain caused by the arms race. The Administration could resume talks on SALT II. The U.S. and the Soviet Union are still tacitly observing the treaty, but this will not last long. The President could send a letter to Brezhnev affirming U.S. determination to abide by SALT II until minor changes can be negotiated and a new agreement signed. The Administration also should propose further talks to reduce strategic arsenals. The failure of SALT and delays on START are in large part responsible for the U.S. and European freeze movements. If the Administration wishes to defuse those movements, it needs to get on with arms control.

If the Administration has duties, so does the opposition. Everyone is against nuclear

war. Everyone is moved when Hiroshima survivors tell senators of its horrors. But carefully staged media events, such as the antinuke doctors' lectures featuring enormous blowups of terribly scarred nuclear survivors, tread a thin line. To insist on the unimaginable destructiveness of nuclear war is one thing; to traffic in a pornography of suffering to draw an audience is another. It is simply not enough to hold hearings or to publish pamphlets showing that nuclear war is horrible. After hearing the testimony of Hiroshima survivors, Senator Kennedy observed that discussions of megatonnage and throw weight and the window of vulnerability seem beside the point. However heartfelt these comments, it is irresponsible for politicians to ignore megatonnage and throw weight and windows of vulnerability. Preventing nuclear war requires more than fear. It requires a conscious strategy, the political will to carry it out, and a sense of public duty to explain to the voters the unpleasant, complex world of deterrence. Unfortunately, many political leaders see the peace train leaving the station and they must run to keep up with their followers.

[From the Economist, Oct. 8, 1983]

#### OVER ITS DEAD BODY

October is anti-nuclear-demo month the western world over. December—or even earlier—will be nuclear deployment month in West Germany, Britain and Italy. Only the most optimistic unilateralists now believe they can stop the missiles. By the end of the year some Pershing-2s will have been flown in from America, if necessary helicoptered the last few miles over the heads of the demonstrators, to the West German sites; and some cruise missiles will be in place at Greenham Common in Britain and Comiso in Sicily. The only sop of comfort to the protesters is that—for a few months at any rate—they may prevent the cruise missiles being occasionally trundled around the countryside to practice their mobility.

The anti-nuclear movement in West Germany reckons that over a million people will be protesting against deployment this month. Some of them will be hoping to provoke their own policemen or, better still, German-based American soldiers into pulling triggers, so that a wave of public dismay might rattle the politicians into delaying deployment. But so far the German bobby looks capable of keeping his cool. In Britain an army of protesters may bring London to a halt on October 22nd, but the linked arms around Greenham Common have grown weary. In Italy, the movement is weak; politicians left and right of centre have stayed firm and even Mr. Berlinguer's Communists, ever keen to keep distance from Moscow, have played it piano. All in all, this first round of war for peace will probably be won by those who think the balance of terror is less terrifying than an imbalance of terror.

It has been a bad year for the unilateralists. The victories of pro-nuclear conservatives in the British and West German elections showed the anti-bomb marchers that the vaster stay-at-home majority is against unilateralism. France's President Mitterrand remains an unequivocal backer of the Euro-missiles. There has been little cheer for the E. P. Thompson school of disarmers, who had hoped for at least a hint of Russian reciprocity. The shooting down of the South Korean airliner confirmed that the Russians rarely play by the same rules. The favourite argument of the unilateralists—

that the Soviet Union is essentially defensive—had led to the familiar discovery that knotted-up defensiveness produces something indistinguishable from aggressiveness. Is the continuing occupation of Afghanistan essential for the defence of the motherland? Is the continuing repression of Poland a sign of flexibility in the Kremlin? And what happened to the hope of a matching anti-nuclear movement in eastern Europe?

So the missiles will move in, unless something goes wrong, over the dead body of the anti-nuclear movement. The next question is how long the body will take to resurrect itself. The anti-nuclear movement is now arguing about where it goes from here. Its frustration is deepest in West Germany, where a small but dangerous faction of the protesters may advocate violence against American property and terrorism against American servicemen. That is unlikely to work. The probability is that it would merely make the anti-nuclear movement more unpopular, and perhaps tar the peaceful majority of demonstrators with the brush of wild-left fanaticism.

In Britain, the first stage of the movement's re-think is more promising. A battle is looming between the purists and the pragmatists. The leadership of the British movement is psyching up its membership for a "long haul". The aim of rapidly making Britain nonnuclear may be discarded. Many of the Campaign for Nuclear Disarmament's 70,000 members will resist any retreat. Others will welcome the now discernible drift towards compromise and respectability.

#### HOW TO PUSH THE COUNTER-ATTACK HOME

This gap between purists and pragmatists, the threat to the anti-nuclearists' unity, is the opportunity for intelligent pro-nuclearists. There is a kernel of unyielding unilateralists of the "How-could-you-ever-push-the-button?" moral school and the "Well-Russia-is-no-more-evil-than-we-are" neutralist campus. These people will stick to their unilateral anti-bomb guns. But since 1979 the movement has succeeded for the first time in embracing ordinary, frightened, more or less middle-of-the-road people rattled by Reaganite rhetoric and sceptical of American sincerity at the arms talks. Many respectable churchmen have lent weight to this group. Many such people know that nuclear weapons are here to stay; what nags them is the fear that the attitude of governments to these weapons may have become too cavalier. The anxieties of the middle-of-the-roads need to be met.

The waverers have to be persuaded that a nuclear freeze, though superficially attractive, would play into the hands of the Russians as much as unilateralism does. The Russians themselves proposed a freeze in 1979—because a freeze would freeze Russian superiority. The middle-of-the-roads have to be argued into recognising that an imbalance of terror is more likely to lead to war, including nuclear war, than a carefully matched pair of nuclear scales. That is the core of the current argument in Europe: until there is a counter to Russia's SS-20s, those weapons will tilt western Europe to a choice between submission and obliteration. But the chief answer to the persuadable middle-grounders has to be that arms-control talks can actually bring arms under control.

This is the challenge to the west's governments, and to multilateralist disarmers who believe that the name "peace movement" properly belongs to them. The best way of dividing and disarming the anti-nuclear

campaign is to go on producing practical proposals at the two Geneva missile negotiations, at the Vienna talks on cutting ordinary armies, in the arguments about chemical war and the military competition in space.

But be patient. The Russians, unencumbered by their own organised "peace" movements, can afford to play it long. Once the Pershings and the cruise missiles are in place, there will be a period of Russian huff, sulk and stalemate. Mr. Andropov will talk again of putting new missiles into East Germany and Czechoslovakia. He may threaten a walk-out at Geneva. He may contemplate waiting for a more malleable president at the White House. But if west Europeans stand firm, the odds are that the Russians will now seriously think about bilateral reductions.

That is what the anti-nuclear movement would have prevented, had it succeeded in stopping deployment of cruise and Pershing-2. The Russians would have laughed. Now, provided deployment goes ahead, they may have to talk.

[From the Washington Post, Mar. 6, 1983]

#### "BUILD DOWN" THE FORCES WE DON'T NEED (By Edmund S. Muskie)

Something important is stirring in the Senate. For the first time in memory a serious and far-reaching arms control proposal has originated within the Armed Services Committee. It has already won the warm endorsement of the chairman of the Foreign Relations Committee and many other senators.

Sens. William S. Cohen and Sam Nunn have proposed a "mutual guaranteed build-down of nuclear forces." Under the plan, the United States and the Soviet Union would each pledge to eliminate from its operational forces two nuclear warheads for each newly deployed nuclear warhead.

At first glance, the concept seems suspiciously simple, but closer examination shows that the build-down idea has great promise as a principle that reconciles the objectives of arms control with the imperatives of military planning. It is the kind of constructive initiative for which those of us who support a nuclear freeze have been working.

One can understand the concept's merit best by considering how it might actually be put into effect. While the build-down scheme is applicable to all nuclear weapons, it would be sensible to treat tactical battlefield weapons as a separate category. Of most immediate interest would be strategic nuclear forces and long-range theater nuclear systems, the weapons currently being discussed in the Geneva negotiations between the two superpowers. All the latter weapons are essentially strategic, in the sense that they threaten critical targets in the heartlands of the two alliances. Altogether, these long-range systems probably carry 12,000 to 13,000 nuclear warheads on each side. Yet, unless negotiated limits are soon imposed, even these large arsenals may continue to grow.

The build-down rule would prevent any such growth. Force modernization would mean simultaneously greater force reduction. Thus, the plan would challenge both governments to move promptly toward the real reductions they profess to desire—to put up or shut up. While the exact pace and composition of such reductions would surely vary between the two sides, the price of new programs anticipated for the next several years could well be cuts of about one-third

in operational nuclear warheads on long-range delivery vehicles—a reduction to perhaps 7,000-8,000 warheads on each side. Those numbers are compatible with both President Reagan's START proposal and the Soviet counter-offers.

To verify such reductions, the parties could employ procedures already elaborated in previous strategic arms negotiations. In particular, the so-called "counting rules" negotiated during the 1970s would be invaluable in confirming the numbers of warheads being eliminated. For example, a Soviet SS18 missile would be assumed to have 10 warheads, and American Poseidon missile, 14. Eliminating missiles and aircraft would be necessary to demonstrate removal of warheads from operational service.

In verifying these activities, the Standard Consultative Commission established in 1972 would be indispensable. As the build-down fulfills President Reagan's demands for real reductions, it would also build upon the vital precedents and procedures of prior strategic agreements.

Especially important are the build-down's implications for the American and Soviet military establishments. They would be both liberated and constrained. They would have broad flexibility to choose which new systems to deploy, but they would have to decide whether modernization was worth the price. Presumably, as forces began to shrink, the military incentives would favor emphasizing the most survivable weapons, thereby promoting strategic stability.

One could strengthen those incentives for stability by incorporating some of the ideas that Rep. Albert Gore and others have advanced to phase out the most dangerous weapons, multiple-warhead ICBMs. For example, if a side chose to deploy smaller, single-warhead missiles, it might be allowed to do so at a replacement ratio of two new warheads for three currently deployed warheads. This would still ensure reduction but would favor the less threatening missiles now attracting interest in the President's Commission on Strategic Forces.

Not only is the build-down concept technically and strategically sound; it also is politically appealing. It could go far toward healing the serious breach we have suffered on arms control policy by responding to the fundamental concerns of both those who favor and those who oppose a nuclear freeze. For understandable reasons freeze proponents have feared that permitting any change in nuclear forces would in fact mean an increase in those forces. Freeze opponents have feared that preventing any change in the forces would undermine stability by perpetuating a structure of increasingly vulnerable and unreliable weapons. Both perspectives are legitimate. The build-down plan offers a unique opportunity to harmonize them. In the interest of stability, some modernization would be permitted, but there would be no modernization without reductions.

More than a decade ago, an overwhelming majority of senators urged the president to head off the deployment of MIRVed missiles by negotiating a ban on flight tests. But we spoke tardily and timidly, and the world grew far more dangerous. Today, with new technologies in prospect and arms negotiations in peril, a vigorous initiative by Congress could not be more timely. The guaranteed build-down could be the organizing principle on which a strong congressional majority could frame advice to the president in terms on which he might be willing to act. It could be the rallying point for a bi-

partisan coalition linking Congress and the executive in a renewed effort to blend diplomacy and defense. And forging such a coalition remains the key to effective negotiations with the Soviet Union.

Mr. HUDDLESTON. Mr. President, I am a cosponsor of Senate Joint Resolution 2, the so-called freeze resolution, and I vote for it today.

I vote for it as a demonstration of my belief that we must move ahead in our quest to control nuclear arms and the nuclear arms race. Failure to do so leaves our security at risk, our future in peril.

I vote for a resolution that calls for bilateral action—for action by both our Nation and the Soviet Union. I suggest no unilateral effort on our part, but the mutual restraint and reduction to which the language of the resolution itself refers.

I vote for a resolution that calls for a verifiable arms agreement. An agreement in which we can have no faith offers little security. We are aware from past experience that the Soviets will exploit every ambiguity, every loophole to their own advantage, to their own end. We cannot depend upon the spirit of any agreement or Soviet good will not to do so. But, we do know the capabilities of our own national means of verification, and we can fashion an agreement which we can monitor through use of agreed-upon systems and sources.

If we must rely so heavily on verification capabilities, then the question of why we should seek an agreement at all is logical. Why should we enter an agreement that involves so directly our military security when the other party will participate only half-heartedly at best? My answer is simple: An agreement in and of itself gives us little security; but it does give us some rules of the game, some parameters which show us what to expect and against which to measure the Soviet Union.

Under previous agreements, we knew—perhaps a little too fuzzily—but we knew in general terms what the Soviets were supposed to do and not to do. As a result, we knew what to expect—and we could challenge them through the institutions created by past agreements when they appeared to have moved beyond the parameters to violate the rules required by verification procedures.

Furthermore, the verification rules make it easier to hold the Soviets accountable before possible violations affect the strategic balance. That may not be the best of all possible worlds, but it at least brings some stability to a world involved in a nuclear confrontation where we need all the stability we can find.

I vote for a resolution consistent with our military security. I am a firm believer in a strong national defense. I believe that the first obligation of

government is the security of the Nation. We must be adequately prepared to meet any challenge to our security that may occur anywhere in the world. I agree that we need to improve facets of our military capability, and I have voted for funding to accomplish that.

On the issue of the relationship between the freeze resolution and our national security, I quote retired Adm. Noel Gayler, former Director of the National Security Agency, from his testimony before the Senate Foreign Relations Committee:

So far as a freeze on nuclear weapons is concerned, their development, testing and so forth, I think that can be useful. I do not think it puts us in a relatively poorer position with respect to the Soviets. If you consider the total of the nuclear forces on both sides, I think we are pretty evenly matched.

The Soviet Union and the United States went about building up their nuclear arsenals in different ways—the Soviets concentrating on larger heavier missiles and mostly land based. We opted for smaller missiles, having more accurate warheads and deployed in a triad—about one-third land based, one-third sea based, and one-third on long-range bombers. Tacticians may argue forever which system is more effective, but the fact remains that the approaches were different and we must deal with that fact.

Perhaps more importantly, though, we must deal with the fact that both sides have built their nuclear arsenals to overkill capability of enormous proportions.

A freeze now would simply seek to place some limit on our seemingly insatiable craving for capabilities to annihilate each other over and over again—and perhaps the rest of the world in the process.

Some opponents of a freeze seem to be saying that we must threaten the Soviets with future U.S. superiority in order to get them to the negotiating table. The most likely result of that theory would be a continued and dangerous mutual escalation of nuclear forces—even more destabilizing than the past. As a practical matter, to substantially change the balance that now exists would require very large one-sided decreases or increases in forces. That is not likely to happen.

The resolution addresses all nuclear forces of both sides. Until agreement is reached with the Soviets, the United States remains free to deploy additional delivery systems in Western Europe to counter the Soviet weapons on that continent. Furthermore, the modernization of our systems would continue until a verifiable agreement is reached between the two superpowers. But, we must begin now the negotiations leading to such an agreement, rather than awaiting the outcome of discussions with the Soviets on the extraordinarily

ly complicated nuclear arms control proposals now on the table.

I vote for this resolution at a time when brutal terrorism rages in Lebanon and U.S. forces are in Grenada—a time when hostilities continue in a host of other areas—Afghanistan, Iran and Iraq, Nicaragua and El Salvador, and Angola—where they seem almost to have become part of the status quo.

We can debate at length the idea of linking such crises to our policy on nuclear weapons. I do not dismiss the idea that there are times when actions in one area can be used to leverage another. There is no question that the Soviet Union is fomenting dissent in numerous places throughout the world. But, we deal with the situations as we can, in proper perspective. Arms control does not stand in isolation, but at the same time, we should not miss opportunities to reduce the danger of nuclear holocaust just because of difficulties in another problem area. That is like cutting off your nose to spite your face.

We live in a violent and hostile world, as events of the past week have amply illustrated. We cannot afford to let down our guard. But neither can we afford to miss opportunities to enhance our own security. The resolution before us represents such an opportunity. Its message is straightforward. It is a challenge to our principal adversary: Let us stop the arms race and let us move ahead with arms control. We can make no greater contribution to our future security—or that of mankind—than to force the Soviet Union into a position in which nuclear weaponry is restrained and reduced. That is the central point of this resolution.

Mr. BOREN. Mr. President, we struggle in the Senate with matters of great importance to the people of our respective States, of our country and, at times, to all of the people who live together on this Earth. No issue is of more importance than the issue of the nuclear threat to our very existence.

While it is still official doctrine in some nations, including the U.S.S.R., no thoughtful or informed person could assign words which imply that there can be any kind of victory in a nuclear war.

The chilling fact is that the superpowers now hold in their hands the power to snuff out life as we know it. No task is more imperative than the removal of this threat which hangs over the heads of our children from the moment of their birth.

Virtually all of us share the goal of reducing the threat of nuclear war by ultimately reducing the nuclear arsenal to the point of extinction and by carefully controlling it to prevent its use while that goal is being achieved.

The question before us is will the passage of the language of Senate

Joint Resolution 2, commonly called the nuclear freeze resolution, move us toward that goal.

I have struggled for many hours over many months with this question. I have read the articles and books which have addressed the issue. I have met several times with the leaders and members of the freeze movement in my home State. I have asked for and received briefings in depth from the military, from the State Department, and from past and present members of our negotiating teams on the reductions of both theater and strategic nuclear weapons. I have talked with the leaders of other nations and I have listened to the ideas of specialists in and out of government.

There are very thoughtful and sincere persons on both sides of the freeze issue. It is unfortunate that some have labeled supporters of the freeze as anti-American. Others have referred to those who do not support it as insensitive warmongers. Both allegations are false and are unworthy of further discussion. There are good Americans, and good, thoughtful, and sincere men and women on both sides of this issue.

After long deliberation, I have concluded that, at this time and in this form, the freeze resolution would not further the goal of a mutual reduction in nuclear arms. This does not mean that I am unalterably opposed to the central thrust of the freeze resolution. If it were offered at the right time, with some modification in its language more clearly spelling out the means to the goal which it seeks, I might well support it. Unfortunately, it is offered today, in a parliamentary format, which precludes amendments including some which I had intended to offer. It also, in my opinion, is being offered at the wrong time.

It is clear from past Soviet behavior that if they believe that we will unilaterally freeze the deployment and development of our systems, then they will not seriously bargain with us. Why should they bargain to freeze or reduce their own arsenals of SS-18's and SS-20's or other weapons if they can get us to restrain ourselves without any reciprocal action on their part?

For the Senate to act upon this resolution on the eve of the scheduled deployment of our missiles in Europe, missiles which are being deployed to balance Soviet missiles which are already in place, could very well send the wrong message to the Soviets and to our allies. It could cause both to doubt our resolve. It could, in fact, cause the Soviets to feel less need to bargain in good faith with us in Geneva.

In addition, the President has very recently announced a negotiating stance which is more reasonable than any stance previously taken. I believe

that those in the freeze movement can correctly feel that they have played a role in moving the President toward a more reasonable proposal. I believe that those of us in Congress, including myself in a small way, have helped to move the President by opposing the deployment of destabilizing and ineffective systems like the MX.

The President, however, has recently signaled to the Soviets a willingness to look at the entire balance of forces at one time. This is a great step forward. Over 500 Members of Congress cannot negotiate for our Government. It is difficult enough for a free, open, democratic society where policy debates are public, to gain a balanced agreement with a closed society which carefully shields its hand until it is ready to play it. Only the President can truly negotiate effectively for our side. If he refuses to be reasonable or to try his hardest, then the Congress and the people should exert pressure on him. That we have done. Now that he has tabled a reasonable proposal, we should not pull the rug out from under him and send a message to the Soviets that they are no longer under any pressure to negotiate.

Timing is one of the two reasons for which I feel compelled to vote against the current resolution. The inability to adopt clarifying amendments is the other.

I had hoped to be able to offer clarifying amendments on three major points. Unfortunately, this was not possible because of the parliamentary rules governing the condition under which we are considering the freeze.

First, I feel that the resolution should make it clear that the United States will not impose a freeze on itself until all of the specifics for mutual action by the Soviets and the actual means of enforcement and verification have been fully adopted. To do otherwise would take away any incentive for the Soviets to negotiate.

As I said previously, there is no historical evidence to suggest that the Soviet Union would impose such massive self-restraint before they had agreed to the conditions upon which such a freeze would go forward and verification would be achieved. If the United States were to freeze unilaterally, as a show of good faith, there would be no incentive for the Soviets to speed toward an agreement.

Second, I believe that the freeze should be limited in time as to its duration. This issue was addressed in the House of Representatives when the resolution was considered there. Our ultimate goal is not to freeze the current position forever. We seek to reduce from the terrifying destructive levels at which both sides now find themselves. We need to continue to push the Soviets toward reductions and not mere maintenance of the present levels. A freeze should last for

only such time as real progress is being made toward further reductions.

Third, we should spell out in any agreement the right of the United States to continue research and development aimed at protecting against a breakout by the other side. What if the other side should cheat or should later withdraw from the agreement. We would not want to allow our Nation to be left far behind in the research field. Such a provision would also give the Soviets greater incentive to abide by the treaty.

If we are to adapt a nuclear freeze resolution, I believe that these elements should be included. Without them, I believe that the resolution is incomplete and does not adequately protect our national security or the cause of arms reductions.

If we really want to achieve a reduction in nuclear weapons, we must deal effectively with power and political realities. We must deal with the Soviets as they really are, not as we wish they were. Wishing that they held different values did not keep them from killing innocent people on an unarmed commercial airliner. The Soviets will not enter into an agreement unless they perceive it to be in their interest to do so. That is why any freeze resolution must be more carefully drawn and presented at a more appropriate time.

The Korean airliner incident was one which sent all of us shuddering because it exposed their differences in values from those in the Western World. When one considers the vast destructive capability held by those who share so few of our own values about the sanctity of individual human life, the need to achieve nuclear arms reduction becomes even more urgent.

By the votes which I have cast against the appropriation of funds for nerve gas, and the MX missile deployment, I hope that I have indicated my own dedication to a careful consideration of every issue of national security and world peace. I wish that I could in conscience vote for this current resolution as an expression of my own personal dedication to the cause of nuclear disarmament. It is a cause which I strongly embrace as fundamental to hope for the tomorrow of all mankind, including that of our own loved ones. Unfortunately, I can only conclude that, without changes in wording, its passage at this particular time would hinder the cause of nuclear disarmament rather than help it.

Mr. LEVIN. Mr. President, I rise in support of this amendment to urge both the United States and the Soviet Union to establish as their "immediate strategic arms control objective" a decision "when and how to achieve a mutual and verifiable freeze on the testing, production, and future deploy-

ment of nuclear warheads, missiles, and other delivery systems."

I do so because I agree with the vast majority of the American people who have endorsed such a proposal because they believe it best expresses their collective judgment that the strategic arms competition between ourselves and the Soviets has gone too far, and that enough nuclear weapons are enough.

I share their belief that a mutual and verifiable nuclear freeze—and other meaningful arms control agreements—would be in our national interests. Not only would such a freeze, if one which adequately protects our national security can be negotiated, reduce the risk of nuclear war, but it would permit us to focus our defense budget improvement programs on strengthening our conventional forces. This would further raise the threshold against nuclear war and conflagration.

My conception of a nuclear freeze is as straightforward as is the impatience of our citizens with nuclear arms treaties which seem to legitimize strategic weapons buildups instead of forestalling them. Any freeze must be mutual—stopping the Soviet programs to build more and more destabilizing, nonsurvivable first-strike nuclear systems in their tracks just as it would stop ours. Any freeze must be adequately verifiable, because we cannot base our national security on trust in Soviet compliance but on our own capabilities to monitor their adherence to such an agreement.

A freeze could further reduce the risk of nuclear war by allowing for the substitution of fewer, more survivable nuclear warheads for larger numbers of nonsurvivable warheads. Contrary to claims by opponents of this amendment, the proposed freeze would not prevent the 1-for-1 replacement of existing weapons, nor would it prevent maintenance of our strategic submarine and bomber forces with newer platforms as these older systems wear out. The possibility of such replacements clearly is spelled out in the book written by our two colleagues who are the principal authors of this amendment a book entitled "Freeze! How You Can Help Prevent Nuclear War."

Finally, the freeze I envision would focus, initially on those nuclear weapons which most threaten world survival—the strategic nuclear arsenals of the Soviet Union and the United States. Intermediate range nuclear forces are not at this time included because, their status is complicated by the unique role these weapons play in the context of the military and political relationships with the NATO alliance.

Mr. President, as a member of the Senate Armed Services Committee, I have spent many hours studying the

complex world of nuclear weapons and nuclear war.

It is a strange world where technical terminology often obscures death and destruction. It is a world of bitter disputes over the relative strength of American and Soviet strategic nuclear forces. I have tried to understand and to master these issues and I wish to share some of my conclusions with my colleagues as we debate for a mutual, verifiable freeze on nuclear weapons.

There are a lot of questions one can ask about nuclear weapons and war. But the most basic question is: Are our forces capable of protecting us by deterring an attack on us or responding to an attack if deterrence fails?

In the world of nuclear strategy, perceptions are often as important as reality. If our only option were to respond to an attack on our Minuteman missiles by retaliating with an all-out attack on Soviet cities, our enemies might be tempted to believe that they could, in effect, blackmail us by launching or threatening an assault which would destroy many of our weapons. They would then, in effect, tell us that we dare not respond because we could only fire our remaining weapons at their cities. It is argued that we could not attack their cities because they would retaliate against our cities and we would want to avoid that. So our only alternative, under that scenario, would be to surrender.

This perceived scenario is cited by those who believe we are vulnerable to a Soviet nuclear attack. The belief that a credible nuclear deterrent must be capable of a flexible response is critical to understanding the debate about vulnerability and about the nuclear freeze.

There are major flaws in the contention that we are vulnerable, that we lack the means to respond flexibly to an attack. Even if most or all of our land-based missiles were eliminated, we would still have most of our bombers and submarines—capable of launching devastating attacks on a range of Soviet targets. More than half the 9,200 nuclear warheads in our arsenal are carried by our planes and subs. Each of our subs alone is capable of hitting a range of targets or of destroying approximately 100 of the largest cities in the Soviet Union. And these subs are invulnerable to Soviet attack.

I personally have visited Strategic Air Command Headquarters in Omaha and satisfied myself that we can hit a broad range of military and industrial targets and are not limited to a strike directly against population centers.

For example, if the Soviets were successful in launching a perfectly coordinated attack on our land-based missiles, it has been estimated that some 10 million to 20 million Americans would be killed and some 14 to 20 percent of our industrial capacity would

be destroyed. We could respond in kind, killing approximately the same number of Soviet citizens and destroying the same amount of industrial capacity, and still have an adequate number of warheads left with which to deter or respond to any further Soviet strike or attempt at nuclear coercion.

While such scenario ignores many realities, not the least of which is the incalculable aftereffects of such a limited exchange, such estimates at least undermine the argument that after an attack on our land-based missiles, we could only respond against Soviet cities or surrender.

That fact is the heart of the argument over vulnerability and refutes claims that we are vulnerable to a Soviet attack.

Another point about our supposed vulnerability also needs to be made. I do not believe that all of our land-based missiles can with confidence be knocked out by a Soviet first strike. Such an attack would require tremendous technological coordination—and there is no evidence that the Soviets have achieved that coordination. This uncertainty itself should act as a deterrent on the Soviets.

In many ways, the question of inferiority misses the point. If we are not vulnerable, if we can retaliate to an attack, if we have the power to respond to an attack—what is the meaning of "superior" or "inferior"? The point is that we are capable. We have sufficient strength to deter or, if that fails, to respond.

There is no clear way to find out who is ahead in the nuclear arms race. Should we measure the number of missiles, their throw-weight, the number of reentry vehicles, warheads, the accuracy of missiles, their megatonnage or what? We are ahead in some areas, they are ahead in others. Different people pick different measures depending on the point they wish to prove. But there is no agreement on how to factor in all these considerations to come up with a single, simple and cogent answer. Because of this inability, the debate over who is ahead will continue. And there are other complications for the equation. You cannot just look at how many different systems either of us has, you must look at how well each system can do its job.

You also have to consider the deployment of the various missiles. We have the triad—a three-pronged strategy using land-based missiles, submarines, and airplanes. Our resources are fairly evenly spread among those three elements. The Soviets, on the other hand, have concentrated almost 70 percent of their strength in land-based missiles. Their missiles are larger than ours, but since they could become about as vulnerable as our

fixed land-based missiles and more of their strength is in those missiles, more of their strategic force could be vulnerable than is our own.

Those complexities demonstrate that there is no clear answer to the question of who is ahead. More important, the real issue is whether we are strong enough to deter an enemy. And there is a clear answer to that—we are!

Even though we are strong now, we must maintain our military strength and improve it when necessary. But we should not be wasteful or produce more than we need and we should actively seek ways to reduce our reliance on weapons which could destroy us all.

I believe strongly in mutual verifiable arms control. It is in the best interest of the United States, the Soviet Union and the world to find ways to reduce the number and power of nuclear weapons. I believe in the principle set forth in the nuclear freeze petition and I will vote for it because it is commonsensical—it calls for mutual and verifiable nuclear freeze. I supported the SALT II Treaty and I am pleased that President Reagan has pledged not to undermine it—although, regrettably, he will not ask the Senate to ratify it. As long as a treaty provides for mutual and verifiable arms control—or even better, arms reduction, I believe it is in our national interest to adopt it.

I also believe that our emphasis on nuclear weapons has had a harmful and potentially dangerous impact on our conventional strength. Overspending on unnecessary strategic weapons diverts scarce resources from maintaining and improving our conventional forces—the nuts and bolts of our military machine. This money would be far better spent for the ammunition our soldiers would have to use and the tanks and jeeps they would drive, for the fuel our ships would burn and the repair of our jets. We need to fund items that give us the capability of responding to threats without going nuclear. I am afraid our overemphasis on nuclear weapons—and the consequent underemphasis on conventional forces—could make a nuclear war more possible. As my colleagues know, I have attempted to transfer some of the dollars being spent for nuclear weapons into the areas of conventional military strength.

Last, Mr. President, I would like to address, briefly, claims by opponents of this amendment that a freeze would be more difficult to negotiate, and less easily verified, than other arms control proposals. There is ample evidence from leading arms control experts which contradicts these contentions.

There is an impressive array of expert opinion that a United States-Soviet nuclear weapon freeze is negotiable, verifiable and in the national security interest of the United States.

Critics state that the freeze would be very hard to negotiate—an opinion wholly at odds with that of our chief arms-control negotiators from William Foster to Paul Warnke. Among other things, they state that a production freeze would be “infeasible” to verify—despite the testimony from former CIA Director William Colby and other intelligence experts that a comprehensive freeze will be easier to verify than more limited arms-control agreements or the President's Start proposal.

On April 12, 1982, five key foreign-policy, arms control and intelligence officials from previous administrations—George Ball, Clark Clifford, William Colby, Averell Harriman, and Paul Warnke—wrote to the House Foreign Affairs Committee chairman:

We support reductions in the number of nuclear weapons; that is why we support the nuclear weapons freeze. A mutual and verifiable freeze offers the best hope of halting the nuclear arms race and providing a framework for initiating the complex process of reducing the nuclear arsenals of both superpowers. With a freeze in place, real reductions can be achieved, rather than reductions in some areas that are tacitly used to ratify a redirection of the arms race to higher levels of danger and instability.

Mr. President, a negotiated strategic nuclear freeze is a commonsense step forward in our efforts to control these awesome weapons of mass destruction. The American people know this, and they want the Congress to send a signal to them that it recognizes this.

Adoption of this amendment by the Senate sends this message “loud and clear,” and it is a step forward for the American people and their national security.

Mr. THURMOND. Mr. President, I rise in opposition to the amendment before the Senate. The impracticality of a nuclear freeze has been well-documented by our defense and intelligence professionals.

It is not the place of the Congress to dictate foreign policy. That is the job of the executive branch. The administration has gone to great lengths to incorporate congressional concerns into our Nation's arms control negotiations with the Soviet Union.

A nuclear freeze sounds simple and it is simple. Therein lies one of its greatest flaws. Simple solutions rarely fit complex problems, and this case is no different.

A freeze would lock the United States into a position of strategic inferiority from which we may never recover.

The history of Soviet compliance with other agreements indicates that they would no more abide by a freeze than they have refrained from testing new ICBM's. The SALT II Treaty allows each nation to flight test only one new ICBM, but the Soviets have already ignored this provision by flight testing more than one new generation ICBM.

The Soviets consistently violate treaties and agreements and this would be no different.

Let there be no misconception. A freeze would only restrict the United States because the Soviets would violate that agreement like all other agreements it chooses to ignore.

Mr. President, I urge my colleagues to reject the nuclear freeze amendment.

Mr. METZENBAUM. Mr. President, I wish to express my strong support for the nuclear freeze resolution, of which I am proud to be one of the original sponsors.

What we are talking about today, Mr. President, is sanity—or at least a step in that direction.

This resolution is a whisper of commonsense in a world dominated by what the late Gen. Omar Bradley once called nuclear giants and ethical infants.

And, Mr. President, in spite of the patronizing remarks by some in this administration about the naive, but well-meaning people who support the freeze, the fact is that this resolution is rooted in hard-nosed realism about our national security needs.

If there is anything we do not need for our defense, it is more nuclear weapons.

There are 50,000 nuclear weapons in the world today, almost all of them in the hands of the United States and the Soviet Union.

What does that mean?

It means that the two superpowers have between them the capacity to inflict upon this world 1 million times the explosive power that in 1945 destroyed Hiroshima.

Just think of it—1 million Hiroshimas, just waiting to happen.

Think of the resources we have poured into nuclear weapons—between the United States and the U.S.S.R. about \$900 billion since 1945.

Or think of the United States and Soviet nuclear arsenals as equal to 5,000 times the firepower expended by all sides in World War II.

And that is enough.

Every single day of the year, the United States and the Soviet Union spend a combined total of \$100 million on the development and construction of newer, better, and deadlier nuclear weapons.

Why?

What does either side gain?

The answer, Mr. President, is nothing—nothing at all.

We have the capacity to utterly destroy the Soviet Union. And in spite of all the talk we hear about windows of vulnerability and the like, the Soviets know that they cannot find and destroy all of our silent, deadly nuclear submarines, that they cannot stop all of our bombers from getting through, and that they cannot even be sure of

destroying in a first strike all of our land-based missiles.

In spite of all the talk we hear about Star Wars antimissile defenses, we know that inevitably, the Soviets will find a way to penetrate any such defense, no matter how sophisticated it may be.

In the nuclear arms race, nobody wins—and nobody can win.

And the bottom line, is that the nuclear arms race is more than wasteful, more than foolish, more than irrational. It is positively immoral. That, Mr. President, has been recognized by a truly impressive array of our most distinguished religious leaders.

Let me quote to you what some of them have had to say.

"The people of Russia want peace," said the Reverend Billy Graham. "The people of China want peace, the people of the United States want peace. \* \* \* I am for disarmament."

Pope John Paul II, who has used the word madness to describe the nuclear arms race, wrote recently to Presidents Reagan and Andropov, imploring them to bring to an end this dance of death.

Rev. James Armstrong, who is president of the National Council of Churches and United Methodist Bishops of Indiana, expressed outrage at the Navy's proposal to name a Trident submarine *Corpus Christi*, which is Latin for "body of Christ."

"That," said Bishop Armstrong, "is an obscene blasphemy. 'Jesus Christ stands in direct contradiction to everything the nuclear arms race represents. A nuclear holocaust would incinerate this globe. It would turn it into a realm of insects and grass. The nuclear freeze resolution does not call for unilateral disarmament. But there is a desperate need in such a day for unilateral initiatives like that of Anwar Sadat when he flew from Cairo to Jerusalem to offer an olive branch.'"

Bishop Armstrong is exactly right—what the world needs today is leaders in the United States and the U.S.S.R. with the courage and vision of Anwar Sadat.

And if we do not have such leaders, then perhaps the time has come for the people of this country, speaking through their Senators and their Congressman, to say what Sadat said—the simple word enough.

Rabbi Alexander Schindler, of the Union of American Hebrew Congregations, spoke for millions of Americans when he said:

We are seized by a dread of nuclear holocaust, and we find the proliferation of such weapons morally abhorrent. What kind of ghoulish imagination is it which can project the possibility of limited nuclear war, which can countenance the use of such weapons, and even designate some of them clean? There is nothing clean about a device which can put a torch to civilization. There are no possible limits to a nuclear conflict; there is no acceptable level of radioactive poisoning;

there is nothing clean whatsoever about maimed limbs and burned flesh and widow's tears and a whole dark butchery without a soul. Let there be no doubt about it. The nuclear arms race is emerging as the central moral issue of our day.

Mr. President, I have quoted only a few of the Nation's religious leaders. To quote all who have spoken eloquently in favor of the freeze would take many, many hours of the Senate's time.

But let us not forget that support for this sound, sensible resolution goes far beyond a few well-known leaders. In every part of this country, religious bodies have spoken out. And I defy anyone to describe as misguided, or as misinformed or as misled groups like these, all of which have endorsed Kennedy-Hatfield.

Alabama Church Women United; American Baptist Church, annual meeting, New York; Cleveland Board of Rabbis; Colorado Council of Churches; Episcopal Diocese of Atlanta, Episcopal Diocese of Maryland; Michigan Council of Churches; North Carolina Friends-Conservative; Pennsylvania Council of Churches; Philadelphia Yearly Meeting of the Religious Society of Friends; Province of Our Lady of Consolation of the Conventual Franciscan Order; Sister of Mercy, Cincinnati Provincial Chapter; Sisters of Mercy, Region 11; Virginia District Conference, Church of the Brethren; and West Virginia Council of Churches.

Mr. President, I ask unanimous consent that a partial list of the religious leaders and organizations endorsing this resolution be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. METZENBAUM. I have made a special point in my remarks today of addressing the broad support for the nuclear freeze in the churches and synagogues of America.

But support for the nuclear freeze goes far beyond the religious bodies of this country.

It is rooted in the perception of tens of millions of Americans that something is terribly wrong in the world—that the arms race has acquired a powerful, perverse momentum of its own—and that without anyone wanting it, we may be headed toward the ultimate human catastrophe.

Mr. President, the nuclear-freeze resolution is nothing radical.

It is commonsense.

This resolution is not, as some have said, detrimental in some unspecified way to our national security.

To the contrary, the resolution proposes to end a self-perpetuating arms spiral that threatens to destroy us all.

This resolution, Mr. President, is a message that must urgently be sent.

It is a message to our own leaders and to the leaders of the Soviet Union.

It is a message that we have had enough, that we have spent enough, and that we have lived long enough in the shadow of destruction.

And I hope that my colleagues in the Senate will see their way clear today to send that message, loud and clear, so that all the world will hear it.

#### EXHIBIT 1

#### RELIGIOUS LEADERS AND RELIGIOUS ORGANIZATIONS WHICH HAVE ENDORSED THE KENNEDY-HATFIELD NUCLEAR FREEZE RESOLUTION

(Institutional affiliations of individuals are listed for identification purposes only)

Dr. Thelma Adaire, President, Church Women United.

Jimmy R. Allen, Former President, Southern Baptist Convention.

Father Thomas Ambrogio, Director of Social Justice, Archdiocese of San Francisco.

American Friends Service Committee.  
Zelle Andrews, Peace Advocacy Project Director, United Church of Christ.

Bishop James Armstrong, President, National Council of Churches.

Association of American Catholic Colleges and Universities.

Baptist Joint Committee on Public Affairs.

Helen I. Barnhill, Moderator, United Church of Christ.

Bishop George Bashore, United Methodist Church, Boston, MA.

Rabbi Leonard Berman, Co-Chair, Interfaith Center to Reverse the Arms Race.

Reverend Asia Bennett, Executive Secretary, American Friends Service Committee.

Rabbi Leonard I. Berman, Leo Baeck Temple, Los Angeles, California.

Bishop Edwin Boulton, United Methodist Church, Dakotas Area.

Rabbi Balfour Brickner, Stephen Wise Free Synagogue, New York, NY.

Reverend Arie Brouwer, General Secretary, Reformed Church in America.

Dr. Edward Brubaker, Executive for United Presbyterian Church, Synods of Mid-America.

Bishop Joseph Brunini, Catholic Diocese of Jackson, MI.

Walter H. Capps, Professor of Religious Studies, University of California at Santa Barbara; President, Council on the Study of Religion.

Reverend Thomas M. Castlen, Associate Synod Executive, United Presbyterian Church, Cascades Presbytery, OR.

Reverend John Chapman, Associate Synod Executive, Synod of the North East, United Presbyterian Church of the U.S.A.

Bishop Otis Charles, Episcopal Diocese of Utah.

Clergy and Laity Concerned.  
Bishop Wayne Clymer, United Methodist Church, IA.

Reverend Dr. William K. Cober, Executive Director, Board of Ministries, American Baptist Churches of the U.S.A.

Dr. William Sloan Coffin, Riverside Church, New York, NY.

Bishop James R. Crumley, Jr., President, Lutheran Church of America.

Robert E. Cuthill, Synod Executive, Synod of Lakes and Prairies, United Presbyterian Church in the U.S.A.

Ruth Daugherty, President, Woman's Division, United Methodist Church.

Reverend Robert Davidson, Moderator, General Assembly, United Presbyterian Church in the U.S.A.

Yvonne Delk, Executive Director, Office for Church in Society, United Church of Christ.

Reverend John Dertz, Moderator, Synod of the Piedmont, United Presbyterian Church of the U.S.A.

Bishop Jesse R. De Witt, President, General Board of Global Ministry, United Methodist Church.

Dr. James M. Dunn, Executive Director, Baptist Joint Committee on Public Affairs.

Gretchen Eick, Policy Advocate, Washington Office, United Church of Christ.

Theodore W. Engstrom, Chief Executive Officer, World Vision International.

Thom White Wolf Fassett, Associate General Secretary, United Methodist Church Fellowship of Reconciliation.

Bishop Bernard Flanagan, Catholic Diocese of Worcester, MA.

Reverend Carl Flemister, Executive Director, American Baptist Association.

Friends Committee on National Legislation.

Sister Alice Gallen, Executive Director, Association of Catholic Colleges and Universities.

Rabbi Joseph Glaser, Executive Vice-President, Central Conference of American Rabbis.

Reverend Casper I. Glenn, Synod Executive, United Presbyterian Church in the U.S.A., Synod of Alaska-Northwest.

Rabbi Robert E. Goldberg, Rabbi Emeritus, Congregation Mishkan Israel, New Canaan, CT.

Reverend Billy Graham.

Bishop Thomas J. Gumbleton, Catholic Diocese of Detroit, MI.

Reverend Richard Halverson, Chaplain, U.S. Senate.

Michael Hamilton, Canon, Washington Cathedral.

Bishop Timothy Harrington, Catholic Diocese of Worcester, MA.

Reverend Timothy S. Health, S.J., President, Georgetown University.

Reverend Theodore Hesburgh, S.J., President, University of Notre Dame.

Achbishop James Hickey, Catholic Archdiocese of Washington, D.C.

Bishop Kenneth Hicks, United Methodist Church, AK.

Bishop Leroy G. Hodapp, President, Board of Church and Society, United Methodist Church.

Bishop William R. Houck, Catholic Diocese of Jackson, MI.

Reverend William Howard, Past President, National Council of Churches.

Bishop George Hunt, Episcopal Diocese of Rhode Island.

Archbishop Raymond Hunthausen, Catholic Archdiocese of Seattle, WA.

Archbishop Iakovos, Primate, Greek Orthodox Archdiocese of North and South America.

Mary Evelyn Jegen, Executive Director, Pax Christi, U.S.A.

Reverend Carroll D. Jenkins, Synod Executive of the Piedmont, United Presbyterian Church in the U.S.A.

Jesuit Social Ministries.

Reverend William A. Jones, President, National Black Pastors Conference.

Kenneth Kantzer, Editor, Christianity Today.

Reverend Richard Killmer, Director, Peacemaking Project, United Presbyterian Church in the U.S.A.

Paul Kittlaus, Director, Washington Office, United Church of Christ.

Leadership Conference of Women Religious in the U.S.A.

Jane Leiper, Associate Director, Washington Office, National Council of the Church of Christ in the U.S.A.

Reverend Gasper Lo Biondo, Executive Director, Jesuit School Ministries.

Dr. Joseph P. Lowery, President, Southern Christian Leadership Conference.

Bishop Roger Mahony, Catholic Diocese of Stockton, CA.

Reverend C. J. Malloy, Jr., General Secretary, Progressive National Baptist Convention, Inc.

Rabbi Bernard Mandelbaum, Executive Vice-President, Synagogue Council America.

Reverend Canon Charles Martin, Chairman, Peace Commission, Archdiocese of Washington, DC.

Bishop Marjorie S. Matthews, United Methodist Church, WI.

Bishop Leroy Matthiesen, Catholic Diocese of Amarillo, TX.

Reverend Oscar McCloud, General Director, Program Agency, United Presbyterian Church in the U.S.A.

David E. Morris, Executive Presbyter, Presbytery of Northern Waters, United Presbyterian Church in the U.S.A.

Reverend Margaret Morris, Chairperson, Peacemaking Advisory Committee, United Presbyterian Church in the U.S.A.

Bishop Francis P. Murphy, Catholic Diocese of Baltimore, MD.

National Council of Churches.

Dr. Robert W. Neff, General Secretary, Church of the Brethren General Board.

Jenny A. Noblech, President, Children for Peace.

Mary Jane Patterson, Director, Washington Office, United Presbyterian Church, U.S.A.

Dr. Eugene Pickett, President, Unitarian Universalist Association.

Bishop Anthony M. Pilla, Catholic Diocese of Cleveland, OH.

Dr. Avery Post, President, United Church of Christ.

Presbytery of New York, NY, United Presbyterian Church in the U.S.A.

Reverend David W. Preus, Presiding Bishop, American Lutheran Church.

Progressive National Baptist Convention, Inc.

Bishop Francis A. Quinn, Catholic Diocese of Sacramento, CA.

Archbishop John Quinn, Catholic Archdiocese of San Francisco.

Claire Randall, General Secretary, National Council of Churches of Christ in the U.S.A.

Bishop David Reed, Episcopal Diocese of Louisville, KY.

Reformed Church in America.

Susan Rhoades, Synod of the Rocky Mountains, United Presbyterian Church in the U.S.A.

Riverside Church Disarmament Program, New York, NY.

Reverend Joseph Roberts, Pastor, Ebenezer Baptist Church, Atlanta, GA.

Bishop Frank J. Rodimer, Catholic Diocese of Paterson, NJ.

Rabbi David Saperstein, Religious Action Center, Union of American Hebrew Congregations.

Rabbi Herman Schaalman, President, Central Conference of American Rabbis.

Rabbi Alexander M. Schindler, President, Union of American Hebrew Congregations.

Reverend Robert Seel, Executive Presbyter, Synod of the Southwest, United Presbyterian Church in the U.S.A.

Reverend John A. Sensenig, Synod of the Rocky Mountains, United Presbyterian Church in the U.S.A.

Ronald Sider, President, Evangelicals for Social Action.

Rabbi Henry Siegman, Executive Director, American Jewish Congress.

Reverend Simon Smith, S.J., Jesuit Missions, Inc.

Reverend Robert F. Smylie, Association for Peace and International Affairs, United Presbyterian Church in the U.S.A.

Edward F. Snyder, Executive Secretary, Friends Committee on National Legislation.

Sojourners.

Bishop Walter F. Sullivan, Catholic Diocese of Richmond, VA.

Sister Nancy Sylvester, Legislative Liaison, NETWORK.

Synod of the Southwest, United Presbyterian Church in the U.S.A.

William P. Thompson, Stated Clerk, General Assembly, United Presbyterian Church in the U.S.A.

Dr. Daniel Thursz, Executive Vice-President, B'nai B'rith International.

Reverend John H. Tietjen, President, Christian Seminary-Seminex.

Dr. Eugene Turner, Synod Executive, Synod of the Northeast, United Presbyterian Church in the U.S.A.

United Methodist Church.

United Presbyterian Church, General Assembly.

Reverend Foy Valentine, Executive Director, Christian Life Commission of the Southern Baptist Convention.

Dr. Vernon B. Van Bruggen, Synod of the Northeast, United Presbyterian Church in the U.S.A.

Albert Vorspan, Vice-President, Union of American Hebrew Congregations.

Bishop John T. Walker, Episcopal Diocese of Washington, DC.

Reverend Paul A. Wee, General Secretary, Lutheran World Ministries.

Bishop Frederik Wertz, United Methodist Church, Washington, DC.

Reverend Edward A. White, Executive Presbyter, National Capitol Union Presbytery.

Reverend Robert White, Minister for Social Issues, Reformed Church in America.

Dr. Loretta J. Williams, Unitarian Universalist Association, Boston, MA.

Reverend Francis X. Winters, S.J., Professor of International Relations and of Ethics, Georgetown University.

Rabbi Walter S. Wurzbarger, President, Synagogue Council of America.

Yeates County Area Council of Churches, Social Concerns Committee, Penn Yan, NY.

Reverend H. Davis Yeuell, Synod Executive of the Virginias, Presbyterian Church in the U.S.A.

Reverend John A. Sensenig, Synod of the Rocky Mountains, United Presbyterian Church in the U.S.A.

Ronald Sider, President, Evangelicals for Social Action.

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Yeates County Area Council of Churches, Social Concerns Committee, Penn Yan, NY.

Reverend H. Davis Yeuell, Synod Executive of the Virginias, Presbyterian Church in the U.S.A.

● Mr. DODD. Mr. President, I was a cosponsor of the nuclear freeze resolution that was sent to the Senate floor by the Foreign Relations Committee last month and I was pleased to join my colleagues, Senators KENNEDY and HATFIELD in cosponsoring this amendment. It was indeed time for the Senate to be able to discuss this initiative and vote on it, although it is regrettable that we were forced to use this very limited opportunity for this discussion. The crucial importance of the issue and the broad support it enjoys among the American people would deserve better treatment.

It is well known that the freeze movement grew out of a deep sense of frustration that was generated by the contemptuous fashion this administration treated the subject of arms control for a long time, in many respects up to this date. True, at the time President Reagan took office there was a broad consensus that our defense efforts needed some strengthening, that in several areas our force structure was not up to the level that would provide us adequate security. The mandate based on this consensus, however, was vastly overinterpreted by the administration. A prudent national security policy cannot consist exclusively of decisions on building more and more arms. Arms modernization has to be matched by aggressive efforts to arrive to arms control agreements that would, on the one hand, put a cap on the arms of mass destruction possessed by the two superpowers, and, on the other, would eliminate the destabilizing features from the force structure of both adversaries and lead to a secure balance.

The reckless statements of the administration in denigrating the importance of arms control and the enormous defense budgets presented mobilized millions of ordinary Americans committed to peace and a rational defense policy. The freeze movement was born. Our resolution and this amendment is the response of the Members of the Senate to what was a genuine popular initiative in the best traditions of our country.

It is somewhat unusual to try to dictate a treaty or a negotiating posture to the executive branch. It is generally up to the Executive to initiate and negotiate treaties. Nobody in the Senate has any illusions about the difficulties inherent in such a reverse process that we have been attempting with the freeze initiative. Our goal, however, is more symbolic than practical. With my colleagues who are parts of this effort we are not attempting to work out an elaborate negotiating position. What we are doing instead is to put the moral and political weight of Congress behind the idea of stopping the arms race. It takes the concentrated efforts of both superpowers to at least limit the escalation and proliferation of weaponry and to try to establish a balance that provides adequate security for both parties as well as other members of the international community. Proponents of the freeze are not naive dreamers, Mr. President. A total elimination of nuclear weapons, for instance, the idealistic goal of a total disarmament may be desirable in an ideal world but we know well that we do not live in an ideal world. What is behind the idea of the freeze is a much more limited, but much more realistic idea; namely, that the present level of armaments is perfectly satisfactory for guaranteeing mutual security provid-

ing the major adversaries show a willingness to agree to a settlement that assures such an outcome. In other words the enormous sums being spent every year on new and newer systems do not raise the level of security for either parties. All they do is to create and eliminate minor imbalances that are immeasurable anyway and waste important resources that could serve much better purposes.

The proposed freeze will have to be negotiated and it will have to be mutual and verifiable. Any treaty resulting from those negotiations will have to be presented to the Senate. We will have ample opportunity to examine such a treaty and decide in its actual form whether it would serve our national interest or not. It makes little sense to me why the basic idea is attacked so bitterly when in fact it makes eminent sense. A bold initiative to start to negotiate with the Soviets to bring about a freeze treaty would soon reveal whether they are serious about limiting the level of armaments on both sides. I would certainly not support an unbalanced freeze treaty without corresponding Soviet concessions and I doubt if any of my colleagues would.

The freeze initiative represents a broad national consensus on a matter of overwhelming importance to the Nation. The Senate should provide leadership on this issue by adopting this amendment.●

#### FREEZE TO END THE ARMS RACE

● Mr. LAUTENBERG. Mr. President, it has been almost 20 months since Senators KENNEDY and HATFIELD introduced legislation calling for the negotiation of a mutual, verifiable freeze on the testing, production and deployment of nuclear weapons. I am pleased to join with them and with many other of my colleagues in cosponsoring this nuclear freeze amendment today. It is the first time the Senate will consider this initiative as a body. In my judgment, we have waited far too long.

The American people have raised their voices in support of a nuclear weapons freeze for the better part of 2 years now. Almost 1 million people jammed New York City in June of last year in support of the nuclear weapons freeze. In elections 1 year ago, nine States and 24 cities endorsed a nuclear weapons freeze by an average of 60 percent approval. My own State of New Jersey gave the freeze a ringing 76 percent endorsement. On May 4, 1983, the U.S. House of Representatives voted 278 to 149 for House Joint Resolution 13, which calls for a mutual and verifiable freeze on and reductions in nuclear weapons.

This broad public and political support for a nuclear weapons freeze has grown primarily out of our increased understanding of the horrors of nuclear war and our concerns that existing leaders lack the determination to

lessen the threat of nuclear war. Public opinion polls show that most people think there will be a nuclear war in the future and that it will quickly escalate to an all-out nuclear conflagration. At the same time political leaders have continued threatening rhetoric and are proceeding with plans for adding thousands of nuclear weapons to those already stockpiled by both the United States and the Soviet Union.

The freeze movement makes sense because of the general parity that now exists in the nuclear structure differences. Deterrence is currently served by this parity. The deployment of newer, more accurate, and more powerful weapons by each side in the future may destabilize deterrence and make nuclear war more likely.

Opponents of the nuclear freeze resolution argue that we need more nuclear weapons because the Soviets are hardening their missile silos, dispersing their missiles more widely, and building more missiles. The response they urge is that we follow suit and harden our own silos, disperse our own missiles, and build more missiles of our own. This logic has been the driving force behind the arms race. Both sides have felt compelled to commit to this never ending arms spiral even when there is not rational security advantage to be gained.

A mutual, verifiable freeze on nuclear weapons offers an alternative approach. The freeze resolution embodied in this amendment assumes that efforts to avoid nuclear war and insure peace need more than endless negotiations that allow new weapons deployments. We need the negotiation of an end to new weapons, and then negotiations to reduce the arsenals on both sides.

Current emphasis on expanding nuclear arsenals is inherently destabilizing to the current parity in forces. Building more accurate, powerful weapons can threaten deterrence and increase the likelihood of nuclear war. Commitment of hundreds of billions of dollars to a never-ending arms race needlessly drains our economy when we have other priorities we cannot ignore.

Negotiation of a nuclear weapons freeze that applies to both the United States and the Soviet Union and that is verifiable is a better alternative. I urge my colleagues to support this amendment.

Mr. GRASSLEY. Mr. President, I must oppose passage of this form of the nuclear freeze.

There is not one Member of this great legislative body who relishes the fact that the United States and the Soviet Union possess nuclear weapons. There is not one Member of this Senate who is not deeply sobered by the fact that the United States and

the Soviet Union possess the capabilities for unimaginable nuclear destruction. Every Member supports reduction of the arsenals and none believes that simply stockpiling weapons will alone resolve the problem of nuclear weapons. We stand on common ground.

In addition, when Members of the Senate analyze the prospect and hope for arms control, there are areas of unity as well. First, arms control agreements should ultimately result in substantial reductions in the arsenals of both the Soviet Union and the United States, lessening in the long term the dangers of uncontrolled buildup and threat of first use. Second, arms control proposals should aim for the creation of equal or nearly equal levels of arms on both sides, since imbalances in arms can be destabilizing, encouraging coercion or aggression. Third, any agreement should be thoroughly verifiable, not based on blind trust or mere technology. Fourth, arms control should reduce the risk of war and enhance United States and allied security.

As with many issues, Members of the Senate part company when specific proposals are debated and the debate regarding the nuclear freeze resolution divides us tonight. I support another piece of legislation, introduced in recent months by Senator DOLE, which calls for a mutual and verifiable freeze of nuclear force at levels substantially reduced from those that currently exist, to be accomplished through concerted arms reduction talks.

There are several issues that I must raise in opposing this resolution. First, this freeze is simply not strong enough. We should not be seeking to cap deployments at the present high levels. Substantial reductions should be our aim. The zero option proposal of the President would cancel planned deployment of Pershing II's and ground-launched cruise missiles in exchange for the elimination of comparable Soviet intermediate-range nuclear missiles. The START negotiations would substantially reduce missiles through verifiable proofs. The history of diplomacy suggests that with a freeze the Soviets would legitimately believe there is little need to reduce in the near term. Such a perception in the Soviet mind must be avoided at all costs. Second, NATO leaders, with whom the United States has specific defense agreements, do not as a body support a freeze. A unilateral decision by the United States to freeze would effectively be a slap in the face of our allies, undercutting the necessary trust on which our relations must be based. Third, the Soviets would have little incentive to agree to reductions in strategic and intermediate-range arms if they could simply freeze the existing situation. Fourth, a freeze is a

freeze not only of the number of weapons, but also a freeze of the strategic doctrine of mutual assured destruction, which targets civilian population and has been the ruling nuclear strategy since 1962. Fifth, there are certain twists of defense capability which are inherent in this freeze proposal. The freeze would disallow new submarines, but would not stop production of new "hunter submarines," in which the Soviets have shown great interest. This freeze proposal would also allow the Soviets to maintain 300 SS-20's in place, while preventing deployment of new U.S. programs.

Mr. SPECTER. Mr. President, after extensive reading, discussions, analysis, and reflection, I have decided to vote for this resolution for a mutual, verifiable freeze on nuclear weapons. I do so because I believe the resolution, realistically viewed, simply states an offer by the U.S. Government to discuss arms limitations.

Given the cataclysmic consequences of nuclear war, I favor a policy which emphasizes negotiations now and expresses a willingness, under appropriate arrangements, to end the arms race. That is entirely consistent with the President's two-track approach: First, strength, and second, arms reduction.

As is the case on so many matters which come before the Senate, the similarities on proposals are far greater than their differences. Much of the President's policy on arms reduction is similar to the policy of this resolution. In my judgment, it is possible to reconcile the Jackson-Warner resolution, backed by the President, with the Hatfield-Kennedy resolution. Similarly, both are consistent with the Cohen-Nunn resolution, on build-down. Frequently, as it appears to me, the focus of the debate is more a matter of who wins and who loses our intrafamily arguments rather than any real disagreement on objectives or even methods of implementation. Perhaps the strength of our system is demonstrated by the extent of agreements from those at opposite ends of the spectrum on such issues.

I believe there is now rough parity in nuclear arms between the United States and the U.S.S.R. In the nuclear age, I do not believe there is any such thing as superiority. On the issue of superiority versus inferiority, I believe that there is only inferiority in the sense that the Soviet Union is inferior to the United States because the United States could destroy the Soviet Union; and similarly, the United States is inferior to the Soviet Union because the Soviet Union could destroy the United States.

In congressional hearings, there has been extensive questioning of key administration officials as to whether we (the United States) would trade our nuclear capability for that of the

Soviet Union. In my judgment, a fair reading of those responses leads to the conclusion that there is rough parity.

This resolution, which constitutes an offer to negotiate, is in keeping with the sense of the Senate resolutions which I have proposed calling for an immediate summit between our President and the Soviet President on arms reduction. In May 1982, that resolution was overwhelmingly approved by the Senate. In June 1983, that resolution was again overwhelmingly approved by the Senate.

In conversations with the President, I have urged him to press to have that summit at the earliest possible date. The President has responded that he, too, would like a summit, but the time is not right. My vote on this resolution renews any urging of the President to press for that summit at the earliest possible moment.

While I understand that the President would prefer not to have this resolution adopted so as to leave him the greatest flexibility, much of what the President has said is entirely consistent with this resolution. The President has frequently commented that he would like to have arms reduction; but, like his contention that the time is not right for a summit, he contends that the time is not right for arms reduction because we must first become stronger before we can have meaningful arms reduction. My sense is that we can have meaningful arms reduction now and that this resolution simply calls for negotiations on that arms reduction.

My vote in favor of this resolution does not constitute a commitment against new weapons systems. The objective of this resolution—a mutual, verifiable freeze—obviously will not be achieved instantaneously. Regrettably, the possibility is present that the Soviets would reject the proposition outright or that the difficulties of verification might preclude implementation of the resolution even if there were agreement on the basic objective. Until those complex issues are answered, the United States must continue to maintain its strength.

The argument that modernization is needed to maintain our nuclear deterrent after neglect in the 1970's has merit. What is sometimes overlooked, however, is how much modernization has already been accomplished in the last 3 years with the deployment of the Trident submarines and the air-launched cruise missile (ALCM) on B-52 bombers. The Trident boats, which are far quieter and therefore far more invulnerable, open a second ocean, increasing our patrol areas tenfold. The ALCM's can penetrate Soviet air defenses far better than B-52's. We have now regained momentum on modernization. If the freeze proposal were rejected by the Soviets, we would not

have lost momentum on modernization while engaging in negotiations.

During the course of August, September, and October, I have held open house-town meetings in Gettysburg, Chambersburg, Altoona, Johnstown, Greensburg, Monroeville, Butler, Mercer, Erie, York, Allentown, Wilkes-Barre, Scranton, Media, West Chester, Norristown, Doylestown, Pittsburgh, Kittanning, Clearfield, State College, Williamsport, Centralia, Reading, Upper Darby, and Philadelphia. In each of those sessions, many responsible, thoughtful people urged the U.S. Government to act decisively and promptly against the threat of world destruction through nuclear war. Their reasoning was persuasive.

Win or lose, this resolution obviously does not decide the complex issues considered in this short statement; but, on balance, it is my judgment that passage rather than defeat of this resolution would do more to promote the cause of peace.

Mr. MATSUNAGA. Mr. President, as a cosponsor, I rise in strong and unequivocal support of the amendment offered by the Senator from Massachusetts, (Mr. KENNEDY) and the Senator from Oregon (Mr. HATFIELD) which would urge the President of the United States to seek immediately a mutual and verifiable freeze on nuclear weapons development and deployment.

Mr. President, in my lifetime, and in that of most of our colleagues, there have been many wars and crises. I served in the U.S. Army during the Second World War and experienced firsthand the heat of battle and witnessed in the deaths of many of my comrades the destructive capability of mankind. There have been many times over these years when I thought that we were facing our greatest threat to our Nation's security and, indeed, to the security and the freedom of the entire world. Hitler's Germany and the relentless advance on Europe of the Nazi war machine, the conquest of Asia by the Japanese, the takeover of Eastern Europe by the Soviets, and the onset of the cold war period tested seriously the will and the courage of the United States.

But while we have faced such threats to our security successfully and in most cases triumphantly, the grave threat we are facing now may be putting our Nation into greater danger than ever before. The grave danger of which I am speaking is, of course, the ever-increasing possibility of a nuclear conflict between the United States and the Soviet Union as a result of the continued and accelerating nuclear arms race between the two superpowers.

Mr. President, I believe that we as a nation face a greater danger of nuclear war now than at any time since the

end of the cold war. The reason for this should be evident to all of us.

There has over the past 3 or 4 years been a drastic and very serious deterioration in United States-Soviet relations, for which the Soviets are primarily responsible, but for which we are not totally blameless. The Soviet invasion of Afghanistan, the events in Poland, the collapse of the SALT II Treaty in the U.S. Senate and the accompanying end of bilateral arms control talks, the long delay before the Reagan administration became serious about arms control, the early hard-line rhetoric by the administration toward the Soviet Union, the lack of flexibility of our negotiators at the START talks, the Soviet downing of an unarmed Korean commercial airliner, Soviet influence in Syria and its contribution to instability in Lebanon, and now the early findings of Soviet/Cuban complicity in the violent takeover of Grenada by leftist military elements; these and other factors, Mr. President, have led us down the path of confrontation with the Soviet Union and have brought us closer and closer to the brink of nuclear war.

Added to this serious deterioration in United States-Soviet relations is the nuclear arms race which has been continuing on both sides unabated, with no early end or even a slowing down in sight. The arms race is the spark which may set the entire world on fire; there should be no mistake about that. In my judgment, current movements by the United States and the Soviets to deploy new generations of nuclear weapons, such as the MX missile on our side and the big multiple warhead missiles on their side, are destabilizing the current strategic balance of power. These new weapons, with their increased accuracy and yield, are first-strike capable and are themselves vulnerable to destruction in their silos. The fact of the matter is, Mr. President, that we are not getting more deterrent from these new, offensive weapons; we are encouraging the consideration of a first strike by one side or the other. As the blue-ribbon Scowcroft Commission on nuclear modernization recognized, this is precisely what both of our countries must be moving away from—the deployment of first-strike capable weapons.

What I believe is needed to pull us out of this death spiral we know as the nuclear arms race, to pull us back from this game of brinkmanship we have been playing with the Soviet Union, is a real breakthrough in nuclear arms control. We desperately need a comprehensive arms limitation agreement to halt the arms race in its tracks and we need it now before things get even further out of hand.

As my colleagues know, President Reagan has failed to get anywhere near in arms control agreement at the strategic arms reduction talks in

Geneva and, at the present time, there is a distinct possibility that if our cruise and Pershing II missiles are deployed in Europe as scheduled this fall, the Soviets will walk out on the START negotiations.

The only realistic answer I see to the dangerous situation that is evolving is a United States-Soviet agreement on a mutual and verifiable freeze on the testing, production, and further deployment of nuclear weaponry.

Mr. President, an immediate freeze would accomplish what past agreements and years of negotiations have failed to do—put in place an arms control agreement which would actually halt the deployment of new weapons, particularly the new generations of destabilizing weapons to which I have referred.

Of course, the opponents of the nuclear freeze have argued strenuously that this is precisely what is wrong with the freeze—that it would inhibit the modernization of our strategic forces, thus freezing the United States into an inferior strategic posture vis-a-vis the Soviet Union.

Indeed, Mr. President, the question of strategic balance is central to the debate on the nuclear weapons freeze. But I am not at all convinced by the shrill warning of this administration that the Soviet Union now holds a destabilizing advantage in strategic ballistic missiles, and that a freeze would lock the United States into a position of strategic inferiority and vulnerability. To show that I have not been driven by the politics of this issue, I might point out that I was equally unconvinced by the shrill warnings of the Carter administration that a window of vulnerability to a Soviet attack existed if we did not build the MX missile and place it in a deceptive basing mode.

I think most objective observers will agree that there is no definite answer to the question of whether the United States or the Soviet Union has an advantage in their strategic weapons. But I do think a strong case can be made that our respective nuclear arsenals are probably at an essential parity. A strong case can also be made that the opponents of the freeze have gone to great lengths to distort the true facts about the United States-Soviet strategic relationship in an effort to discredit the freeze. In fact, I think that the opponents of the freeze have undermined their own credibility by exaggerating U.S. inferiority in certain areas of the strategic equation and neglecting to mention U.S. strengths and advantages.

We have all heard the argument, Mr. President, that the Soviets have great advantages over the United States in the number of land-based ICBM launchers, in the number of MIRVed or multiple warhead ICBM's,

in ICBM throw weight, in submarine missile launchers, and in ballistic missile tonnage. Based on these comparisons in these areas, the administration and the opponents of the freeze in Congress contend that the Soviets have achieved, as a result of their sustained military buildup over the past 10 years, a definite margin of superiority over U.S. nuclear forces. They therefore conclude that the United States must play "catch up" to the Soviets in strategic force capability before—I repeat—before we enter into any arms control agreement that really controls or restricts weapons development or deployment.

I happen to believe that the administration and freeze opponents are wrong on the issue of strategic inferiority and on the need for us to catch up to the Soviets before we make a meaningful attempt at reaching an arms control accord. In my judgment, that kind of thinking will only lead to a perpetual arms race and a future global holocaust. I think they are wrong and I believe that an objective look at all the factors that make up the strategic relationship between the United States and the Soviet Union will bear this out.

While it is true that the Soviets have advantages over us in the areas I have just listed, the United States far outstrips the Soviet Union in several very significant areas, most of which are either overlooked or downplayed by the freeze opponents and the administration. The fact is that the United States has the advantage over the Soviets in the total number of warheads, in missile accuracy and reliability, in cruise missile technology, in the number of bombers and in the accuracy of bomber weapons, in the number of submarine-launched warheads and in submarine technology, and in strategic force readiness.

When these factors are taken into account, Mr. President, I find it hard to believe that the freeze opponents can continue to make the argument that our strategic forces are inferior.

Of course, the argument that is held in reserve by the freeze opponents is that 75 percent of our strategic nuclear warheads are missiles, submarines, and bombers that are more than 15 years old, while 75 percent of Soviet warheads are on launchers less than 5 years old. The conclusion is that a freeze on new weapons production and modernization, even if we are now at parity with the Soviets, would in a relatively short period of time threaten the credibility of our strategic deterrent.

The fact of the matter is that these figures represent a misleading attempt to portray U.S. strategic forces in the most unfavorable light when compared to Soviet forces. For example, the freeze opponents continue to compare the ages of submarines as op-

posed to the ages of missiles on those submarines—the latter comparison being one in which the United States enjoys a decided advantage. The comparison of Soviet and United States delivery systems, the missiles and bombers that actually deliver the warheads to the targets, reveals an entirely different, and nowhere near as lopsided set of figures. If one compares United States and Soviet delivery systems, one finds that only about 57 percent, not 75 percent, of Soviet warheads are on delivery systems less than 5 years of age, and 70 percent, not 25 percent, of U.S. nuclear forces are on delivery systems less than 15 years old.

The truth is that both sides possess about 6,500 strategic warheads on delivery systems less than 15 years old. In some cases, such as with the SS-18 missile, the Soviet systems are newer than their United States counterparts. Similarly, in some cases, such as the Trident I submarine-launched missile, the United States systems are newer than their Soviet counterparts. What must also not be overlooked is the fact that over the past decade the United States has improved and modernized each leg of its existing strategic triad force structure. For example, we improved the accuracy of our Minuteman missile force, modernized our B-52 force and hardened the aircraft against electromagnetic pulse, introduced the Trident and Poseidon submarine launched missile, and developed the cruise missile.

From my perspective, the comparisons that have been made by freeze opponents which show the United States at a disadvantage because of the age of our deterrent are not entirely accurate and do not present the whole picture. The bottom line is that the freeze would not freeze our nuclear forces into obsolescence.

There is one additional factor in the comparison of United States and Soviet strategic forces that, in conjunction with everything else, convinced this Senator that our forces were at least at an essential parity with Soviet forces, despite the pronouncements of the administration. That factor is that the Soviet Union has approximately 75 percent of its nuclear forces placed in land-based silos, the basing mode most vulnerable to destruction in time of war. On the other hand, we have chosen to base only 25 percent of our strategic nuclear forces on land, placing the balance of our forces in the air and under the sea. In fact, the majority of our missiles are based in submarines which are virtually invulnerable to a Soviet first strike, thus providing us with a dependable retaliatory force and a strong deterrent to Soviet risk taking.

In the final analysis, we now have a credible deterrent which is at parity with the Soviets. We have the capabil-

ity to absorb a first strike and retaliate against Soviet targets with massive destructive force. That will not change, Mr. President, under a nuclear freeze. What will change is that we would no longer have to deal with the deployment of new weapons such as the MX and equivalent Soviet weapons whose improved accuracy make them the most destabilizing and potentially dangerous aspect of the arms race. We would also avoid the pitfalls of past arms control agreements which have allowed interpretation of complex ceilings and formulas and the exploitation of loopholes.

Mr. President, the longer we wait to halt the arms race the greater the risk of nuclear war. The fact that the administration is at the present time negotiating an arms control accord should not prevent us from urging the President through the enactment of the freeze resolution to take this new and reasonable approach to the negotiating table. A mutual and verifiable freeze on nuclear arms development and deployment is simple, smart, and above all a meaningful alternative to the stalled negotiations in which we have placed our hopes to avoid nuclear war.

The nuclear freeze would also allow us to avoid the predicament that is very familiar in arms negotiating, and that is the possibility that the arms race will outrun arms control diplomacy because of the vast amount of time it takes to negotiate complex treaties such as SALT II and START. The strength of the freeze lies in its simplicity. It could be negotiated and signed in a relatively short period of time compared to past treaties, and once the freeze is in place, both sides can sit down and tackle the hard task of reducing existing arsenals. Importantly, this can be done under the freeze without the threat of weapons development breakthroughs and deployment of new weapons which push the strategic equation out of balance.

Mr. President, I urge my colleagues to take a good hard look at the nuclear freeze in the context of today's destabilized world. The threat of nuclear war is greater today than it has been in years, and with the arms race continuing there is little chance that this threat will be reduced. The time for the freeze is now and I would hope that the Senate will join the House of Representatives in taking this bold step away from nuclear war.

The PRESIDING OFFICER. All time has expired.

Mr. DOLE. Mr. President, under the arrangement we have consulted with the distinguished Senator from Louisiana, and I move to table the amendment and 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.

Mr. DOLE. The motion would be to table the underlying amendment. Either one would table the underlying amendment.

The PRESIDING OFFICER. The Senator has the right to table either one.

Mr. DOLE. The motion was to table the underlying amendment.

Mr. BYRD. Which amendment is the Senator moving to table?

Mr. DOLE. I am moving to table the underlying amendment, and I do not think it makes any difference since he agreed ahead of time, but I tabled the underlying amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the underlying amendment of the Senator from Massachusetts.

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 Minnesota (Mr. BOSCHWITZ) and the Senator from Nevada (Mr. LAXALT) are necessarily absent.

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

The results were announced—yeas 58, nays 40, as follows:

(Rollcall Vote No. 327 Leg.)

YEAS—58

Abdnor	Goldwater	Nunn
Armstrong	Gorton	Packwood
Baker	Grassley	Percy
Bentsen	Hatch	Pressler
Boren	Hawkins	Quayle
Chiles	Hecht	Roth
Cochran	Heflin	Rudman
Cohen	Heinz	Simpson
D'Amato	Helms	Stennis
Danforth	Humphrey	Stevens
DeConcini	Jepsen	Symms
Denton	Johnston	Thurmond
Dole	Kassebaum	Tower
Domenici	Kasten	Trible
Durenberger	Long	Wallop
East	Lugar	Warner
Evans	Mattingly	Wilson
Exon	McClure	Zorinsky
Ford	Murkowski	
Garn	Nickles	

NAYS—40

Andrews	Hart	Moynihan
Baucus	Hatfield	Pell
Biden	Hollings	Proxmire
Bingaman	Huddleston	Pryor
Bradley	Inouye	Randolph
Bumpers	Kennedy	Riegle
Burdick	Lautenberg	Sarbanes
Byrd	Leahy	Sasser
Chafee	Levin	Specter
Cranston	Mathias	Stafford
Dixon	Matsumaga	Tsongas
Dodd	Melcher	Weicker
Eagleton	Metzenbaum	
Glenn	Mitchell	

NOT VOTING—2

Boschwitz  
Laxalt

So the motion to lay on the table amendment No. 2476 was agreed to.

Mr. DOLE. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

AMENDMENT NO. 2478

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

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Maine (Mr. COHEN), for himself, Mr. NUNN, and Mr. PERCY, proposes an amendment numbered 2478.

Mr. COHEN. I ask unanimous consent that further reading be dispensed with.

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

The amendment is as follows:

At the appropriate place in the bill, add the following new language:

Since the greatest danger facing mankind is to prevent the occurrence of nuclear war by accident, miscalculation or design; and

Since an unrestricted arms race would threaten peace and security, divert resources needed for the betterment of mankind, and undermine the mutual confidence needed to attain agreement on a new arms reductions agreement, it is therefore the sense of the Congress that:

(1) an agreement in the Strategic Arms Reductions Talks (START) should, among other restrictions, provide for significant reductions to equal levels in the aggregate number of ICBM's and SLBM's and the aggregate number of warheads deployed on these systems, with comparable reductions in other types of strategic offensive weapons, in a manner which enhances stability and deterrence;

(2) Congress supports the mutual guaranteed build-down concept, which would, if accepted by the Soviet Union, immediately cap and then significantly reduce the number of United States and Soviet strategic warheads and their overall destructive capacity.

(3) The United States should continue to press, month after month, year after year, to achieve balanced, stabilizing arms reductions, looking at the earliest possible time to the elimination of all nuclear weapons from the world's arsenals.

Mr. COHEN. Mr. President, without losing my right to the floor, I ask unanimous consent that I may yield to the Senator from Michigan.

Mr. LEVIN. Mr. President, I wonder if the Senator from Kansas might give his attention for one moment on another matter that we might be able to dispose of in literally 30 seconds while he and the Senator from Maine and I are on the floor.

Mr. DOLE. Yes, Mr. President.

SOCIAL SECURITY DISABILITY

Mr. LEVIN. As the Senator knows, I, along with the Senator from Maine and others, have been working on an amendment relative to the social secu-

rity disability matter that so many in this body are interested in. We have a bill which has been printed which would provide for a number of reforms to make sure that some of the difficulties we have had with that disability program in recent months and years could be corrected. We have been working with the Senator from Kansas and others on a compromise proposal.

It is my understanding that the Senator from Kansas does not wish us to proceed to offer our amendment on this bill. However, it is also our understanding that the Senator is able to assure us that there will be another vehicle coming along within a week or so from the Committee on Finance to which we could make an effort to attach an amendment. If we can reach a compromise amendment, that will be fine. Even if we cannot reach a compromise amendment that vehicle would make itself available to us so we could offer an amendment at that time.

Mr. DOLE. Will the Senator from Maine yield so I may answer that question?

Mr. COHEN. Yes, Mr. President.

Mr. DOLE. The answer to the Senator from Michigan from the Senator from Kansas is yes. But we have a couple of vehicles—health care for the unemployed and we hope to have at least one other bill reported out of our committee. There is one bill on the committee calendar now which could be called up.

I would also say that I understand that, as recently as 2 hours ago, there is still solid progress being made in an effort to reconcile the differences.

Mr. LEVIN. I thank my friend from Kansas. Based on that assurance that it is his belief and intent that there will be such a vehicle, I think I can speak for the Senator from Maine and others and myself that we shall not be offering an amendment on this bill.

Mr. DOLE. I appreciate that, Mr. President.

AMENDMENT NO. 2478

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. Mr. President, on the amendment which I have sent to the desk, I ask unanimous consent that Senator NUNN and Senator PERCY be added as cosponsors, and Senator RUDMAN. I assume the list will grow a bit longer as the evening continues. I ask unanimous consent that Senator CHILES be added.

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

Mr. COHEN. I shall try to be very brief this evening. We have a number of other items to cover.

Mr. President, I ask unanimous consent that Senator GOLDWATER be added as a cosponsor.

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

The names of Senators EVANS, TRIBLE, PRESSLER, and SIMPSON were added as cosponsors.

Mr. COHEN. It was not my intent or wish to bring this matter up this evening, but in view of the fact that we did take a vote on the nuclear freeze resolution, there are a number of Members on both sides of the aisle who desire that we at least have a limited debate and perhaps a vote this evening on the so-called guaranteed build-down. Let me take a few moments to explain essentially what the build-down is designed to accomplish.

Senator NUNN, Senator PERCY, and I have worked on this since early last year. Back in January, I wrote a piece for the Washington Post. It then became an item for discussion with the President of the United States. Senator NUNN joined as an original cosponsor along with Senator PERCY. Ultimately, Senator Muskie wrote an endorsing piece for the Washington Post, which I alluded to in the prior debate. It indicated that this is the kind of initiative that those who support the nuclear freeze could support, the kind of initiative they thought was a constructive step in the effort to promote world peace.

Essentially, it would put a cap on existing nuclear warheads. We have tried to shift the focus away from launchers to counting warheads consistent with the recommendations in the Scowcroft Commission report. It is also trying to focus the need to move away from large MIRV'd systems over a period of time to smaller, mobile, single-warhead systems, something that has been advocated by ALBERT GORE, JR., over in the House of Representatives. That is an idea he has been talking about for several years now.

What we have tried to do is put the cap on the existing number of nuclear warheads, then impose a restriction on any modernization programs. What we have tried to indicate is that many people who support the freeze somehow inconsistently also support building the Trident submarine, because they realize it is a stabilizing, more survivable leg of the triad. We also have people supporting the nuclear freeze who support the B-1 bomber or the Stealth bomber. There are those who support the guaranteed build-down who do not support the MX or the B-1. What we are essentially trying to do is have a general statement that, recognizing the need to modernize, and there are legitimate differences on what that modernization form should take, there ought to be a penalty imposed. The penalty is designed to try to shape not only our future resources, but also the Soviet Union's, without mandating what they have to do.

Before I yield to the Senator from Colorado, let me say one of the essential problems that I have seen with this administration's approach to the arms control negotiations is that we, as past administrations, are trying to dictate what the Soviets force structure should look like. We were trying to mandate that they had to reduce dramatically their heavy ICBM's, their land-based forces. In my judgment, that would have led to no agreement whatever with the Soviet Union, because they are not going to simply give that up, especially under a mandate by the United States.

What Senator NUNN and Senator PERCY and I have tried to do is formulate a concept that will allow them to determine how their future forces are going to be shaped, under a restriction. The restriction is if they are going to build new systems, they have to do so under a penalty of reductions. We originally proposed a two-for-one reduction. Ultimately, we arrived at an agreement with the administration on two for one variable on the ICBM's, three for two on submarine-launched ballistic missiles, and even one for one on single warhead missiles.

But the object was to give some flexibility to the Soviets as well as to ourselves in the direction we ought to move and so the price of modernization with lower numbers, to drop the numbers down. I think it is quite clear that the lower the numbers one has, a premium is added to their survivability. The fewer systems, the more survivable they have to become. That essentially was the guiding force behind the build-down concept, one reason why I believe Senator Muskie endorsed the concept and why so many Members on both sides of the aisle have endorsed the concept.

So what we are trying to do is to encourage both sides to move in the future over a longer period of time to more stable survivable systems without dictating it, but setting up a mechanism which will shape the forces of the future in that direction. I believe that the proposal of a guaranteed build-down on a two-for-one basis on the ICBM's will result in a goal that we all share, that is, a lower level of numbers of weapons and hopefully—and I believe that the process will evolve in that direction—in smaller, more survivable systems, giving due flexibility to both sides.

Mr. HART. Will the Senator yield?

Mr. SARBANES. Will the Senator yield?

Mr. COHEN. Let me yield first to the Senator from Colorado and then to the Senator from Maryland.

Mr. HART. The Senator in making his statement raised two principal issues. First of all, he used the phrase "recognizing the need to modernize." I have the language of the amendment that has been offered, and I do not

find that in here anywhere. I know it was in a preamble, if I recall, to one of the earlier drafts of the so-called build-down. This amendment does not say anything about recognizing the need to modernize.

Mr. COHEN. If the Senator would like to have that in, I would be happy to have it.

Mr. HART. The Senator would not like to have it in. That is really what I think the struggle is about, between those who want to stop the nuclear arms race now and those who sort of see it inevitably going onward.

The second phrase was the one that the Senator used saying if we put a limit on the number of systems that can be built or require some to be destroyed, that will necessarily lead toward more stability.

That is not the case. This administration, as the Senator well knows, has taken the so-called build-down and linked it with one of the most destabilizing steps one could imagine and that is putting a heavy, land-based, first-strike heavily MIRVed ICBM in a fixed silo. Now, that is not by anybody's definition a move toward stability. So I think that is what concerns people about so-called build-down. Would the Senator as a principal sponsor sort of clarify that? Does this or does this not open the way for further destabilizing weapons systems such as the MX?

Mr. COHEN. The resolution itself is simply a statement of principle, that if you do modernize, if you do build a new system—by the way, it is my opinion that SALT II, which many people on the Senator's side of the aisle who fervently supported it recognize, was designed principally to accommodate the MX or some other new system that the Soviets are also developing. But aside from that you may disagree on the need for the MX. That does not in any way I think deter or detract from a commitment to reduce the level down on a formula such as I have proposed.

Mr. HART. If the Senator would yield further, does this amendment or does it not put the Senate on record as encouraging the development of any new nuclear weapons system?

Mr. COHEN. As far as I am concerned, I believe that modernization is important. I would not try to mislead the Senator from Colorado. I believe that it is important, for example, to develop a substitute for the B-52. I think it is going to be important to develop the Trident II, so I am basically in support of modernizing our strategic triad.

Mr. HART. The Senator did not understand my question. The question was, Does this amendment put the Senate on record as favoring development of any new nuclear weapons

system? It is not what the Senator himself means.

Mr. COHEN. As it is phrased, it does not.

Mr. HART. And so the amendment says if any new systems are built, two others have to be destroyed; is that correct?

Mr. COHEN. Essentially correct.

Mr. HART. And does this amendment in any way put the Senate on record as supporting the administration's current bargaining position?

Mr. COHEN. Specifically, we did not refer to the administration's bargaining position, but, frankly, because of the hour, because we are not fully debating either the freeze or the build-down, we tried to keep the principles quite simple. As it evolved with Senator NUNN and Senator PERCY and myself and others, as a matter of fact, the proposal supported by the administration was an enhancement, an improvement over what I originally wrote about last January because it has a guaranteed 5-percent reduction no matter what happens. That I think is a big improvement over what I had. I had linked the reduction to modernization, and I think that is important. We added another element and that is if neither side modernizes, you still have to come down 5 percent each year. So that, in my judgment, was an improvement. I did not put that in here so it would not become, frankly, a partisan issue.

Mr. HART. Let us leave aside whether the administration improved upon the original proposal or did not. Does this amendment in any way place the Senate on record as supporting or opposing the administration's current bargaining position?

Mr. COHEN. The amendment, I think, speaks for itself. It says:

Congress supports the mutual guaranteed build-down concept, which would, if accepted by the Soviet Union, immediately cap and then significantly reduce the number of United States and Soviet strategic warheads and their overall destructive capacity.

Mr. SARBANES. Will the Senator yield?

Mr. COHEN. It does not specifically refer to the administration's bargaining position or current negotiations.

Mr. HART. So the language of this amendment, with regard both to any new nuclear weapons systems, stabilizing or destabilizing, or any package of positions taken by the administration, is neutral?

Mr. COHEN. Yes.

Mr. HART. I thank the Senator.

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

Mr. SARBANES. Would the Senator explain how this build-down interrelates with the MX?

Mr. COHEN. It does not pertain directly in this resolution to the MX. I can tell the Senator from Maryland how Senator NUNN and I view the MX,

how the Scrowcroft Commission viewed the MX and how I think the administration is proceeding with it and why we tried to exact a price for our support of the MX. This resolution per se does not deal with MX or B-1 or anything else. It simply says as a matter of principle that we will try and put a cap and build down on both sides. That would hopefully enhance overall stability.

Mr. SARBANES. Has the administration accepted the guaranteed build-down concept?

Mr. COHEN. It has.

Mr. SARBANES. And they also, of course, support the MX?

Mr. COHEN. They do.

Mr. SARBANES. Assuming you move forward on both of those tracks, how would that interrelate?

Mr. COHEN. If the administration goes forward with the MX, and if this becomes a part of an agreement that is accepted by the Soviet Union, it would require the United States to take out two warheads for every one that it deploys on the MX. So if you had 100 MX's you would have to take out 2,000 warheads.

Mr. SARBANES. If you did that, would not that be about as destabilizing as virtually anything we can think of?

Mr. COHEN. Not if you are a military planner looking at the consequences, I do not think so. My judgment is that you will not see the deployment of 100 MX's and that is precisely why Senator NUNN, Senator PERCY, and myself put the restriction in it, because it exacts such a penalty, because it would require the taking out of the Minuteman force. For example, I do not believe there is any military planner that would try to end up with 100 MX's in fixed silos. I think that would be militarily unsound. I might say to my friend from Maryland that is exactly why the Defense Department was opposed to it. They did not want any restrictions on the modernization program. What we have tried to do is to say that the price of that modernization is going to be dramatic reductions and that reduction factor is going to shape the future deployment of whatever we build, in my judgment.

Mr. HART. Would the Senator yield for a question?

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

Mr. HART. Is this amendment contrary or in direct conflict with the freeze?

Mr. COHEN. I do not believe so. I think that they are mutually compatible, as Senator Muskie believes they are compatible. It is a compromise certainly that we have tried to achieve, but those who are knowledgeable in the field of arms control and consider themselves to be experts do see the compatibility of trying to put a limit

on where we are now and yet find a vehicle which is realistic which is going to produce reductions.

There is no guarantee, and I know that others will say they could build a much bigger missile. But if you look at the consequences of what happens when you are under a 2-for-1 reduction, if you will look at the consequences of a 3-for-2 reduction in submarines, and 1-for-1 on single warheads, the whole purpose is for us not to dictate to the Soviet Union. They have demonstrated over the years that they are not going to have us dictate to them.

So we say, "We realize you have spent billions of rubles in investing in your current systems and you are not about to tear them down overnight. All we are trying to do is provide a mechanism to allow you in the future to realize that if you should build newer systems, they will have to be built under a penalty, and penalty means reductions."

Reductions, in and of themselves, will put a premium on smaller, more survivable systems, in my judgment.

There is no guarantee in any of this, but I believe it presents a credible mechanism for greater stability in our nuclear weapons. We hope it will continue. We are trying to get down to 5,000 warheads.

Mr. SARBANES. Why is it not an invitation to shift your whole basic premise to either first strike or launch on warning?

The Senator was a supporter of the MX, as I recall. If you accept that as a track along which you are moving and combine that with your build down, then as you added the MX's to the arsenal, requiring the taking out of that 2-to-1 ratio or a significant number of either single warhead or three-warhead missiles, we would, in effect, be narrowing down the separate sources of power that we had on the land-based missile.

The Senator says, therefore, we would not do it—in effect, this is a back door way to do in the MX, if I understand that argument. That might not be a bad approach for someone who is opposed to the MX, but I do not quite follow it for someone who supports the MX.

It seems to me that if you proceed down that path, what you have to combine with that is a shift in your basic premises, so that as you add this modernized system—and I have serious doubts about continuing that whole escalation of the race—but as you add this modernized system, since you are changing the stability, you will shift the doctrine to the use of that modernized system either on a first-strike basis or certainly on a launch-on-warning basis.

Mr. COHEN. First, I say that this is not a back door approach to support

of the MX, since I support it through the front door.

Mr. SARBANES. I did not say it was a back door approach to supporting it. I said it was a back door approach on doing it.

Mr. COHEN. Second, I point out that those who have supported the freeze resolution have tried to come through the back door by approaching me during the course of the markup on the authorization bill and saying, "Don't touch our Trident and don't touch the B-1." So they have had it both ways. They can be up front for the freeze and through the back door say they are for the system. I do not want to get into that debate now.

Second, I think the Soviets have every reason in the future to move toward smaller, less vulnerable systems than they have. In my talks with certain representatives, they intend to move in that direction. Our intelligence says they will move in that direction because they realize the fixed systems will be vulnerable in the future. Their answer will not be, in my judgment, to simply reduce the number of launchers and then move to launch on warning.

Mr. SARBANES. I have listened to the Senator carefully, and I still do not think I have an answer to my question.

I was not asking what the Soviets are doing. I was asking about our basic premise.

If the Senator is in favor of going to the MX, let us assume 10 warheads a missile, and every time we add 1, the Senator is going to take out 20 warheads, either 20 single-warhead missiles or some combination of that with the 3-warhead missile, so that we will have narrowed down the number of missiles we have while we add the MX's.

Mr. COHEN. If we add 100 MX's, that will be true.

Mr. SARBANES. The Senator is in favor of doing that.

Mr. COHEN. No. The Senator voted for the authorization of 21.

Let me tell you that if it were only a question of MX per se, without any other consideration, I would not support it. There are other factors, other than solely the military arguments for MX.

Mr. SARBANES. Does the Senator think that is the administration's position on the MX?

Mr. COHEN. I do not know what the administration position is. Let me tell what my own is.

Mr. SARBANES. It is important to establish this relationship between proceeding down the MX track and proceeding down the build-down track, both of which are concepts the administration has accepted.

I understand the Senator's personal position. In effect, it would be to say that you are willing not to move on

the MX and you recognize this apparent—almost—contradiction between the two concepts. But as I understand it, that is not the administration's position.

If the administration is prepared to move down the MX path—let us assume of 100 MX's—and at the same time is prepared to move down the build-down path, my perception of that is that you are moving not into a more stable but into a more unstable situation. The only way I can see that the administration can embrace both of those concepts is if, with respect to the use of the MX, it is prepared to go either to a first-strike premise or at least a launch-on-warning premise.

Mr. COHEN. Let me add one factor we have not discussed. Part of our negotiations with the administration was that we also insisted on a reformulation of START to reflect what Scowcroft is recommending.

No. 2, we insisted upon a vigorous commitment to the Midgetman missile. That is specifically part of the agreement we reached with the administration, because those of us who were lending support to the MX, provided we had build down, intend to push more vigorously on the Midgetman; and we believe that if we emphasize that, you will not see 100 MX's.

Personally, I would not prefer to see 100 MX's. I do not think that if you had a build-down, you would ever see 100 MX's, simply by virtue of the military consequences of taking 2,000 warheads out of the ICBM force.

Mr. SARBANES. If that is the case, why does the administration embrace both concepts?

Mr. COHEN. I think the administration embraced the concept principally because those of us in the Senate insisted that that was how we were going to formulate it. It was going to be a quid pro quo that we would not and could not support the 21 MX's unless we had a build-down concept approved or supported by the President. I reiterate that this came over considerable opposition from the Defense Department.

Mr. SARBANES. I understand that.

What I am really saying to the Senator is that I accept his bona fides, because the Senator, as I understand it, would depart, in effect, from the MX path if he could work out the rest of the arms pattern in the direction he wants to go. Is that correct?

But that is not my understanding of the position of the administration. It seems to me that, in effect, what they are doing is taking these concepts and either they are simply using their acceptance of them in order to move them on the immediate front where they face the problem—that is, the MX—in moving it forward; or, if they are planning to carry them both through, then they are planning a very fundamental shift in the nuclear

strategic doctrine, in the direction of either a first-strike premise or, at a minimum, a launch-on-warning premise.

Mr. COHEN. If we were to go down the road of simply relying on MX and not move toward the smaller Midgetman missile and not move toward the diversification we have in our system but simply rely upon that, I would tend to agree with the Senator. I do not think that is the case.

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

Mr. COHEN. I yield.

Mr. SARBANES. It is not only simply suggesting that if we do these other things, but we can still do the MX and not confront the problem. If we go down the MX path, as the administration proposes, we will be confronted with this problem of major proportions, will we not, with respect to the stability consideration?

Mr. COHEN. That is exactly the reason why we have confined our support to 21 MX missiles because we hope during the interim period of time to lend even more support for the Midgetman process. We hope during this time that the Soviets will not reject as they have out of hand any build-down principle, and I believe that after the December deadline in NATO we will see a return to the basic concepts here because let me just tell the Senate for the first time what happened. For the first time in the history of arms control negotiations we said to the Soviets, "We are not going to dictate to you anymore. We are not going to tell you what your force structure is going to look like."

For the first time in the history of arms control negotiations the President said "Everything is on the table." We have never included bombers on the table in the past. The President, it seems to me, has gone the extra mile and said, "OK, everything is on the table. Your concern is about our bombers. We are concerned about your throw-weight capability. We will see if we cannot work out some agreement on those two accounts."

So I think that we have every indication from the President that he is willing to move in a different direction provided we have some reciprocity on the other side.

Mr. SARBANES. Let us just question that. If the Senator could have done it his way, would he not have gone to the Midgetman and build-down combined?

Mr. COHEN. I probably would have, with one possible exception, given the timing of the event. It is my judgment that we cannot debate or vote upon MX in isolation of what is taking place in Europe. My own personal belief is if we had canceled MX, it would have been very difficult for the Europeans to go forward with the Pershing II. I

think that is a concern which should not be dismissed. It is a valid concern and one which the Scowcroft Commission, consisting of members like Harold Brown, Bill Perry, and others, took into account.

If I had my druthers, if you asked me if I prefer to have the Midgetman—

Mr. SARBANES. But the scenario is not either the Scowcroft or the Senator from Maine, at least the one I am worried about. The scenario I am worried about is the administration. My perception there is that the administration accepted these two concepts in large part to get the MX. Having gotten the MX they intend to press that forward, and if that is the case, that they are going to press that forward and combine it with a build-down, which for the moment they have also embraced, that is going to lead us into a more destabilizing situation rather than a stabilizing situation.

Mr. NUNN. Mr. President, will the Senator yield a moment?

Mr. SARBANES. I yield.

Mr. NUNN. Mr. President, the Senator is making a good point in terms of his point on the MX missile. The Senator is not making the point regarding the build-down. The build-down does not do anything to make the situation worse. The build-down does not do anything to make the launch or warning or launch or attack more likely. In fact, it is just the reverse.

So the Senator is making a case which many of us have been concerned about on the MX missile for a long time, but the Senator is not making a case against the build-down. The build-down does not prevent the MX from being built.

The Senator from Maryland is correct in that respect. It does permit modernization. But the build-down gives it a disincentive to the American side in terms of multiple warhead systems. So the build-down, to the extent the Senator has made a case, benefits the MX; the build-down does not solve that problem, but it certainly begins to move the incentive in the direction that would give less incentive to the full deployment of the MX.

So I would simply submit that the Senator has not said anything in all of his case that in any way mitigates against the build-down but rather is argument against the MX which we are not really debating here.

Mr. SARBANES. Mr. President, if the Senator will yield on that point, only if we are advancing the proposition that by incorporating the build-down we are going to preclude or arrest the development of the MX, but if it is intended to press forward with the MX, which in and of itself I think is destabilizing, but coupled with the build-down proposal would be far more destabilizing because every time we

are going to add an MX we are going to have to take out 20 other warheads, so we are diminishing our capacity to absorb an attack and then come back and, therefore, have that retaliatory capacity and stability which we have always thought to achieve by maintaining such a retaliatory capacity.

Mr. NUNN. Mr. President, the Senator has a leap of logic here. Logic is we are going to agree with the Soviets and both are going to have a build-down, going to have a mutual and verifiable build-down under the new concept. Then it seems to be both countries, including our own, are going to shift away from the MX-type missile very rapidly. The Senator's leap in logic is we are going to have the build-down and then the Reagan administration or a successor administration is going to move full barrel to complete the whole 100 MX's or even more.

I think the Senator's logic is faulty because, in my view, if we do get a build-down arms control agreement it makes the MX missile full deployment much less likely.

Mr. SARBANES. That is a perfectly rational position, as the Senator stated it, but that is not the administration's position. The administration has not said that and has not taken that position.

Mr. NUNN. I do not think the administration will take that position as long as they are at the bargaining table. I would not want to base my assumption on tonight's debate on the argument that the administration will be that faulty in their judgment if they ever did reach a build-down agreement with the Soviets. I do not believe that assumption is necessarily valid.

I would hope the administration would listen to people like Scowcroft, would listen to people like Bill Perry and Harold Brown, and many others, including the Senator from Maine and many in this body, if they reach that kind of agreement with the Soviet Union, but the Senator assumes that they are not only going to reach an agreement with the Soviets but then we are going to be so foolish to build the very kind of systems that that agreement mitigates against. I do not go with that.

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

Mr. NUNN. Mr. President, I do not have the floor.

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

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

The PRESIDING OFFICER. The Senator from Maine yields to the Senator from Oregon.

Mr. HATFIELD. Mr. President, I am not going to engage in the pros and cons of the build-down or the MX missile, but I would like to correct the record on the statements that have

been made implying that if you support the freeze, you can support build-down.

These are fundamentally contradictory proposals. The freeze is an up front, very clear statement as to what it intends to accomplish. It would be totally misrepresentative to say that this could be supported at the same time that one supports the freeze.

Let me explain why: First of all, this proposal excludes the critical factor of missile accuracy. I want to remind the Senate that when you double the accuracy of a missile, you increase the destructive capacity of that weapon against its target by a factor of eight. So you have an escalation of accuracy. The freeze prohibits testing, which is essential for impressing, accuracy and therefore, the confidence so essential to contemplate a first strike. We would freeze all of those factors which contribute to the so-called lethal character of these weapons.

No. 2, this proposal excludes cost savings, I wish to remind the Senate again that we are going to spend \$65 billion this year preparing for nuclear war and \$450 billion over the next 6 years.

The freeze has tremendous cost savings which this amendment does not. This amendment continues to escalate expenditures.

Third, I think it should be remembered that this amendment excludes tactical and theater weapons. The freeze is comprehensive.

So again there is a contradiction between those who want to support a freeze and those who want to support this escalation. This does not stop the arms race. This escalates the arms race. The fact is that modernization is escalation. Therefore, a mutually agreed to, verifiable, freeze will essentially stop the arms race. Under "build-down" the arms race continues. This is a general's dream. You can have every new modern strategic weapon you want. To oversimplify it, but to make it more graphic, as I have stated before, all you are doing is trading two old Volkswagens for a new Rolls Royce or a Ferrari in and that certainly is not arms control. All you are doing is managing the arms race more effectively upward.

So I just want to disabuse anyone of the action that they can in good conscience support the freeze and turn right around and vote for this. They are mutually contradictory, mutually exclusive.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. DOLE. Mr. President, it is now 9:30 p.m. I am going to move to table this amendment as I moved to table the last amendment in fairness to the sponsors of each.

Again this amendment has no relevance to the debt limit. We have already triggered the—

Mr. NUNN. Mr. President, will the Senator withhold the motion to table for one moment?

Mr. PERCY. Mr. President, will the Senator withhold it for several minutes?

Mr. DOLE. No. I will not withhold it several moments. I have been in this Chamber for 4 days trying to pass the debt ceiling. I want to get the debt ceiling passed.

If you want to put this on the next appropriations bill or the authorization for the State Department, we will debate it there. It has no relevance to this bill. Four days is enough.

Mr. NUNN addressed the Chair.

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

Mr. DOLE. Mr. President, I ask unanimous consent, without losing my right to the floor, that I might yield to the Senator from Georgia for 1 minute.

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

Mr. NUNN. Mr. President, I had a much longer statement, but I think most people know how they are going to vote tonight. I think 1 minute will do it.

I just want to say, in response to the logic of the Senator from Oregon about the incompatibility here, there are many people who voted against the motion to table the Kennedy amendment who were not wholeheartedly, 100 percent for the freeze but wanted the freeze to come up, wanted it to be debated, and wanted to have a chance to amend it. So I submit it is perfectly logical for people who are in that category—and I do not know whether there are 5 or 10 or 15, but I know there are some—it is perfectly logical for them to have voted against the motion to table—and the Senator from Georgia voted for the motion to table—voted against that, but did so on the basis that they wanted to amend it and they wanted the Senate to work its will.

Now, it would be perfectly logical for those people to vote for the build-down or against the motion to table. I think that is important because I think there are a number of people in that category.

Mr. KENNEDY. Mr. President, will the Senator from Kansas yield without losing his right to the floor?

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

Mr. DOLE. Mr. President, I yield 2 minutes to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, it would be a serious mistake for the Senate to adopt this amendment. Build-down puts a fig leaf of arms control over the actual deployment of MX

and other newer, more accurate, more powerful weapons systems. Build-down is mis-named—it is not just build-down; it is also buildup.

At first glance, build-down appears to be a reasonable proposal whereby each superpower would, for example, reduce two nuclear warheads for every one new nuclear warhead they deployed. After close examination, however, it is clear that it addresses only the quantitative aspect of the arms race. In contrast to the freeze, it does little to stop qualitative improvements.

Build-down would permit the deployment of the MX and Trident II missiles, as well as destabilizing Soviet systems. While it may lead to some reductions, these reductions will not mean stability, since the arms race in first-strike weaponry will continue unabated. Until we confront the qualitative arms race head on, arms control will fail to keep both the United States and the Soviet Union from developing more accurate, more powerful nuclear weapons that increase the risk of nuclear war.

Second, the build-down proposal is little more than the Reagan administration's "bargaining chip" in securing congressional support for the MX. But if we deploy all 100 MX missiles with 1,000 warheads, under a 2-for-1 exchange ratio, we would be required to retire 2,000 warheads on 600 or 700 missiles. Reducing this number of ICBM warheads would make the U.S. ICBM force more vulnerable than it is today. Instead of several hundred targets to shoot at, they would have only 100.

Build-down proponents argue that their proposal will discourage the deployment of the MX for the above reasons. But the administration has embraced build-down, while showing no intention of canceling MX. If build-down is intended as a plan to facilitate reductions in MIRV'd large, land-based missile systems, then congressional insistence on the proposal as a trade off for support of the MX missile is contradictory. To those Members of the Senate that have conditioned their support of MX on build-down, the bottom line is: If you believe in strategic stability, you cannot have both the MX and build-down.

And I say to my colleagues—if we are serious about uniting the Congress and the American people behind one nuclear arms control proposal, we should support the nuclear freeze, and reject the build-down proposal. A mutual and verifiable nuclear weapons freeze is the only arms control proposal that offers the prospect of halting both the quantitative and qualitative arms race and of achieving meaningful reductions in the nuclear arsenals of the two superpowers.

A build-down as a formula for reductions following a freeze would make some sense. But standing on its own, it

is nothing more than a nuclear Trojan horse for Ronald Reagan's arms build-up.

Mr. President, I ask unanimous consent that excerpts from the Foreign Relations Committee report opposing build-down may be printed in the RECORD.

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

EXCERPTS FROM REPORT OF COMMITTEE ON FOREIGN RELATIONS, REPORT NO. 9B-277 (OCTOBER 24, 1983) PP. 5-7

The build-down failed to win the support of a majority of Committee Members. It was clear that several major concerns underlaid that decision:

First, the build-down concept, if put into practice, appears to be simply too open to continued nuclear weapons development, testing, production and deployment. Rather than stopping massive nuclear arms programs, it could well encourage them. By institutionalizing a system of nuclear weapons modernization, build-down could help guarantee a qualitative arms race well into the next century.

Clearly, modernization by one side would be watched closely by the other. If build-down encouraged widescale revamping of strategic forces, the potential for an arms race would increase. Since build-down would allow the deployment of more accurate, more powerful and more sophisticated weapons, both sides might fear being left behind. It is legitimate to question whether build-down might indeed encourage, rather than discourage, spending on strategic arms, with the prospects that the side spending the most might achieve some strategic advantage.

Second, build-down could force changes in our strategic arsenal detrimental to our national security.

Such an outcome would be possible if a reduction formula were adopted and applied which forced cuts in stabilizing systems as a price for new deployment. For example, as build-down has been presented, it is envisaged that two ballistic missile warheads would be retired for each new warhead on a MIRVed ICBM. This would mean that the deployment of 100 MX missiles with 1,000 warheads would require the retirement of 2,000 ballistic missile warheads. That is close to the 2,145 warheads on our existing ICBM force. Thus, it would appear that both land-based and submarine-based warheads would have to be retired to save a significant part of the existing ICBM force. Congress would have to weigh carefully, under such circumstances, whether the price of cutting into our stable deterrent force in order to have MX was outrageously high. A choice to reduce MX deployment could mitigate the problem, but raise the question whether very low levels of MX deployments made any strategic or financial sense. A question whether to deploy MX at all would have to be raised anew if build-down were implemented.

Third, build-down appears to be based on the assumption that strategic planners will exercise the right options to move the sides to more survivable systems, thus stabilizing the arms race. Unfortunately, there is nothing in build-down to guarantee that force changes would be in the direction of stability. As we have seen with MX, newer weapons systems are not necessarily more stable than the systems they replace. The MX and

the Soviet SS-24 show that the choices are not always toward greater stability. It is important to understand that under build-down, destabilizing choices can still be made. The only difference is that, in some cases, a price would be exacted, but no prohibition would be imposed.

We do not question the sincerity of many build-down supporters in their desire for stability. However, most strategic analysts would agree that reductions do not necessarily promote stability if the resulting mix of weapons undermines strategic deterrence. It is quite possible to envisage forces with 5,000 ballistic missile warheads per side—including new more powerful and more accurate warheads—which would be less stable than the present total of about 7,500 per side. If build-down were not all-encompassing, it is possible to foresee increases in one type of system, such as cruise missiles, which would leave the two sides with more warheads than at present despite reductions. The outcome would depend largely upon the decisions made by the two superpowers, either by choice or because of obligations under agreement.

Fourth, build-down does nothing to meet the desires of those who would halt the arms race and reduce our arsenals in order to lessen the threat of nuclear war. A number of Members of the Committee support the approach embodied in the nuclear freeze and reductions resolution, S.J. Res. 2. The freeze would stop the arms race and serve as a prelude to genuine reductions, which would be pursued assiduously. Thus, the freeze would deal effectively with the problems posed by both the quantitative and the qualitative arms race. Build-down would do nothing to stop the qualitative arms race and it would only deal with the quantitative arms race in a convoluted and uncertain fashion.

Finally, the question of build-down's negotiability must be raised. There has been scant progress to date in START. We should be very wary of any approach which might reduce, rather than enhance, prospects for a solid, productive agreement.

Having made these points, it should be understood that many of us believe that build-down might be of value in charting a course for reductions, once the arms race is halted. At that point, build-down or other formulas might be helpful in achieving agreement, so long as any formulation assured that only the modernization necessary to ensure stability is permitted. In such a fashion, both the freeze and build-down might strengthen our security, so long as build-down was not a substitute for an effective way to stop the arms race and reduce nuclear arsenals.

Mr. KENNEDY. Mr. President, finally, I want to indicate that, if the Senate does not table this amendment, and I doubt that we will, I have an amendment in the second degree that reads this way: "The Senate opposes the plan of the Reagan administration for the deployment of the MX missile." Having listened to the debate of the Senator from Maryland and the Senator from Maine, it seems that this would clarify and improve the amendment itself.

Let us get on with the debate if this build-down amendment is not withdrawn. The vote on the motion to table is meaningless, because almost all of us who favor the freeze and who strongly oppose build-down will vote

against the motion to table, because we want to have the chance to amend build-down.

So if it is not tabled, we will have a chance to have a debate on the MX missile this evening and then perhaps the B-1 bomber after that. So it is, I guess, Halloween and it is trick or treat time. I wish it was not at 9:30, as the Senator from Kansas has said.

Mr. DOLE. Mr. President, I must say that the Senator from Massachusetts triggered a lot of this trick or treat. I do not want to accept any sympathy from him.

Does the Senator from Illinois wish a minute?

Mr. PERCY. I would like 2 minutes.

Mr. DOLE. Two minutes is plenty. [Laughter.]

I yield to the Senator from Illinois.

The PRESIDING OFFICER. Without objection.

Mr. PERCY. Mr. President, first, I would like to say that I do understand completely why the Senator is offering to table. I think it is only fair to Senator KENNEDY and the Senator from Oregon that we do have the same apply.

But I would like 1 minute to reply to the Senator from Oregon, Senator HATFIELD, who said that he cannot see why you could support both.

I think we have a distinguished list of people who have supported both, including Senators HART, BIDEN, MOYNIHAN, and BYRD; and former Secretary of State Muskie wrote eloquently on both and supported both. Former Arms Control Director Paul Warnke has praised the new build-down proposal as "the most promising development up to this point." I think those are impressive arguments.

The build-down proposal outlined by the President on October 4, coupled with the other changes in the U.S. START position, warrant the strong, bipartisan support of all Americans. This new U.S. initiative represents a historic occasion: the first time that a major arms control proposal has ever been worked out jointly by the executive and legislative branches. The Soviets can have no doubt that this proposal will be ratified by the Congress if the Soviets accept it. The President has shown that he is willing to go the extra mile in insuring that our negotiating position is fair and flexible. In START, as in the negotiations on intermediate-range nuclear forces (INF), the President has opened the door for a mutually acceptable agreement. It is now up to the Soviets to walk through that door.

The effect of the new build-down proposal, if accepted by the Soviets, would be to place an immediate cap on each side's missile warheads and bombers and on the overall destructive capacity of these systems. The build-down does not require new systems to be deployed, nor does it depend on

new systems being fielded to trigger significant reductions. As the President announced, even if no deployments take place, each side must at a minimum reduce their strategic weapons by 5 percent per year. In those cases where either side does elect to deploy new strategic weapons, it must dismantle existing weapons at about a 2-to-1 ratio. The immediate objective is to achieve a one-third reduction both in current levels of weaponry and in their overall destructive capacity.

Some observers have expressed concern that under the build-down each side could add powerful and more deadly new weapons while only having to take out obsolete and less effective weapons. This is simply not the case. First, the build-down in its final form includes a restriction on overall destructive capacity. By the terms of the build-down itself, neither side can increase the destructive capacity—that is, deadliness—of its strategic forces. To illustrate, for each new unit of nuclear destructiveness added, two units of existing nuclear destructiveness would be taken out.

The variable ratios contained in the final build-down proposal also establish definitive disincentives to going forward with the most destructive and deadly kinds of weapons, such as multiple-warhead ICBM's. For example, two warheads would have to be removed for every new warhead deployed on multiple warhead ICBM's, but only one warhead would have to be taken out if a single-warhead ICBM is deployed. The build-down plan thus offers strategic planners a choice: if they insist on a large-scale deployment of multiple-warhead ICBM's, they will have to dismantle far more warheads than if they turn to more stabilizing systems, such as bombers, single-warhead ICBM's, or sea-launched ballistic missiles.

I believe that the build-down proposal—which was first conceived by Senator COHEN, and introduced jointly by Senators COHEN and NUNN, and I was pleased to subsequently join them—should be welcomed both by those who have advocated the nuclear freeze and those who have supported the President's arms control and defense policies. Rather than simply freezing each side in the current, unstable nuclear balance, the new build-down would cap and immediately force reductions in the number of nuclear weapons and their overall destructiveness and do so in a manner that promotes a more stable, and thereby safer, nuclear balance. At the same time, it does permit certain new deployments that are needed to promote stability or preserve deterrence.

The build-down has been supported by many who also back the freeze, including Senators HART, BIDEN, MOYNIHAN, and BYRD; and former Secretary

of State Muskie. Former Arms Control Director Paul Warnke has praised the new build-down proposal as "the most promising development up to this point." It is also supported by such respected military leaders as the former Chairman of the Joint Chiefs of Staff, General David Jones, and has been strongly endorsed by the Commission led by General Scowcroft, which included six former Secretaries of Defense and State. From my meetings with the President last week, I know that he stands four-square behind the new proposal.

Our best chance of concluding an arms control agreement with the Soviets lies in our coming together as a Nation behind the new proposal. The proposal is not Reagan's proposal. It is not a Republican or a Democratic proposal. It is now a U.S. proposal of which we can all be proud.

Mr. DOLE. Mr. President, I do not want to shut anyone off. That was not the purpose of this. I want to encourage them to let me manage the debt limit bill. I cannot manage everything else. Apparently we have not done a very good job of managing the bill.

We are going to have an amendment in a few minutes that says any future debt limit amendments that are not germane will not be in order. I think we have certainly demonstrated and made the case for that amendment, if nothing else, in this debate.

So I hope, at the appropriate time, to offer that amendment with very little discussion.

I am happy to yield 1 minute to the Senator from Colorado without losing my right to the floor.

Mr. HART. Mr. President, we are at a critical juncture in the arms race which may decide the future, or the end, of our civilization. Both the United States and the Soviet Union are on the verge of deploying a whole new generation of weapons that threaten to undermine the stability of deterrence and bring us one step closer to the brink of nuclear holocaust. Indeed, The Soviet Union has already deployed a potential first-strike weapon in the SS-18, and the United States plans to respond by deploying the similarly capable MX missile. These are but the first of the new generation of MIRV'd highly accurate missiles that threaten the survivability of each side's deterrent forces and hence the stability of deterrence. In order to prevent this dangerously destabilizing escalation of the arms race, I have cosponsored the amendment offered by Senators KENNEDY and HARTFIELD, which proposes a mutual and verifiable freeze on the development, production, and deployment of nuclear weapons.

Seldom, if ever, has there been so much public attention to, and apprehension about, the possibility of nuclear war. The movement in this country

to freeze the testing, production, and deployment of nuclear weapons has become the principle vehicle for the expression of those concerns. The message of the American people is clear: It is time to negotiate.

We must pursue simple and straightforward arms control objectives. The achievement of these objectives must reduce in a real way the likelihood of nuclear war between the superpowers and among other nations.

To advance these goals, we must begin with passage of the mutual and verifiable freeze. I ask the Senate to address the clear rationale for a freeze: It is the primary and best step we can take in halting the nuclear arms race. The House of Representatives agreed with this rationale. An ever increasing grassroots movement in America also agrees with this fundamental premise. The question before the Senate is—Why not end the nuclear arms race?

Mr. President, the House saw fit to deal with, and pass, this crucial legislation. The American people, in ever increasing numbers, have called for action on this measure. It is time the Senate heeds their call—I only hope that it truly listens and passes this vital first step in halting the arms race.

But a mutual and verifiable freeze, is only the first step in the long and arduous path that leads to nuclear stability and the prevention of nuclear war. A freeze would not address the problem of already-existing first-strike weapons, nor would it address the critical problem of crisis control—a problem tragically highlighted by the lack of communication and the failure to prevent the unconscionable Soviet attack on KAL flight 007. Perhaps most importantly for future prevention of nuclear war, the freeze does not address the problem of nuclear proliferation.

For all of these reasons, I have also put forward my own arms control proposal, strategic talks on prevention (STOP), which incorporates the freeze and then goes beyond it to address the pressing issues that the freeze does not cover. STOP would focus talks on one simple, critical goal: The prevention of nuclear war. Since the prevention of nuclear war is not a simple function of either the numbers or the kinds of weapons deployed STOP would entail talks on several means of reducing the risk of nuclear war. STOP would involve negotiations to:

Reduce the danger of nuclear war through accident or miscalculation;

Reduce the vulnerability of both sides' nuclear retaliatory forces to nuclear attack;

Create crisis control management systems to prevent use of nuclear weapons in crisis situation;

Freeze plutonium production and safeguard against nuclear proliferation;

Achieve sizable, mutual, and verifiable reductions in the number of strategic warheads and their delivery vehicles, with special attention to fast, accurate, and highly MIRV'd systems that could be used in a first-strike.

While endorsing the need for a mutually verifiable freeze and reductions, I am also convinced we must do much more. Even with reduced numbers, there are no guarantees that nuclear weapons still will not be used. Therefore, we must rethink, fundamentally, our approach to nuclear arms control. We must refocus our efforts to reduce the extraordinary dangers of nuclear war. This is the intent of my STOP resolution. It moves significantly beyond the question of force levels addressed in the freeze resolution and directs our attention to even more fundamental problems of prevention and capabilities. Without such a comprehensive approach, the dangers of nuclear war will still grow rather than diminish.

Mr. President, the single most important argument in favor of a mutual and verifiable freeze is that it allows us an opportunity to rectify a tragic mistake we made a decade ago when we had the chance to negotiate limits to MIRV'd missiles under SALT I. There were those who argued against such a move then, saying that we needed MIRV's as a bargaining chip; saying that MIRV's provided the United States with what they saw as a desirable hard target capability; saying even that the U.S. lead in MIRV technology would allow the United States to get ahead in the arms race, as if getting ahead had any coherent meaning in this age of nuclear overkill. Now many who raised these arguments in favor of MIRV'ing a decade ago, including even Henry Kissinger, have recanted, expressing their regret that the failure to limit MIRV'ing has led to a world in which both the United States and the U.S.S.R. have acquired a dangerous hard target capacity in MIRV'd missiles; a world in which the weapons and strategies of first strikes have proliferated and the fallacies of survivable, limited, and winnable nuclear war have revived—a world one step closer to nuclear holocaust.

The nuclear freeze is the first essential step away from this nuclear abyss. And yet even as we contemplate a nuclear freeze, we are challenged by the same arguments that were raised a decade ago on behalf of MIRV'ing, arguments that threaten to inaugurate a new and even more destabilizing phase of the arms race.

Nowhere are these arguments raised more vocally than in the debate over the MX missile. The MX, we are told,

can be used as a bargaining chip in arms control negotiations. The MX, it is said, will give the United States what is touted as a desirable and even necessary hard target capability. The MX, it is hinted, will give the United States an edge in the arms race since it will allow the United States to put a high percentage of Soviet nuclear forces at risk. The MX, it is argued, will, by some convoluted logic, be survivable in the very Minuteman silos that MX proponents have been criticizing for years as vulnerable to Soviet attack.

Ten years ago, the United States made the mistake of heeding such arguments and failing to adequately limit MIRV's. We cannot afford to make the same mistake again today, for the stakes are higher and an even more destabilizing phase of the arms race is at issue today. And as the risks have increased, so too the arguments against arms control have grown even weaker than they were a decade ago. In particular, the arguments raised on behalf of the MX are gravely misguided.

First, the basing mode finally selected for the MX makes no sense. It is the worst of all worlds—the most attractive target we could present to Soviet missiles in the most vulnerable location we could devise.

Virtually every expert group, including the Scowcroft Commission, has come away with one common message—heavily MIRV'd missiles in existing silos are vulnerable, threatening and inviting targets. One hundred missiles can be easily targeted and overwhelmed by the Soviets.

Second, if our Nation is serious about building a small mobile single-warhead missile to combine modernization, increased stability, and arms control in a single consensus package, then we should move on it now, not push it off until after the MX. By pursuing two missiles at once, bureaucratic pressures, diminishing funds, and the desire for bigger rather than better will keep the smaller missile always a step out of reach in the future.

Third, the MX represents an enormous diversion of defense resources from either a smaller new mobile missile or from improving our conventional forces. Already we are beginning to see the effects on defense spending as the President's unprecedented budget deficits bring closer and closer the day of reckoning for every segment of our society, including national defense.

Each MX we build will mean less emphasis on truly survivable alternatives to today's vulnerable land-based missiles. Each MX we build will mean fewer ships, fewer tanks, fewer fighters and less readiness to face the threats before us around the globe, so that the first rifle shot could mean we would be forced to escalate to nuclear

war simply because we are unable to meet aggression with appropriate power.

Fourth, the MX is no bargain for arms control. Secretary of Defense Caspar Weinberger said as much when he stated that President Reagan's letter to Congress on the MX and arms control commits him to nothing basically new. The Reagan administration has repeatedly said that the MX will not be bargained away in negotiations. I fail to see how a vulnerable missile—that could easily be targeted by the Soviets, that will not be bargained away—can be a bargaining chip. The President has turned logic on its head.

Additionally, the record of this administration gives me no confidence that the arms control part of the MX bargain will be kept. This administration has refused to seek ratification of the SALT II Treaty.

It delayed for many months any negotiations at all on nuclear arms—and then only went to the table when prodded by public pressure. It has abandoned the goal of a comprehensive nuclear test ban. It is launching a major star wars arms race in space—with no effort to stop this race before it gets started. What now should give us confidence that this administration is serious about nuclear arms control? What now should give us confidence that this administration will summon up the statesmanship and the dedication that can bring fewer weapons and safer weapons in a very difficult time?

But the most pernicious and false argument raised in favor of the MX is that the MX is needed to demonstrate national will so the Soviets will negotiate seriously. Unlike the President, I believe in America's strength and in our will as a people to bear any sacrifice to remain free. If the issue is national will, we should put our defense dollars where they count—not on a vulnerable missile that all agree cannot be defended. If the issue is national will, then continually running down our arsenal before our people and the world is not the way to demonstrate it. Confidence is essential to deterrence, and we have good reason to be confident.

Finally, the MX is a step toward nuclear war. Because its power and vulnerability provide compelling reasons for the Soviets to strike it first, the MX, from a military point of view, is useful only as a first-strike weapon, or as a weapon to be fired the moment we think the Soviet missiles are on their way. In fact, the Joint Chiefs of Staff testified in April that we must have the MX so we can threaten Soviet missile silos and command posts. We have truly arrived at 1984 Newspeak a year early when such a missile can be called peacekeeper.

Even if the MX is not used as a first-strike weapon, it would lead to a situa-

tion where both sides, despite their best intentions, could be tempted to fire their nuclear missiles in an extreme crisis. This was confirmed recently by Weinberger and John Vessey, Jr., the Chairman of the Joint Chiefs, who have said the United States might adopt a launch under attack policy of firing our missiles to counter pre-emptive attack.

The future, thus, will not be peace. The future will be both nations poised with fingers on hair triggers ready to use their weapons rather than lose them.

Mr. President, as was the case a decade ago, we have before us a viable alternative to a world in which MX missiles and nuclear hair triggers fan the flames of a destabilizing arms race. That alternative is a world where the arms race is frozen onto a path toward nuclear stability under a program of arms control. The first and most critical step along this path is the nuclear freeze. Opponents of a freeze act as if a freeze would only limit U.S. nuclear forces, but it has been clear from the start that we are calling for a mutual freeze. In addition to stopping the MX and other U.S. nuclear deployments, the freeze would stop testing, production, and deployment of the new Soviet ICBM and the smaller, mobile Soviet ICBM that is being planned. The freeze would stop Soviet production and deployment of Typhoon and Delta III class nuclear missile submarines. It would stop deployment of Soviet SS-20's, Soviet nuclear missiles in Europe. It would stop Soviet production of sea, ground, and air-launched cruise missiles. It would stop Soviet production of Blackjack bombers. It would stop Soviet development of new sea-launched intercontinental missiles. In short, if successfully negotiated, a mutual and verifiable freeze would halt development and deployment of every new Soviet strategic nuclear system.

Opponents of the freeze raise the spectre of the Soviet military machine in order to justify further arms build-ups by the United States. What they fail to realize is that the most effective way to eliminate the threat of the Soviet military machine and the possibility of nuclear war is not to build more weapons of our own, but to halt the arms race and freeze the Soviet military machine as well as freezing our own.

And finally, Mr. President, those of us who support the freeze movement cannot allow national security to become the administration's issue or the Pentagon's issue. We, too, are here in support of national security, particularly in defense of the ultimate requirements of national security: The security of our children to be able to sleep without nightmares of a nuclear holocaust; the security of our young

people to dream of building families and productive careers of their own; the security of all of us to conduct our daily lives with hope, rather than fear. National security is not the exclusive franchise of the Pentagon—it is everyone's business as women, men, Democrats, Republicans, citizens, Senators, and ultimately as human and humane individuals who will not allow a nuclear war to take place through lack of our will and wisdom to prevent it.

Mr. DOLE. Mr. President, I move to table the amendment and ask for the yeas and nays.

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

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kansas (Mr. DOLE) to table the amendment of the Senator from Maine (Mr. COHEN). 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 Minnesota (Mr. BOSCHWITZ) and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

Mr. BYRD. I announce that the Senator from California (Mr. CRANSTON) is necessarily absent.

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

The result was announced—yeas 13, nays 84, as follows:

[Rollcall Vote No. 328 Leg.]

YEAS—13

Bumpers	Glenn	Symms
Denton	Hart	Tower
Dodd	Hatfield	Wallop
Eagleton	Helms	
East	Proxmire	

NAYS—84

Abdnor	Gorton	Mitchell
Andrews	Grassley	Moynihan
Armstrong	Hatch	Murkowski
Baker	Hawkins	Nickles
Baucus	Hecht	Nunn
Bentsen	Heflin	Packwood
Biden	Heinz	Pell
Bingaman	Hollings	Percy
Boren	Huddleston	Pressler
Bradley	Humphrey	Pryor
Burdick	Inouye	Quayle
Byrd	Jepsen	Randolph
Chafee	Johnston	Riegle
Chiles	Kassebaum	Roth
Cochran	Kasten	Rudman
Cohen	Kennedy	Sarbanes
D'Amato	Lautenberg	Sasser
Danforth	Laxalt	Simpson
DeConcini	Leahy	Specter
Dixon	Levin	Stafford
Dole	Long	Stennis
Domenici	Lugar	Stevens
Durenberger	Mathias	Thurmond
Evans	Matsunaga	Trible
Exon	Mattingly	Tsongas
Ford	McClure	Warner
Garn	Melcher	Wilson
Goldwater	Metzenbaum	Zorinsky

NOT VOTING—3

Boschwitz	Cranston	Weicker
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So the motion to lay on the table amendment No. 2478 was rejected.

Mr. COHEN. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, this is the second vote this evening we have had on the nuclear freeze-nuclear buildup concept. One amendment was tabled, the other was not. As of this moment, we have not yet expressed the views of the Senate on the merits of the issue. Mr. President, may I suggest that this is a good time now to get off this subject and get back to the debt limit? I think both sides have done a good job making their presentations and I hope that at this point, the distinguished principal authors of this amendment will consider withdrawing the amendment. They have a very significant margin on the vote against tabling.

I would not like to see the Senate spend a great deal more time on this issue tonight and on this measure. It no doubt will come up before we go out again and on the merits.

We need to get on with the bill. We need either to pass the bill or to ascertain that we cannot pass the bill. In any event, we need to get on with the debt-limit matter.

May I inquire of the distinguished Senator from Maine and his principal cosponsor, the Senator from Georgia (Mr. NUNN), if there is some inclination on their part to withdraw that amendment at this time?

Mr. COHEN. If I may respond, Mr. President, I would be most willing to ask unanimous consent that the amendment be withdrawn.

Mr. BAKER. As I understand it, the yeas and nays have not been requested on the amendment.

The PRESIDING OFFICER. That is correct.

Mr. BAKER. If the cosponsors of the amendment agree, it is within the discretion of the Senator to withdraw the amendment without consent.

Mr. NUNN. For my part, Mr. President, I say there were a number of Senators who wanted to be recorded on this, particularly in light of the previous vote. I think the votes have served their purpose. It is clear where the sentiments lie. I, as one cosponsor, would be willing to take "yes" for an answer and withdraw that amendment.

Mr. COHEN. Mr. President, I ask to withdraw it.

The PRESIDING OFFICER. The Senator has the right to withdraw his amendment.

The amendment (No. 2478) was withdrawn.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, may I inquire now of the two managers of

the bill where we are, how many more amendments there are in prospect, and how long it will take to do them? May I ask the distinguished Senator from Kansas to give us an appraisal now?

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, I know the Senator from Iowa (Mr. GRASSLEY) has an amendment that will not take long. The Senator from North Carolina (Mr. HELMS) will not offer an amendment he had planned to offer. Of the Senator from Nebraska (Mr. EXON), we have worked out, maybe, a better way to proceed on that. The Senator from Kansas has perhaps one amendment that will take about 5 minutes of debate. Then there is the question whether or not we are going to recommit and strip off all the amendments.

Mr. BAKER. Mr. President, it looks as if we may be coming down the homestretch. At some moment in the future, I shall make further announcement as to my intentions with respect to the motion to recommit with instructions. I shall consult with the two managers before we do that and with the minority leader. We are making good progress and, rather than take further time now, I encourage Members who have amendments to come forward with them.

AMENDMENT NO. 2479

(Purpose: To require the Comptroller General of the United States to conduct a study)

The PRESIDING OFFICER. The Senator from Iowa is recognized.

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

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Iowa (Mr. GRASSLEY) proposes an amendment numbered 2479.

At the appropriate place, insert the following:

Sec. . (a) By March 1, 1984, the Comptroller General of the United States shall prepare and transmit to the Congress a report containing a comparison of the amounts expended to carry out each Federal program in each of the fifteen most recent fiscal years ending prior to October 1, 1983, with the amounts specified in the budgets submitted by the President for each such fiscal year and each of the four fiscal years preceding each such fiscal year and would be necessary to carry out such program in each fiscal year in such fifteen-fiscal-year period. The report shall include, for each such program and for each fiscal year in such fifteen-fiscal-year period—

(1) a determination of the amount expended to carry out such program in such fiscal year;

(2) a specification of the amount requested in the budget submitted by the President for such fiscal year to carry out such program in such fiscal year;

(3) a specification of any amount projected in the budget submitted by the President

for each of the four fiscal years preceding such fiscal year that would be necessary to carry out such program in such fiscal year; and

(4) a comparison of the difference between—

(A) the amount determined under paragraph (1) for such program for such fiscal year and the amount specified under paragraph (2) for such program for such fiscal year; and

(B) the amount determined under paragraph (1) for such program for such fiscal year and any amount specified under paragraph (3) for such program for such fiscal year.

(b) By January 15, 1984, the Comptroller General of the United States shall submit to the Congress an interim report which contains the information required under subsection (a) for—

(1) all programs and activities of the Department of Defense;

(2) all programs and activities of the General Services Administration;

(3) the program of Federal old-age, survivors, and disability insurance benefits established under title II of the Social Security Act (42 U.S.C. 401 et seq.); and

(4) the program of hospital insurance and supplementary medical insurance benefits established under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(c) The Director of the Office of Management and Budget and the head of each Federal department and agency shall provide the Comptroller General of the United States with access to all data and information necessary to enable the Comptroller General to prepare the reports required by this section.

Mr. GRASSLEY. Mr. President, I have a chart, here, which looks complicated, but is relatively simple.

The chart shows actual deficits over the past 5 years, contrasted to what we have projected them to be, year after year.

The mismatch is incredible.

Year after year, we project out-year deficits to decline, yet year after year, they go up.

If the pattern becomes persistent, which it has, at what point do we begin to look at deficit projections realistically?

This is an important question. The reason we need projections of the future is to help us make sound decisions today. If our projections of the future are unrealistic, the decisions we are making today are unsound.

This is what is at the heart of the problems we are facing with regard to the growing size of deficits, and ever-growing debt.

Unrealistic planning or projecting is systematically causing deficits to swell, and the national debt to rise dangerously. We are simply making bad choices, bad decisions, when preparing our fiscal policy, and the future impact of those decisions are adverse.

That is precisely what we are experiencing today, Mr. President. We have made bad decisions in the past, and today we are feeling their consequences.

This problem of unrealistic projections and planning is by no means unique to the Congress. I have spent the past year describing how unrealistic planning is weakening our national defense.

When Chuck Spinney came over here to testify last February, most of us thought he was revealing huge cost overruns in the defense budget. This was not the case. He was describing a much different phenomenon—A persistent planning problem in the Defense Department which is contributing to an across-the-board shrinkage of our defense forces.

The phenomenon exists throughout the Federal budget—not just defense. The degree of the problem varies with each agency or department. But at the present time, the Congress has no way of knowing how bad the problem is, or even where it is.

This amendment would be a first step toward gaining insights for Congress as to the nature and magnitude of the plans versus reality mismatch phenomenon. It is a first and necessary step for Congress to begin to understand the fundamental cause of our deficits, and the nature of their constant growth.

The amendment would do the following:

It would require the General Accounting Office to conduct a retrospective analysis, covering the past 15 years, of this plans versus reality phenomenon across the entire Federal budget. The analysis would be due by March first of next year.

The amendment would also require an interim report by January 15, 1984, on the plans versus reality phenomenon of the following budget areas: The Defense budget, the social security trust, the health insurance trust, the disability trust, and the General Services Administration budget.

This analysis, Mr. President, would provide the Congress with a clear point of departure toward correcting the structural and institutional drivers of soaring debt and deficits. It would give us knowledge of projected costs versus actual costs. If there is a systematic mismatch historically, then we ought to learn from it, and adapt to it. It is a step I trust this Congress will be willing to take.

If we fail to take it, we will be choosing to turn our backs on the real world. And the deficits will continue to swell, and the national debt will continue to soar.

The roof of this House is very clearly leaking, Mr. President. We can continue to put pots under all the drips—and then empty the pots and bring them back again—or we can get on top of the roof, poke around in some unpleasant areas, and see what is causing the roof to leak. And then we have to fix it.

But we have to decide now, Mr. President. If we do not fix that roof soon, it will eventually collapse on all of us. And the cost of rebuilding would be most dear.

The fundamental issue, here, is the knowledge is power.

And power is responsibility.

While it is often an excuse used when something happens to say I had no knowledge of it. These ingrained problems are now sufficiently grave that we cannot retreat behind that convenient dodge.

Only with clear insights can we begin to cope with this profound national problem.

I hope all my fellow colleagues will join me in a further demonstration of their willingness to shoulder the responsibility levied on us by the people of the United States.

Thank you, Mr. President.

Mr. President, this amendment has been cleared on the majority and minority sides. I have no desire to have a rollcall vote on it. If there are no objections, I move that the amendment be adopted.

The PRESIDING OFFICER. Is there any further discussion on this amendment?

The Senator from Kansas.

Mr. DOLE. Mr. President, I have no objection to the amendment. It is a study request.

Let me focus on the amendment. It is a study amendment that requires that by March 1984 the Comptroller General of the United States shall prepare and transmit to the Congress a report containing a comparison of the amounts expended to carry out each Federal program in each of the 15 most recent fiscal years ending prior to October 1, 1983, with the amounts specified in the budgets submitted by the President for each such fiscal year and each of the 4 fiscal years preceding such fiscal year that would be necessary to carry out such a program in each fiscal year in such 15-fiscal-year period.

Mr. MOYNIHAN. Will the Senator yield?

Mr. DOLE. Yes.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I think this is a worthy amendment. It may give us some insight as to how it has come about that the agricultural programs of the Federal Government, which cost \$4 billion in 1980 and were thought to be rather scandalous, are costing \$25 billion today. It will be very helpful to learn how this incredible increase of expenditures on farm programs has come about.

Mr. GRASSLEY. Will the Senator from New York yield? The Senator may be surprised maybe, coming from an agricultural State, I would want that information brought out.

Mr. MOYNIHAN. I would assume that is why the distinguished Senator offers it.

Mr. GRASSLEY. This is covering every Department in Government. There is no attempt to leave anything out. I think we have to know across the board what the requests have been, what actually has materialized, and the reason why our plans have not been realized in the fiscal analysis.

Mr. MOYNIHAN. A fair point and a good one.

The PRESIDING OFFICER. Is there any further discussion?

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

The amendment (No. 2479) was agreed to.

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

Mr. GOLDWATER. 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 Kansas is recognized.

Mr. SARBANES. Will the manager yield for a question?

Mr. DOLE. Yes.

Mr. SARBANES. Will the manager let us know how many amendments have been adopted to the debt ceiling bill?

Mr. DOLE. Eight: press access to Grenada, war powers, military equipment for Jordan, repatriation of Cubans, meat exports, the Grassley study just adopted, the Armstrong amendment to reduce the amount of \$1.4 trillion, and the Long sense of the Senate that amendments should not be offered to the debt limit bill or reconciliation bills if they increase spending and reduce revenues.

There were a few we did not adopt, fortunately.

Mr. President, I would like to send an amendment to the desk. I do not want to spend a great deal of time on it. It appears that it is going to happen. But I think we have demonstrated in the last 4 days, if nothing else, that this is not a very good procedure. It is not that I do not mind accommodating my colleagues on both sides, but we have had literally a number of nongermane amendments that have no relevance to the debt ceiling. It is not because we did not bring the bill up earlier. That was one of the problems. We brought it up too early, about the second earliest time the debt ceiling bill has been before the Senate in years. If we had brought it up 2 weeks ago, we probably would have had 50 nongermane amendments. I am pleased the abortion amendment did not make it, the busing amendment, school prayer, and the other amendments did not make it. They are good amendments and ought to be of-

fered but maybe to something that is germane.

Mr. President, I did file notice at the appropriate time, I believe on Friday, in writing:

In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to amend rule XV of the Standing Rules of the Senate by adding to H.J. Res. 308 the following amendment:

During the consideration of any bill or joint resolution affecting the statutory limit on the public debt, no amendment not germane shall be received.

That would be a section added at the end of the bill.

Now, I guess whatever happens here in the next few years on either side, whoever is in the majority, this would be a positive step. We have already triggered the \$250 million expense since we did not resolve this and get it signed and all of that before midnight tonight. So I suggest that in addition to saving money, we could save a lot of time. Again, I think we can find the appropriate forum for all these different amendments. I do not suggest they are not important amendments. In fact, I think the freeze amendment and the bulldown amendment ought to be debated 3 or 4 days, not 3 or 4 hours. So it is not any effort on my part to foreclose debate on amendments if they are considered at the appropriate place and at the appropriate time.

Mr. FORD. Will the chairman yield for a question?

Mr. DOLE. Yes.

Mr. FORD. Is the Senator amending the rules? Does it take a simple majority or does it take two-thirds majority to change the rules?

Mr. DOLE. Simple majority, as I understand it.

The PRESIDING OFFICER. Simple majority.

Mr. FORD. A simple majority will change the rules of the Senate?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOLE. I would say, in making the argument, that I would like to conclude—

Mr. FORD. I would like the Senator to give consideration that under rule XV is jurisdiction and under rule XVI is germaneness. I think, if you are going to start changing the rules—and I do not mind; I kind of agree with the Senator, but on one the other day under rule XV it was jurisdiction and it became the issue. I think if you are going to change the rules, then you ought to have a two-thirds vote, so that if you are going to change jurisdiction, you are going to change germaneness, we ought to have some ways as Members of the Senate to protect that.

Mr. DOLE. What I am suggesting, I might say to my friend from Kentucky, is that we are on the debt ceiling. Again, I know that I am not sug-

gesting anybody on the other side has done anything that has not been going on around here for about 10 or 15 years or longer. I asked the distinguished Senator from Louisiana today about some of his experiences on the Cambodia bombing and some of these areas, so I do not suggest this unprecedented and suddenly there is a need for a change. But I do suggest that the nuclear freeze and press access and war powers and State severance taxes and military equipment for Jordan, line item veto, repatriation of Cubans, meat exports, nuclear bulldown, need for spending cuts, study on the budget, are nongermane amendments. The germane amendments were offered by the Senator from Colorado, one by the Senator from Florida, and one by the Senator from Louisiana, so we really have not had that many amendments. We only had 14. But it has taken the better part of 4 days to dispose of those 14, and we still have not disposed of what we came to the floor with, and that is to increase the debt ceiling so we could pay our bills I am notified today that the Secretary of the Treasury has already sent out 40,000 notices to all the banks and others on savings bonds, he has notified all the Governors as he is required to do, and that is not unprecedented. I do not suggest that it has never happened before either. They are getting pretty good at it. They have a pretty good procedure worked out.

So I would hope that we might consider the amendment and vote on it. If it fails, then I am certainly willing the next time this comes up to spend 4 more days on the floor.

#### AMENDMENT NO. 2470

(Purpose: To amend Rule 15 of the Standing Rules of the Senate)

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Kansas (Mr. DOLE) proposes an amendment numbered 2470:

At the end of the bill, add the following: At the end of Rule 15 of the Standing Rules of the Senate, add the following new paragraph:

"6. During the consideration of any bill or joint resolution affecting the statutory limit on the public debt, no amendment not germane shall be received."

Mr. BYRD. Mr. President, I can understand the frustration of the distinguished manager of the bill, and I certainly have some empathy for him, but I cannot support his amendment. I might be somewhat sympathetic toward it if the Rules Committee considered it and reported it out in an orderly fashion, but I cannot support his approach. If we are going to go about amending the rules like this, then this will not be the last time the rules will be amended.

It only takes a majority to amend the rules.

It takes two-thirds to support a motion to suspend the rules. But the distinguished Senator is not attempting to suspend the rules. He is attempting to amend a rule.

It takes two-thirds to invoke cloture on a motion to change the rules. But I can guarantee you that if this amendment is adopted, there will be a lot of rule changes around here.

I also say that if the Senator pursues this amendment, most everybody can go home tonight. I do not want to make an idle threat, and I am saying to Senators that there will not be a vote on this bill, or ever on this amendment, tonight.

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

Mr. BYRD. I yield only for a question.

Mr. LONG. Might I—

Mr. BYRD. Mr. President, I ask unanimous consent that I may yield to my friend from Louisiana, Mr. LONG, without losing my right to the floor.

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

Mr. LONG. Mr. President, let me say to my able minority leader that I agree with him in what he is saying.

If the Senator is going to discuss this issue from now until daybreak tomorrow, I wish he would reserve an hour or two for me in the course of that discussion. I would like to discuss this matter for a while, because I cannot support this proposal.

I have known the frustration of trying to get a revenue bill voted on and I have known the frustration of having irrelevant amendments offered.

Mr. President, those of us on this side of the aisle gave unanimous consent to waive the 3-day rule on the debt limit bill, and the situation that caused the leadership to need that waiver was not the making of the Democrats. It was because those on the other side of the aisle asked for a written committee report because they wanted the opportunity to prepare their fight against certain things in the bill. So the bill could not have been taken up until today, Monday, if those on this side of the aisle had not cooperated to waive the 3-day rule.

I have had the privilege of being a committee chairman on prior occasion, and I have been the ranking minority member on a committee. The committee chairman can usually find a way to see that his legislative proposal is presented before the Senate, and that there is an opportunity for the Senate to vote on the proposal he is suggesting. But the same thing is not true of the majority of the Members of this body.

The Senator from Massachusetts had a proposal about a nuclear freeze. It may be that he did not have a majority. In fact, it turned out that he did not. But he had grave difficulty

finding an opportunity to find some legislation headed toward the President's desk on which he could offer his proposal, something on which the House might be able to concur in the event he succeeded.

The debt limit, to some extent, is something of an equalizer among a hundred Senators. If a Senator does not have prominence on a committee and does not have the right tactical position and he is not able to have his legislation considered anywhere else, he can offer it on a debt limit bill. In that respect, 100 Senators become equal. They can offer their proposal on a debt limit bill.

If we are going to fix it so that Senators cannot offer their proposals on a debt limit bill, we will have to find some other proposal headed for the President's desk on which they can offer their amendments. Otherwise, the frustration that the chairman of the committee has felt would be very small compared to the frustration of junior Senators or Senators not on the appropriate committee will feel in trying to see that their suggestion is laid before the Senate.

Mr. President, some time ago, the Senator from Louisiana suggested, and proposed to the Rules Committee, that we should have a rule whereby when we bring up a bill, we can ask for a germaneness rule; and that if a 60-percent majority, which is the same number it takes to invoke cloture, would agree to a germaneness rule for that bill, then we could proceed with germaneness, without having to involve cloture, but simply saying that every amendment must be germane.

So far, we have not been able to prevail upon the Rules Committee to recommend and report such a proposal.

If I understand the proposal of the Senator from Kansas, it would not be just a germaneness rule; it would be more than that. One would not have the power to appeal from the ruling of the Chair, as I understand it, because this proposal says that a Senator's amendment could not be received at all. You would not even have the opportunity to say you had not been treated fairly. The proposed rule change not only has the effect of saying that an amendment could not be received, but also it deprives you of the opportunity to say you have not been treated fairly in the first instance.

If the Senator gives this careful consideration, I think he would conclude that this is not the way we should do business in the Senate. The Senator may be right about his proposal. I think if he is going to do something about this matter, it should be more along the lines of a 60-vote germaneness rule.

If one is to do business the way this amendment proposes, at a minimum he should take the matter before the

Rules Committee. After all, the committee is headed by a very able chairman of the same party as the manager of the bill. He should see if he can persuade the Rules Committee to recommend something of that sort.

There is nothing in what the Senate has done here in the last 3 days that justifies that kind of departure, where we are going to say that, hereafter, 100 Senators are barred the opportunity of offering their proposals on a debt limit bill. If you take this right away from 100 Senators, pray tell, what other proposals can a Senator offer their amendments on? He can offer his amendment on an appropriations bill, but there we are confronted with the fact that legislation cannot be offered on an appropriations bill. Of course, one can contend it is germane.

Many of us feel that we should insist on enforcing the rule that we should not stultify ourselves by voting to say that something is germane when a fair interpretation would say it is not germane to the bill.

If we uphold the rules as intended with regard to germaneness on appropriations bills, where else can someone go to offer his amendment if he thinks it is important? Suppose it has something to do with beef, which might be very important to his State? Or if it has to do with goodness knows what, triggering the War Powers Act or whatever else it may be? Where can the remainder of the Senators bring the matter to the attention of the Senate and hope to bring it to the attention of the House of Representatives, and maybe even to the President of the United States, except on a bill such as this?

If we are to bar one from offering an amendment on this kind of Finance Committee bill, then how are the other committee chairmen going to feel about their bills?

Suppose you are on the Commerce Committee. Would you expect the chairman of the Commerce Committee to offer an amendment to one of his major bills, to say that hereafter you cannot offer your amendment on a Commerce Committee bill if it is not germane?

I see no reason to think that those of us on the Finance Committee have any higher claim than any other committee has, to say that on a bill we think is very important, you cannot offer your amendment.

This debt limit bill can be passed if the Senate wants to pass it tonight, and it will still be within the time we were told by the Treasury we should pass this bill. It was my understanding that the Treasury feels that this bill should be on the President's desk by tomorrow morning, or we should have this bill passed by the time we conclude our business today, which could be until midnight.

It seems to me as though we could still make that deadline if that is what the Senate wants to do, and my impression also would be if we do not get it made by midnight, if we have it done by daybreak the next day, that is still time enough.

I just would hope very much that the manager of the bill and the able chairman of the committee does not persist in this amendment, because I am convinced that this is not the way to deal with his problem, and I am inclined to think this approach is a mistake. At a minimum, it ought to be considered by the appropriate committee which has jurisdiction.

Mr. BAKER. Mr. President, will the minority leader yield to me without losing his right to the floor?

Mr. BYRD. Yes. I ask unanimous consent that I may do so, Mr. President, for the purpose only, and I hate to say this, with respect to the majority leader because I am sure that he does not intend to do anything else, for the purpose only of his making a statement or asking a question.

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

Mr. BAKER. Mr. President, I support the amendment offered by the Senator from Kansas and indeed I will cosponsor it. But I agree that this is not the place to have it.

As a member of the Rules Committee, I can assure the Senator from Kansas that I will cosponsor with him a resolution to be referred to the Rules Committee for their deliberation and consideration, which may have the effect of opening up this whole matter to consider not only this proposal but the one suggested today and suggested on previous occasions by the distinguished Senator from Louisiana.

May I say for the record, and briefly, that more than once the Senator from Louisiana has suggested to me that perhaps we should file cloture on this bill because that would indeed invoke the rule of germaneness, but as the Senator from Louisiana knows, and certainly as the minority leader knows, that also carries with it other things. For instance, if we get cloture, not only does that prohibit nongermane amendments, but it keeps us from doing anything else until we finish this bill and there are other matters that have to be dealt with. So I thought it unwise to go ahead with cloture at this time for that reason. We have many other things yet to be done before the Senate can adjourn.

I would agree that this is not a propitious time at 10:20 p.m. in the evening before the deadline expires at midnight to press this point, but I give my assurance to the Senator from Kansas I would support him, I do support him, and if such resolution as I have described is introduced and referred to the Rules Committee, I will

be his partisan and supporter in that committee as we go about consideration of this issue.

Mr. BYRD. Mr. President, I wish to know whether the distinguished Senator from Kansas is willing to follow the admonition that has just been offered by the Senator from Tennessee, the distinguished majority leader, and I ask unanimous consent that I may yield to the Senator from Kansas, the distinguished manager of the bill, for the purpose only of his answering my question.

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

Mr. DOLE. The Senator from Kansas is certainly willing if I have some assurance. I gave a lot of the assurance we are going to have hearings. I know what generally happens. We have the hearing and we wave goodbye to the witness.

And I do not see the distinguished Senator from Maryland, the chairman of the Rules Committee, but I assume if the majority leader would indicate that he might be able to arrange a hearing, I think it is serious. I do not want to detain the Senate. I think they have been here long enough. But we are not talking about the inconvenience of Senators. We are talking about what we are doing to a lot of people out there. Sales of U.S. savings bonds were suspended effective November 1. Notices were sent to 40,000 issuing agents today and approximately 6 million people currently purchasing U.S. savings bonds. We can argue whether it is the chairman or manager, or whatever. We have to find some way and maybe we should bring this up 30 days earlier and have some time agreement how long we are going to be on it.

But there has to be a better way to do it than we just had, as I said, a turkey shoot. Everyone throws up a turkey. We all shoot at it for about 4 to 6 hours.

I am willing to do that. I do not have any desire to detain the Senate. I do not want to leave any impression that something that is as important to the chairman is important to the orderly conduct of the Senate business. So on that basis if the majority leader is willing to help me get a real hearing.

Mr. BYRD. I thank and compliment the distinguished Senator from Kansas.

In the first place, Mr. President, and I do not want to ignite an explosion here, we need not have been put in this position at this late date. The other body sent over in June this year the debt limit wrapped up in the first concurrent resolution.

This measure need not have waited until this point to have been called up before the Senate. If we are going to change the rules, I have two notices that I have timely filed at the desk. The only thing about it, those are

amendments that I want to see adopted and I think we would get them adopted if I were to call them up and offer them as amendments to this amendment. But I have long advocated the approach that the distinguished Senator from Louisiana has urged upon the Senate.

Mr. LONG. That is right.

Mr. BYRD. That is not only to the debt limit bill, but to any other bill, a motion would be in order to prevent germane amendments from being offered if that motion were supported by a vote of 60 Members of the Senate.

Mr. LONG. Will the Senator yield for a question at that point?

Mr. BYRD. Yes, I do.

Mr. LONG. Does the Senator recall that when the able majority leader sought to do something about the rules of the Senate at the beginning of this session the Senator from Louisiana pressed very hard to make the point, including to the majority leader, that whatever we do about rules we should include a 60-vote germaneness rule when the Senate is willing to give germaneness, so that the problem that the Senator has complained about would not have happened? And was it not the pretty general consensus among those who looked into it that at some point we should do that; but we just never got to the point of doing it. There was a lot of sympathy for that proposal in the group that considered the suggestions that the majority leader asked to be looked into for bringing the rules up to date.

Mr. BYRD. Yes. I thank the Senator.

Mr. President, I am glad that the distinguished Senator from Kansas has indicated his willingness to pull the amendment down. I will not pursue the matter further but just in case anyone else gets the idea at some point we are going to have a quick change in the rule, if this amendment were not pulled down, there would not be a vote on this resolution for a week at least unless this amendment is pulled down.

If anyone wants to know how I can make such a statement I will be glad to tell him. But I will not pursue the matter now.

The majority leader has made a wise suggestion and the distinguished Senator from Kansas has kindly offered to withdraw the amendment. I yield the floor to the distinguished Senator from Kansas with the understanding I do not lose the floor and I yield it only for the purpose of his pulling down the amendment. But I do not yield the floor until the able Senator does that.

Mr. BAKER. Mr. President, before that is done, will the Senator yield to me for one further statement under the same terms and conditions?

Mr. BYRD. Yes.

Mr. BAKER. Mr. President, at the time that I consulted with the distinguished chairman of the committee and indicated to him that I hoped he would withdraw the amendment and he indicated that he would, I also volunteered that I would try to gain permission for him to introduce this same amendment as a free-standing resolution for referral. That would require unanimous consent at this point. But in order to complete my end of the bargain I wish to make that request as soon as the amendment is withdrawn by the Senator from Kansas.

Mr. BYRD. I have no objection. That is the right of any Senator to offer a proposed change in the rules.

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

The Senator from Kansas.

Mr. DOLE. Mr. President, I will withdraw the amendment.

I again indicate that there has to be some way and I think perhaps maybe shifting back and forth majority to minority maybe some on this side better understand the need for rule changes than we did say 5 years ago, and it is not that we are inconvenienced as I said before. It is what we may be doing. I do not suggest it has happened yet.

I think the Treasury always leaves a little fudge factor. If it does happen, if we do not move quickly and someone out there does not know what we are doing here anyway, and probably would not know if they were here, when they are impacted then I think we have a problem we should try to address.

So I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

The Senator from West Virginia.

Mr. BYRD. Mr. President, I again thank the Senator and the majority leader.

I yield the floor.

PROPOSED AMENDMENT TO THE STANDING RULES  
OF THE SENATE

Mr. BAKER. Mr. President, to complete the arrangements that I described, I ask unanimous consent that it may be in order at this time for the distinguished Senator from Kansas, for himself and for me, to introduce a resolution dealing with a proposed rules change for appropriate referral.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The resolution is received and will be appropriately referred.

The text of the resolution follows:

S. RES. 258

That Rule XV of the Standing Rules of the Senate is amended by adding the following new paragraph:

"6. During the consideration of any bill or joint resolution affecting the statutory limit on the public debt, no amendment not germane shall be received."

Mr. SYMMS. Mr. President, I rise in opposition to the increase in the debt ceiling because the Congress has failed to face up to its fiscal responsibilities.

Debt is the driving force in our economy today. This year, total public and private U.S. debt will stand at over \$6 trillion. The economic impact of that debt and the future debt obligations of this country will determine the future of our economic system—capitalism.

Capitalism cannot survive without long-term capital markets. Since 1978, our capital markets have shrunk from 30- to 40-year markets to 1½- to 3-year markets because of the accumulated present and future debt obligations of our economy.

The impact of shortened capital markets is illustrated by the fact that the interest payments of the U.S. Government now exceed the capital-generating capacity of the United States. The grim fact is that the Treasury is now bidding for new billions of dollars almost weekly while refinancing old paper—often in the 5- to 10-percent rate area—at today's interest rates. The result of this adding and compounding action is to increase the U.S. Government expenses beyond imagination. The average maturity of U.S. Treasury debt is now 3.9 years, and this debt is now rolling over and compounding at relatively high rates. The result is that the Treasury is literally cannibalizing itself.

In the United States, the sum of all debt is referred to as the gross domestic debt. Twelve years ago, such debt totaled roughly \$1.8 trillion—today it stands at over \$6 trillion. The largest increases were posted during the past 7 years. Although the gross domestic debt encompasses many other sectors as well, the dramatic rise in the debt of the Federal Government contributes heavily to this growth.

The Federal debt burden was almost reduced to zero in the mid-thirties. World War II, and the subsequent reconstruction effort, increased the debt to nearly \$300 billion. Later, America's engagement in Vietnam caused a further surge in the debt spiral. By the mid-seventies, the figure had reached the \$500 billion mark. It took over 40 years to build up a debt of \$500 billion, and less than 7 years to triple that figure.

Debt at the Federal level, while significant, is not our only worry however. This Nation is piling up debt in every other sector of the economy as well because the Government's credit activities have forced the private sector to acquire more debt simply to stay alive and because we have a Tax Code which greatly encourages financing through debt rather than equity.

I think that it is important that we review the non-Federal debt just so that we get a clear picture of how much debt there is in this economy.

First, debt in the mortgage and loan sector. Although debt in this area is common to all economies, the American consumer's balance sheet has come under increasing pressure in recent years. Largely to blame was the inflationary psychology, which characterized the late 1970's, but is still in evidence today.

In fact, we are at a point where even a moderate downturn in interest rates is perceived as a great bargain by a myriad of credit users. The most recent statistics show a marked decline in personal savings rates which seem to be a trend. As mortgages have to be refinanced at current rates and banks ask for more interest on outstanding consumer loans, the private citizen's pocketbook will be directly affected. Since 1971, mortgage and consumer debts have risen 274 percent.

Second, State and local government debt. While State and local governments are now contributing only 7 percent to the total of U.S. domestic debt, their paper obligations involve billions of dollars, and the risk of default appears more likely now than at any time since the 1930's. New York, Cleveland, and WPPS are but three examples.

Third, corporate debt. In the corporate sector, the debt problem is concentrated on individual industries, rather than as an economy as a whole. Particular problems have surfaced in the basic industries, although this is not necessarily the result of the current financial condition of the economy at this time. One important point is that whenever sizable industrial or commercial firms are on the threshold of bankruptcy, this translates into a direct addition to the debt burden of governments. There is no indication that the current Congress will discontinue the tradition of bailing out mismanaged private empires, but the Government does seem to at least negotiate harder or even participate in the potential recovery of such corporations.

While the service sector of the economy seems to have experienced a strong expansion phase, there are serious questions overhanging our financial institutions—both the small rural banks and saving and loan institutions, and the large international banks.

As intricate and as hopeless as the labyrinth of domestic debt may be, it is easily surpassed in complexity by the Euromarket. At first glance the problem of offshore debt seems less alarming. After all debt dollars outside the United States amount to about \$1 trillion, a fraction of the \$6 plus trillion domestic debt. A quick look at the growth pattern, however, destroys this notion; the Eurocredit market grew to its current size in just over 20 years.

At the present time about 56 percent of the present debt is mortgages and loans; 20 percent of the debt is Feder-

al; 10 percent of the debt is corporate bonds; 7 percent of the debt is State and municipal bonds; 4 percent of the debt is foreign debt; and 3 percent of the debt is money market debt. The life of all debt is becoming short lived and is being refinanced at ever increasing interest rates.

The rundown in liquidity has occurred in all sectors of the economy—businesses, households, depository financial institutions, and State and local governments.

The only solution to the ever-increasing debt spiral is to reduce current expenditures and the future debt obligations of this economy. The private sector has been in the process of "getting liquid" for the past 2 years. However, while the private sector has been reducing their demand for credit, governments at every level have increased their demands because they have failed in their responsibility to reduce their spending habits. This process has had a deflationary impact on the economy, but that deflationary trend will be reversed once our capital markets become so short that the Government will not be able to use those markets to finance the debt. At that point our debt will have to be paid by a direct inflation of the currency.

Long-term capital markets are the key to a sustained and robust economic recovery. Those markets can only be restored by a real and continued effort to pay off our debts. Without that commitment to a sound fiscal policy, we will simply follow the example of every other nation throughout history by paying off our debts with a debased currency.

Mr. President, I share the view of the Senator from Colorado that now is the time for us to make some kind of a commitment toward reducing the quagmire of debt that we are building in this country.

The other day, my good friend from Illinois, Senator DIXON, made the comment about what are we doing to our children and our grandchildren. I say, Mr. President, we are talking about the here and now, that this situation has changed so rapidly. When you think about the fact that we had 30-year capital markets 5 years ago and now we are down to 1½- to 3-year capital markets, our economic system cannot do this.

We are cannibalizing our own budget process and we are cannibalizing the ability of the Federal Government to pay its debts.

The average maturity of U.S. Treasury debt is now 3.9 years, and this debt is now rolling over and compounding at high rates. I think it is interesting to note that old paper comes in to be reinforced once a week at 5- to 10-percent interest rates, at today's current rates, and this problem is going to go right through the roof if we do not

vote this thing down tonight and find some way of accommodation within the next week or so. I believe an accommodation can be found where we can start toward closing this debt.

KASTEN AMENDMENT NO. 2475

● Mr. LEVIN. Mr. President, I will oppose the amendment offered by the Senator from Wisconsin which calls for fulfilling the "pledge" that Congress cut spending by \$3 for every dollar that was raised by the Tax Equity and Fiscal Responsibility Act of 1982. It is clear that it is a matter of divided opinion as to whom such a pledge was made. The ranking minority member of the Senate Budget Committee was unaware of such a pledge, and some members of the Finance Committee also questioned whether such a pledge ever existed.

More importantly, it is clear that if we are to take serious action against the deficit, attacking further spending alone will be insufficient. The spending reductions which the President proposed for fiscal year 1984 largely met with opposition from both sides of the aisle. Some Members who supported the President's budget cuts in the first 2 years of his term indicated that in some areas spending may already have been cut too close to the bone. Furthermore, a look at the budget numbers themselves suggests that even the most drastic cuts in spending will still leave a deficit for fiscal year 1984 well over \$100 billion. For example, even if food stamps, aid to families with dependent children (AFDC), low-income energy assistance, Medicaid, the Legal Services Corporation, all foreign aid, the Department of Energy, housing assistance for the poor, supplemental security income, and the budget to fund the Congress were totally eliminated, the deficit for fiscal year 1984 would still exceed \$120 billion. While few would suggest making such drastic cuts, the enumeration of them indicates that unrealistically and unreasonably harsh spending cuts would still prove inadequate.

I am willing to support additional spending cuts as part of a package of shared sacrifice. A package such as the Hollings freeze plan for fiscal year 1984, which I voted for, contained elements which, standing by themselves, I could not support, but which taken together form an equitable and significant deficit reduction program. As a practical matter, if we are to have such a program it would require both spending cuts and selected tax increases. That is where the deficit reduction potential is and that is where the equity is. For example, as of 1983, the first 2 years of the Reagan tax policy and budget cuts will mean that a household making less than \$10,000 will lose an average of \$310, whereas a household making \$80,000 or more will gain on the average \$13,730. A deficit reduction plan which merely looks to

cutting entitlements and ignores disparities like that one would be unacceptable from a fiscal and humane point of view.

Mr. President, the Senator from Wisconsin wants deficit reduction and so do I. The issue is how it will be done, and I believe that the approach he is offering does not fairly address the issue.●

Mr. BAKER. Third reading.

The PRESIDING OFFICER. Is there further amendment? If not, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

Mr. BAKER. Mr. President, I now move to recommit House Joint Resolution 308 to the Committee on Finance with instructions to the committee to report such bill back immediately.

The PRESIDING OFFICER. The question is on the motion.

Mr. ARMSTRONG. Mr. President, I take it this is a debatable motion.

The PRESIDING OFFICER. It is.

Mr. ARMSTRONG. Mr. President, I do not exactly know at what moment it might come, but I think we ought to understand the effect of the motion made by the majority leader, which is to strip off all amendments so that then we would have before us the bill increasing the debt ceiling to the original suggested total to \$1.614 trillion, or whatever it is.

Mr. President, I do not intend to belabor the issue, as the Senator from Idaho and others have made the point. If that is what we want to do, then this is the opportunity to do so.

For my part, I would be reluctant to have that happen. I intend to vote against the motion and I ask for the yeas and nays.

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

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate?

Mr. LONG. Mr. President, I would like to be sure I have this matter straight. Is the effect of the motion to strike not only the amendments that were not germane but also to strike the Armstrong amendment, which is clearly germane, to the bill which would reduce the amount of increase in the debt limit, to a \$61 billion increase? We would strike everything we have done?

The PRESIDING OFFICER. That is correct.

Mr. LONG. I see. Well, that is clear enough, Mr. President. If that is what the Senate wants to do, it may do so. I am prepared to vote.

Mr. BYRD. Mr. President, I probably will vote against the motion, but

what are the amendments that would be stricken?

The PRESIDING OFFICER. The amendments that will be stricken are as follows:

Chiles amendment No. 2459; Hart amendment No. 2462, as modified; Moynihan amendment No. 2467; Long amendment No. 2469, as modified; Riegle amendment No. 2471, as further modified; Baucus amendment No. 2474.

Mr. BYRD. Mr. President, I thank the Chair. Will the Senator explain these amendments?

Mr. DOLE. Yes.

Mr. BYRD. I yield to the Senator from Kansas for that purpose.

Mr. DOLE. Mr. President, the amendments that would be stricken would be the amendment of the Senator from Colorado, Senator ARMSTRONG, which would reduce the amount to \$1.4 trillion; the amendment of the Senator from Louisiana, Senator LONG, that amendments should not be offered to debt limit or reconciliation bills if they increase spending or reduce revenues; the press access to Grenada amendment by Senator RIEGLE; the war powers provision by Senator HART; the military equipment for Jordan by Senator MOYNIHAN; the repatriation of Cubans by Senator CHILES; a meat exports amendment by Senator BAUCUS; and the study on the budget by Senator GRASSLEY.

Mr. BYRD. Mr. President, I will vote against this motion, and I will say why. These are matters which the Senate has disposed of after much debate and there were some of those amendments that were enumerated that I and other Senators feel quite supportive of.

I think it is all right if the conferees go to conference and argue with the House and some of those amendments are stricken in conference. But I cannot support this approach to removing those amendments which have been offered in good faith by Senators who were serious in the offering of those amendments and which were adopted by the Senate.

If the Senate wants to do business this way, it can do it, but I will not vote for the motion.

Several Senators addressed the chair.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, I will not take but just a moment.

Mr. President, I hope the Senate will support this motion. I have discussed with any number of Senators for some days now that at some point I would make a motion to recommit. For some time, there has been some debate in my own mind, and with others, on whether I would ask that the instruction be to report the bill back as originally reported to the Senate, which is

the House-passed bill, or to do it after the Senate had taken action on the Armstrong amendment. I chose the former rather than the latter and for one principal reason, Mr. President: It is 20 minutes to 11 and before midnight tonight when the debt limit expires.

Mr. President, there is certainly nothing wrong with letting this thing run by the statutory deadline. I guess in the last 4 or 5 years we have done that at least twice that I know of, once by 2 days and once by something more than that, and the universe did not stop in its orbit around the Sun.

But it is not good practice. If we support this motion, the net effect will be that we will pass the debt limit as passed by the House of Representatives and avoid the necessity for a conference or a further vote by the House.

I believe, Mr. President, an hour and 20 minutes before the act expires, that that is a good decision for the Senate to make. I hope it will be supported.

Mr. SARBANES. Will the majority leader yield for a question?

Mr. BAKER. Yes.

Mr. SARBANES. Will the majority leader's motion bring back from the Finance Committee in an unchanged form House Joint Resolution 308?

Mr. BAKER. It would.

Mr. SARBANES. Could I ask the majority leader when House Joint Resolution 308 first came to the Senate and was available for Senate action?

Mr. BAKER. Mr. President, when it came to the Senate is a date I will have to get for you. When it was available for Senate action was, of course, when it was reported by the Senate Finance Committee. I will have to supply those dates for the Senate.

The PRESIDING OFFICER. It came to the Senate on June 27.

Mr. SARBANES. I thank the Chair.

Mr. LONG addressed the Chair.

The PRESIDING OFFICER. Does the majority leader yield?

Mr. BAKER. Mr. President, I yield the floor.

Mr. LONG. Mr. President, the majority leader said in his statement that the debt limit expires tonight. That is not correct. Nothing expires tonight, not a thing expires. The debt limit remains where it is, that it all, at \$1.389 trillion. This is completely at variance with the way it used to be before this year. When we had a temporary debt limit that expired, you could not pay a nickel.

This is not the case now. The Treasury has a lot of money in the till. They can spend all that they have on hand. And as money comes in, they can spend that, too. Nothing expires.

We were told something to the effect that if we do not pass this bill it is going to cost the Government \$250 million. That is on the assumption

that this sale of Government securities, which had already been postponed, will have to be issued at one eighth of a point interest higher than it would have been otherwise. That may or may not be true. But if money has been lost, it has already been lost. It does not make any difference whether you vote tonight, tomorrow night, or next week on that. There is no difference. This sale has been postponed.

So there is no real difference, Mr. President, in that regard.

The big question is, Does this Senate want to insist on fiscal responsibility at long last? Are we ready to say at some point that we are just not going to give the administration a checkbook to spend all the money they want to and when that is gone, they should send up a resolution and we will just give them a quarter of a trillion dollars more," about what the net Federal debt was at the end of World War II? Shall we say, "Just any time you need more money, send up a resolution and we will just increase the debt limit"?

The question is, Will the Congress actually have the effrontery to amend such a resolution to reduce the increase in the debt limit? Instead of giving them what they ask, just give them a lesser figure. Or maybe not even pass it at all until we have a better understanding about whether we are going to continue to go in debt at the rate of \$200 billion a year from now as far as the eye can see off in the future.

Make no mistake about it, when you vote for this motion, you are voting to continue the biggest deficits in the history of the country as far as anybody can see. For the time being, the administration has no plans to change that until after the next election; and in the event they are reelected, we do not know whether they will change it or not. That is what you are voting for.

We voted on the Armstrong amendment by a vote of 70 to 15. To ask us to vote for an increase of \$225 billion without any commitment of any sort that we are ever going to talk about cutting spending in a realistic way or raising revenue to try to reduce the deficit—that is just too strong.

If those who had the courage to vote to displease the powers that be by a vote of 70 to 15 want to reverse themselves—and we have heard this described as a turkey shoot, for them to run like a bunch of turkeys from their own judgment—go to it.

Here are about four sense-of-the-Senate amendments we voted: The first was by Mr. CHILES, not binding on anybody. The administration could ignore it. It suggested that it was the sense of the Senate that when they deliver those prisoners of war to Mr.

Castro, they try to get him to take back some of the undesirables he pawned off on us.

Then we voted with Mr. BAUCUS to say we ought to try to get Japan, with that huge trade surplus they are running, to buy some of our beef, rather than putting all the impediments in it. If those who voted for it want to retreat, they can run away. They may feel, this is about as far as our backbone will take us; now we have to backup.

Or those who said that we ought to do something about the censorship of the press in Grenada. If they think they stuck their neck out too far and want to retreat, this is their chance to do so.

Or those who agreed to my proposal that we should not be putting amendments to increase the debt by either additional spending or by cutting taxes on a debt limit bill or a reconciliation bill just for 1983—if they want to retreat and run from that, they can.

But the big item, Mr. President, is the triggering of the War Powers Act. Senators voted for that. We debated and voted for it. If Senators want to retreat from it, this is your chance. You can say, "I am afraid I did the wrong thing. That might offend the President."

If you want to do that, here is your chance to run away from what you did. This is the opportunity.

Or with those who voted for Mr. MOYNIHAN, saying that on this new army to be created in Jordan, it should not be created without the express authorization of the Congress. Well, having voted that way, if you now want to find some way to escape the judgment of history on your vote on the proposal, here is your chance to vote that way.

I just happen to think, Mr. President, that Senators are made of sturdier stuff than that, that having taken their position and voted for it, they do not want to retreat from it. But I have seen some very foolhardy things done before, and I will respect whatever the Senator wants to do about this matter.

Mr. DOLE. Mr. President, I want to commend the distinguished Senator from Louisiana. Here is a man who can reverse his field. He has not given that speech very often; he generally gives the one I am going to give. [Laughter.]

With a little practice, in 4 or 5 more years, he will have that speech down pat. I made that same speech, I think, the last time he had this thing on the floor. It was not as eloquent, but I think I ended up voting with him. I hope maybe that will happen.

I understand all that. I thought we just had a lot of fun in the last 4 or 5 days. I did not know anybody was serious about this. I was willing to go along with the act, but I thought it was going to end.

There are some very important issues. I talked to the chairman of the Ways and Means Committee and said, "Danny, have you been studying up on the War Powers Act?"

"No, not lately."

"What about press access to Grenada?"

No, he had not been over there lately.

He had not studied too much about the repatriation of the Cubans.

He knew more about meat exports because they like to eat that stuff in Chicago, so he had a little on that.

He was also concerned about the Armstrong amendment, which is the one germane amendment, the only germane amendment that is not the sense of the Senate amendment that we adopted.

There is nothing this Senator would enjoy more than having the House Republicans having to squirm and vote on this thing. They put out newsletters saying they are against the spending, against the debt, against the deficit control.

So I would not shed too many tears if they had to have a House vote on that provision. But I am suggesting it probably would not pass. Again, that is not our problem. We have enough problems trying to get it passed here. I can already count. We may want to regroup in about 15 minutes. [Laughter.]

It just seems to me that we have had a good time. Halloween is about over. We have scared about everybody in the country. [Laughter.] I think it is time to take off the masks and get down to serious business. I am prepared to vote, and I hope that we will approve the motion to recommit. If not, I do not know what we will do. I am going to talk to the Parliamentarian during the vote.

Mr. ARMSTRONG. Mr. President, when I sought the floor in clarification of this so that we all understand the purpose of the motion in respect of the pending bill, I did not anticipate that there would be any lengthy debate. But since others have spoken and they have spoken in part about the amendment which I offered, and which the Senate adopted by a vote of 70 to 15, perhaps I can just say one word to try to put this in perspective.

Basically, the case which the Senator from Kansas has argued so eloquently is a case for business as usual. Ordinarily, I would be for it. I guess as all know, I am a conservative. Conservatives think business as usual has a reason, to do business as usual because that is the way business works out best. That is why it becomes the regular order. We stick with the familiar, what is tried and true and what has worked.

But you know, Mr. President, there comes a moment at which, if you try something not once or twice but over

and over again and it gets you deeper and deeper in trouble, then you begin to wonder whether or not business as usual is really a good idea. I think that is where we are on this.

There are people in this body who have never voted for a debt ceiling increase. There are some who have voted for it on many occasions and some who have voted on one side of the issue. It seems to me there is one thing we can agree on tonight, that after all the temporary debt limit debate and after all the time we have been told if we do not pass it by a certain deadline, terrible things will happen, after all the crocodile tears, after we have been cajoled, euchred, and flattered and our arms have been twisted and everything has happened and we have raised the debt limit over and over again, in retrospect, has it been good for the economy of our country? I think not. I think that is a large part of the blame for the economic troubles through which our country has so recently passed.

Moreover, there is a real moral question of what in the world are we thinking of, spending beyond our means every year, not once or twice but every year, 20 years in a row, and saying our kids are going to pay off the debt or future generations are going to pay it off in higher interest rates, or the inability to buy homes or start businesses.

I think this is the time not to go for business as usual, but to take a stand. The choice is not between passing this bill and chaos. If the bill does not pass, as the majority leader has pointed out, the world is going to turn in its usual orbit, and there will be business as usual in that sense, at least. I assume there would be some accommodation with those of us who withhold our votes if it should happen that some of us withhold our votes from the passage of this measure. Some are going to come to us and say, OK, what would it take to get your vote? I have been approached, as have others, by those who have asked, What would it take to get you to support this measure? I have announced publicly and I announce again, it would take some element of budget restraint, some element of reform of the institutional process that would lead me to believe that, months from now or a year from now, we will not be asked to raise the limit by another trillion dollars.

That is the one thing that is outstanding in this, that it is an increase of such extraordinary proportions that in that sense, it is precedent setting. I am going to vote against the motion to recommit and I am going to vote against the bill.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the motion to re-

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

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Minnesota (Mr. BOSCHWITZ), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

Mr. BYRD. I announce that the Senator from California (Mr. CRANSTON), the Senator from Colorado (Mr. HART), and the Senator from South Carolina (Mr. HOLLINGS) are necessarily absent.

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

The result was announced—yeas 27, nays 68—as follows:

[Rollcall Vote No. 329 Leg.]

YEAS—27

Baker	Goldwater	Packwood
Boren	Gorton	Quayle
Bradley	Heinz	Roth
Chafee	Kassebaum	Rudman
Cochran	Laxalt	Simpson
Cohen	Lugar	Stafford
Danforth	Mathias	Stevens
Dole	McClure	Tower
Durenberger	Murkowski	Wallop

NAYS—68

Abdnor	Glenn	Mitchell
Andrews	Grassley	Moynihan
Armstrong	Hatch	Nickles
Baucus	Hatfield	Nunn
Bentsen	Hawkins	Pell
Biden	Hecht	Percy
Bingaman	Heflin	Pressler
Bumpers	Helms	Proxmire
Burdick	Huddleston	Pryor
Byrd	Humphrey	Randolph
Chiles	Inouye	Riegle
D'Amato	Jepsen	Sarbanes
DeConcini	Johnston	Sasser
Denton	Kasten	Specter
Dixon	Kennedy	Stennis
Dodd	Lautenberg	Symms
Domenici	Leahy	Thurmond
Eagleton	Levin	Trible
East	Long	Tsongas
Evans	Matsunaga	Warner
Exon	Mattlingly	Wilson
Ford	Melcher	Zorinsky
Garn	Metzenbaum	

NOT VOTING—5

Boschwitz	Hart	Weicker
Cranston	Hollings	

So the motion was rejected.

Mr. BAKER. Mr. President, may I have the attention of my colleagues in the Senate?

The PRESIDING OFFICER. The Senate will please be in order.

Mr. BAKER. Mr. President, I remarked once, facetiously, that the formal training of the majority leader ends in the third grade, and that is when he learns how count. I learned how to count in the third grade, and nothing I see in this rollcall suggests that I have profited from this count.

I have another motion that I should like to make, and may indeed make. It depends on how the sentence ends. This motion is one I have also discussed with a number of Senators, including the Senator from Colorado. It would be a motion to recommit this bill and to return it to the Senate

forthwith in the shape it was in after the adoption of the Armstrong amendment.

However, to tell the truth, I do not think I would count any more votes on that than I do on this. I think I violate no confidence when I say that I asked the Senator from Colorado if he would vote for this if we did it that way, and he said, "No." That sort of dashed my hopes that it would improve things. [Laughter.]

To tell the truth, I think we are down to the place where we are going to decide whether we are going to pass a debt limit or not. Therefore, I will not offer this amendment.

I believe we have had third reading, and I hope we are prepared now for the vote.

SEVERAL SENATORS. Vote. Vote.

Mr. BAKER. Mr. President, I ask for the yeas and nays on final passage.

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

The yeas and nays were ordered.

Mr. BAKER. Mr. President, I urge Senators not to leave until this vote is over. This is perhaps the last vote.

Mr. BYRD. Mr. President, I hope that the clerk will repeat the vote that is cast and the name of the person who casts it.

The PRESIDING OFFICER. The Chair suggests that, for a change, Senators take their seats during the vote. It might help to facilitate things. Please.

The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Minnesota (Mr. BOSCHWITZ) and the Senator from Connecticut (Mr. WEICKER), are necessarily absent.

Mr. BYRD. I announce that the Senator from California (Mr. CRANSTON), the Senator from Colorado (Mr. HART), and the Senator from South Carolina (Mr. HOLLINGS), are necessarily absent.

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

The result was announced—yeas 39, nays 56, as follows:

[Rollcall Vote No. 330 Leg.]

YEAS—39

Abdnor	Evans	Moynihan
Andrews	Garn	Packwood
Bingaman	Glenn	Pell
Bradley	Gorton	Percy
Chafee	Hatfield	Roth
Cochran	Heinz	Simpson
Cohen	Kassebaum	Specter
Danforth	Laxalt	Stafford
Dodd	Levin	Stennis
Dole	Lugar	Stevens
Domenici	Mathias	Thurmond
Durenberger	Matsunaga	Tsongas
Eagleton	McClure	Wallop

NAYS—56

Armstrong	Hatch	Murkowski
Baker	Hawkins	Nickles
Baucus	Hecht	Nunn
Bentsen	Heflin	Pressler
Biden	Helms	Proxmire
Boren	Huddleston	Pryor
Bumpers	Humphrey	Quayle
Burdick	Inouye	Randolph
Byrd	Jepsen	Riegle
Chiles	Johnston	Rudman
D'Amato	Kasten	Sarbanes
DeConcini	Kennedy	Sasser
Denton	Lautenberg	Symms
Dixon	Leahy	Tower
East	Long	Trible
Exon	Mattlingly	Warner
Ford	Melcher	Wilson
Goldwater	Metzenbaum	Zorinsky
Grassley	Mitchell	

NOT VOTING—5

Boschwitz	Hart	Weicker
Cranston	Hollings	

So the joint resolution (H.J. Res. 308) was not passed.

Mr. BAKER addressed the Chair. The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, I enter a motion to reconsider the vote by which House Joint Resolution 308 was defeated.

Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. There is no business pending before the Senate.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business to extend not past the hour of 11:45 p.m. in which Senators may speak.

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

Mr. BAKER. Mr. President, I yield to the Senator from Kansas.

Mr. DOLE. Mr. President, I want to thank my colleagues; I am not certain what for at this moment.

But I think now, with the motion to reconsider, we may be able to accomplish some of the objectives that some people had as far as some reasonable deficit reduction package, and this may even get the attention of the White House.

Mr. BAKER. Mr. President, I yield to the Senator from Colorado.

Mr. ARMSTRONG. Mr. President, I thank the majority leader for yielding. I would like to comment briefly on what might happen next, but before I do so I would like to be sure I understand the action of the majority leader. As I understand it, he did not move to reconsider, but entered a motion to reconsider so that he may call up that motion or move to the consideration of a motion to reconsider at some time, but when we come in tomorrow it would not necessarily be the pending business.

Mr. BAKER. The Senator is correct.

Mr. ARMSTRONG. Mr. President, then I would like to discuss very quickly, because the hour is late, what may happen.

First, before I do, I want to say that one Member of this body who has served here a long, long time and who has watched this issue be voted on many, many times said that he has seen tonight something that he never really expected to see, and that is the defeat of the debt ceiling bill.

Now, I do not want to exaggerate the importance of what happened, because this is just a way station on the road to the final action and disposition of this measure.

I do not know exactly what is going to happen next, but I will give you three predictions.

First of all, when we get up in the morning, it is not going to be a lot different kind of day than it would have been if we passed this. We are going to discover that all of the dire predictions that the Treasury Department made and others made about the catastrophe that would befall the United States and the world if we failed to pass this bill by midnight are not going to come true. The processes of Government are not going to grind to a halt; our Army, Navy, and Air Force will continue to defend the country; the bureaucrats will still be on the job; and nothing will expire. As the Senator from Louisiana has pointed out, we simply will not have increased the burden of public debt in this country.

My second prediction is that a lot of Senators who voted against this measure on both sides of the aisle for their own reasons—and we did not all vote that way for the same reason, I recognize that, and every one of us in the Chamber recognizes that—will begin to get telephone calls from persons who are interested in the outcome.

Maybe some of them will be at the other end of Pennsylvania Avenue. I hope that the OMB and others concerned about this matter, our friends at the Treasury Department, will be in touch with us and will be receptive to a discussion of what has transpired. If we play our cards right, let me say to those of us who are interested in the kind of measures of spending restraint and institutional reform that the Senator from Louisiana and others have spoken about, we can get something for our votes.

I have already advertised that my vote is for sale on this issue, that I can be bought on this. My price is very simple: I am prepared, reluctantly, to support an increase in the public debt either upon an amendment which significantly reduces spending or constitutes a measure of institutional reform. All I urge my colleagues as we go home tonight is when you are contacted to find out what it is that it takes to get you on board you will say something of the same kind because if

we do by tomorrow, tomorrow afternoon or tomorrow night, or some time very soon, we will get something very worthwhile for our trouble in turning down this bill.

I thank the majority leader for yielding.

Mr. BAKER. Mr. President, I will not take very long. I think what we did tonight was akin to lighting a match to look in the gas tank. I do not think any of us know what will happen next. Maybe it will not happen in the morning or next week, but it will happen sooner or later unless we go to the business of passing a debt limit increase for the orderly functions of the Government to operate. I think, Mr. President, I am aware of the maneuvers going on here. There is nothing wrong with them. They are entirely appropriate to Members of the Senate if they wish to try to convince the White House or a majority of the Senate that we should use the debt limit bill to try to change the fiscal policy of this Government. But I want to say I will bet you do not succeed. I will bet the only way that is going to happen is if you try to work together with the administration and Republicans, and Democrats together. That is not what we did tonight.

This is a historic first. Maybe not a first, but it is a historic time for the Senate to reject an increase in the debt limit 20 minutes before the time when I am told that we will run out of credit that is necessary to continue. The Senator from Louisiana is right. When we run out of money, we do not go back to a permanent debt limit or fall off the edge of the bluff, but it puts the country on a cash receipts basis.

Mr. President, I want to say what I said the other day. We do not know what that means. I do not know how it is to run this Nation on a cash-receipts basis. Maybe that is too bad, but it is true. I do not know what decisions the Treasury, the President, or the courts will make about who has the authority to decide which bills will be paid and which ones will not be. I do not know who will decide what checks will go out and which ones will not in order to keep us on a cash-receipts basis. We are dealing, Mr. President, with uncertainties of the most extraordinary type and we are playing Russian roulette.

Mr. President, I have entered this motion, and I will try as calmly and dispassionately as I can to negotiate with those who have opposed this matter, with those who have managed this matter, with the White House, and any Senator who wishes to speak. But, Mr. President, one way or the other we have to face up to our responsibility to deal with this issue. It is my intention to try to do so.

#### NATURAL GAS DEREGULATION

Mr. BAKER. Now, Mr. President, it is my hope that we can lay down the business for tomorrow which has been announced to be the natural gas bill.

The minority leader is not on the floor, but I indicated to him—yes, he is. I would like to do that tonight.

Mr. President, that, too, is a controversial issue. It may take a long time for the Senate to deal with it. But the Senate has been on notice now for several weeks that we were going to take it up in some days and we would attempt to do it this week after we finished the debt limit.

Now, Mr. President, at this time I ask unanimous consent that the Senate proceed to the consideration of S. 1715, Calendar Order No. 330, the natural gas bill.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senate will be in order.

The minority leader is recognized.

Mr. BYRD. I object on behalf of another Senator.

Mr. BAKER. Mr. President, in a moment I am going to ask the Senate to recess until tomorrow. Senators will be on notice that on tomorrow there will be an effort to reach this bill either by unanimous consent or by motion.

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#### ORDER FOR RECESS UNTIL TOMORROW AT 10 A.M.

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

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

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#### ORDER OF PROCEDURE

Mr. BAKER. There will be no more record votes tonight.

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#### ORDER DESIGNATING PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON TOMORROW

Mr. BAKER. I ask unanimous consent that after the recognition of the two leaders under the standing order there be a period for the transaction of routine morning business until 10:30 a.m. in which Senators may speak for not more than 2 minutes each.

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

**ORDER FOR RECOGNITION OF SENATOR PRESSLER ON TOMORROW AND EXTENDING TIME FOR ROUTINE MORNING BUSINESS UNTIL 12 NOON**

Mr. BAKER. Mr. President, I ask unanimous consent that after the two leaders are recognized, Mr. PRESSLER be recognized on a special order of 15 minutes and that the time for morning business extend, after the special order has expired, until 10:45 a.m.

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

Mr. BAKER. Now, Mr. President, if there is no further business to come before the Senate—

Mr. BYRD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. Will Senators please take their conversations out of the Chamber?

Mr. BAKER. Mr. President, I thank the Chair. Throughout the evening the Chair has done an exemplary job of keeping order on its own initiative. I congratulate him for that.

There is one matter I would like to take up which is a message from the House on Senate Joint Resolution 57.

Mr. BYRD. Mr. President, there is no objection to proceeding with the bill.

Before I remove what I now state as a reservation, I think one of the committees, may I say to the majority leader, is meeting tomorrow morning at 10 o'clock. I am just wondering if closing morning business at 10:45 might be a bit early.

Mr. BAKER. Mr. President, I am perfectly willing to change that. Does the Senator have a suggestion as to time?

Mr. BYRD. May I suggest this, and I know that the majority leader will honor this proposal, that no motion be made to proceed to anything until I am on the floor. I will be here.

Mr. BAKER. I can give the Senator my assurance of that.

Mr. President, let me say this: If there is a real need for time for general discussion tomorrow on any other business we transact, since tomorrow is Tuesday and we will have our 12 to 2 recess, I will be happy to keep the morning business in session until 12.

Mr. BYRD. I wish the Senator would do that because I have to go before a committee which is holding a meeting at my request.

Mr. BAKER. Mr. President, I amend the request so that it will be that morning business will begin at the conclusion of the special order and continue until 12 o'clock during which Senators may speak for not more than 5 minutes.

Mr. President, while I am at the—

Mr. BYRD. I have no objection to the request.

**ORDER FOR RECESS FROM 12 NOON UNTIL 2 P.M. ON TOMORROW**

Mr. BAKER. I thank the Senator. Let me modify it with one addition. Since tomorrow is Tuesday, I ask unanimous consent that the Senate recess from 12 until 2 p.m. to accommodate the caucuses on both sides. That is the entire request.

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

**ORDER OF PROCEDURE**

Mr. BAKER. Now, Mr. President, tomorrow at 2 p.m. or a few minutes after that, it will be the intention of the leadership on this side to try to reach the natural gas bill by unanimous consent or by motion.

Now, Mr. President, if any Senator wishes to speak, I will provide time for that. I see none rising.

I am told that the minority leader has indicated that Senate Resolution 57 is cleared for action on this side.

**NATIONAL DRUG ABUSE EDUCATION WEEK**

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on Senate Joint Resolution 57.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

*Resolved*, That the resolution from the Senate (S.J. Res. 57) entitled "Joint resolution to designate the week of April 3, 1983 through April 9, 1983, as 'National Drug Abuse Education Week'", do pass with the following amendments:

Page 2, line 1, strike out "April 3, 1983, through April 9, 1983," and insert: November 2, 1983, through November 9, 1983.

Amend the title so as to read: "Joint resolution to designate the week of November 2, 1983 through November 9, 1983, as 'National Drug Abuse Education Week'".

Mr. CHILES. Mr. President, today, the Senate is considering the House-amended version of Senate Joint Resolution 57, a resolution to authorize the President to proclaim November 2-9, 1983, as National Drug Abuse Education Week. Senate Joint Resolution 57 passed the Senate earlier this year on March 18 and at that time, the resolution specified the first week in April as National Drug Abuse Education Week. The House of Representatives, however, did not have time to act on this legislation before the end of the first week in April and because the measure was untimely, it was not enacted. Senate Joint Resolution 57, fortunately, has been revived by the House of Representatives and the date has been amended to read November 2-9, 1983. It is this amended resolution that we now have before us.

The week of November 2 through 9 was chosen as the amended date be-

cause this is the week that the Public Broadcasting Service, in conjunction with parents groups, national associations, civic organizations, and others, is initiating a new information, education, and action program entitled "The Chemical People."

Right now, local PBS television stations and community volunteers are organizing town meetings to bring concerned parents and citizens together to view "The Chemical People," a two-part series hosted by First Lady Nancy Reagan, to be aired November 2 and 9 at 8 p.m. The November 2 segment provides evidence seeking to knock down the wall of denial about the problem of drugs behind which we too often hide. At each town meeting following the program, there will be a discussion of the local situation with a panel including such persons as judges, police, teachers, and teenagers. On November 9, the program will show how other parents, schools, and neighbors are fighting drugs and alcohol, spotlighting how a community task force can be an effective, ongoing force in the community. All 300 PBS stations throughout the Nation are cooperating with this project.

Mr. President, I am excited about "The Chemical People" project because this is precisely the kind of action that National Drug Abuse Education Week hopes to bring about. It is time we recognize that law enforcement efforts alone are not enough to guarantee our children's safety against drug abuse. "The Chemical People" gets citizens involved by focusing attention, by providing organization for those who are truly concerned, by getting parents and children talking and by getting communities moving to combat the illicit use of drugs. This important project, along with many other antidrug abuse efforts now in progress, shows the commitment many Americans have to putting an end to the drug abuse problem. Passage of Senate Joint Resolution 57 to establish National Drug Abuse Education Week will show our support for their fine work. I urge my colleagues to act favorably on this legislation.

Mr. BAKER. Mr. President, I move that the Senate concur in the House amendments.

The motion was agreed to.

**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.)

#### MESSAGES FROM THE HOUSE

At 12:21 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4139. An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies for the fiscal year ending September 30, 1984, and for other purposes.

#### ENROLLED BILLS SIGNED

The message also announced that the Speaker of the House has signed the following enrolled bills:

S. 461. An act to amend the Ethics in Government Act of 1978 to make certain changes in the authority of the Office of Government Ethics, and for other purposes; and

S. 552. An act to designate the Federal Building in Fort Myers, Florida, as the George W. Whitehurst Federal Building and United States Courthouse.

The enrolled bills were subsequently signed by the President pro tempore (Mr. THURMOND).

At 4:46 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the bill—S. 1129—to authorize appropriations for programs under the Domestic Volunteer Service Act of 1973, and for other purposes, with amendments; it insists upon its amendments, asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. PERKINS, Mr. GAYDOS, Mr. BIAGGI, Mr. ANDREWS of North Carolina, Mr. SIMON, Mr. MILLER of California, Mr. MURPHY, Mr. CORRADO, Mr. WILLIAMS of Montana, Mr. ERLBORN, Mr. GOODLING, Mr. COLEMAN of Missouri, Mr. PETRI, Mrs. ROUKEMA, and Mr. BARTLETT as managers of the conference on the part of the House.

The message also announced that the House disagrees to the amendments of the Senate to the bill—H.R. 3222—making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1984, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. SMITH of Iowa, Mr. ALEXANDER, Mr. EARLY, Mr. DWYER of New Jersey, Mr. MRAZEK, Mr. CARR, Mr. WHITTEN, Mr. O'BRIEN, Mr. MILLER of Ohio, Mr. PORTER, and Mr.

CONTE as managers of the conference on the part of the House.

The message also announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 189. Joint resolution extending the expiration date of the Export-Import Bank Act of 1945.

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

H.R. 3231. An Act to amend the authorities contained in the Export Administration Act of 1979, and for other purposes.

#### ENROLLED JOINT RESOLUTION SIGNED

At 5:18 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

S.J. Res. 189. Joint resolution extending the expiration date of the Export-Import Bank Act of 1945.

The enrolled joint resolution was subsequently signed by the President pro tempore (Mr. THURMOND).

#### HOUSE MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3231. An act to amend the authorities contained in the Export Administration Act of 1979, and for other purposes.

H.R. 4139. An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies for the fiscal year ending September 30, 1983, and for other purposes.

#### ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

The Secretary reported that on today, October 31, 1983, he had presented to the President of the United States the following enrolled bills and joint resolution:

S. 461. An act to amend the Ethics in Government Act of 1978 to make certain changes in the authority of the Office of Government Ethics, and for other purposes;

S. 522. An act to designate the Federal Building in Fort Myers, Florida, as the "George W. Whitehurst Federal Building and United States Courthouse"; and

S.J. Res. 189. Joint resolution extending the expiration date of the Export-Import Bank Act of 1945.

#### 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-456. A resolution adopted by the City and Borough of Sitka, Alaska supporting Alaska Lumber & Pulp Company's request for a water quality waiver from the Environmental Protection Agency; to the

Committee on Environment and Public Works.

POM-457. A resolution adopted by the Wrangell Chamber of Commerce relating to the granting of Environmental Protection Agency variance for certain Alaska mills; to the Committee on Environment and Public Works.

POM-458. A resolution adopted by the National Student Nurses' Association relating to tax on school tuition; to the Committee on Finance.

POM-459. A resolution adopted by the Rocky Mountain Conference of the United Methodist Church urging Congress to create an effective vehicle of world government by which world peace may reliably be assured; to the Committee on Foreign Relations.

POM-460. A resolution adopted by the City Council of the City of Corpus Christi, Texas relating to the destruction of a civilian airliner by the Soviet Union; to the Committee on Foreign Relations.

POM-461. A joint resolution adopted by the General Assembly of the State of Colorado; to the Committee on Foreign Relations.

#### HOUSE JOINT RESOLUTION NO. 1037.

"Whereas, On September 1, 1983, the Union of Soviet Socialist Republics (USSR) unmercifully and intentionally destroyed, with military force, a commercial nonmilitary aircraft carrying two hundred sixty-nine innocent passengers; and

"Whereas, There are no known survivors; and

"Whereas, Sixty-one of the passengers were American citizens, including a United States Congressman, and these individuals are deeply missed by their families, fellow Americans, and members of the United States Congress; and

"Whereas, The ruthless action by the USSR has shocked all peace-loving nations and placed a chilling factor on commercial nonmilitary air travel; and

"Whereas, This tragedy will never be forgotten; now, therefore,

*"Be It Resolved by the House of Representatives of the Fifty-fourth General Assembly of the State of Colorado, the Senate concurring herein:*

(1) That the unjustified and ruthless actions by the U.S.S.R. are condemned.

"(2) That the responsive actions of the President of the United States in demanding a full account of the tragedy, an apology to the peace-loving nations of the world, restitution to the families of the victims, and assurance from the leaders of the U.S.S.R. that a similar tragedy will never occur again are supported.

"(3) That the international search for bodies of the victims and the flight recorder of the aircraft was unimpeded by any action of the U.S.S.R.

*"Be It Further Resolved,* That a copy of this Resolution be transmitted to the President of the United States, the Congress of the United States, and the ambassador to the United States from the U.S.S.R."

POM-462. A resolution adopted by the Legislature of the State of Arizona; to the Committee on Foreign Relations.

#### "SENATE MEMORIAL 1001

"Whereas, the government of the Soviet Union, from its inception, has had a callous disregard for the human rights of mankind; and

"Whereas, the government of the Soviet Union has continuously and diligently undermined representative government throughout the world; and

"Whereas, the actions of the government of the Soviet Union have brought about the direct and indirect death of millions of innocent men, women and children; and

"Whereas, the government of the Soviet Union has shown neither remorse for its barbaric activities nor evidence of worthiness to be included in the civilized community of nations. Wherefore your memorialist, the Senate of the State of Arizona, prays:

"1. That the United States Ambassador to the U.S.S.R. convey to the government of the Soviet Union the recommendation of the Senate of the State of Arizona that the government of the Soviet Union be exiled to Siberia and thereafter, go straight to hell.

"2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the United States Ambassador to the U.S.S.R., the President of the United States, the President of the United States Senate and the Speaker of the House of Representatives of the United States."

POM-463. A resolution adopted by the Woman's National Auxiliary Convention of the National Association of Free Will Baptists supporting the President's views on women's rights, his stand on abortion and the equal rights amendment; to the Committee on the Judiciary.

POM-464. A resolution adopted by the Woman's National Auxiliary Convention of the National Association of Free Will Baptists supporting the President's views on women's rights, his stand on abortion and the equal rights amendment; to the Committee on the Judiciary.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HELMS, from the Committee on Agriculture, Nutrition, and Forestry, with an amendment in the nature of a substitute:

S. 566. A bill to direct the Secretary of Agriculture to release on behalf of the United States a reversionary interest in certain land conveyed to the South Carolina State Commission of Forestry, and to direct the Secretary of the Interior to convey certain mineral interests of the United States in such land to such commission (Rept. No. 98-286).

By Mr. HELMS, from the Committee on Agriculture, Nutrition, and Forestry, with an amendment in the nature of a substitute and an amendment to the title:

S. 1503. A bill to release the revisionary clause by the Federal Government on 6.21 acres in the deed to the land conveyed to the State of Delaware September 24, 1954 (Rept. No. 98-287).

By Mr. HELMS, from the Committee on Agriculture, Nutrition, and Forestry, without amendment:

H.R. 24. A bill to make certain land owned by the United States in the State of New York part of the Green Mountain National Forest (Rept. No. 98-288).

By Mr. STAFFORD, from the Committee on Environment and Public Works, with amendments:

S. 452. A bill to establish public buildings policies for the Federal Government, to establish the Public Buildings Service in the General Services Administration, and for other purposes (Rept. No. 98-289).

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation:

Diane K. Steed, of the District of Columbia, to be Administrator of the National Highway Traffic Safety Administration.

(The above nomination was reported from the Committee on Commerce, Science, and Transportation with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. NICKLES (for himself, Mr. MELCHER, Mr. EXON, Mr. ZORINSKY, Mr. COCHRAN, Mr. BUMPERS, Mr. HUMPHREY, Mr. McCLURE, Mr. STEVENS, Mr. GARN, Mr. HUDDLESTON, Mr. ANDREWS, Mr. HELMS, Mr. BURDICK, Mr. KASTEN, Mr. MATTINGLY, Mr. EAST, Mr. WARNER, Mr. GRASSLEY, Mr. BOSCHWITZ, Mr. HEFLIN, Mr. GORTON, Mrs. HAWKINS, Mr. JEPSEN, Mr. PRESSLER, and Mr. ROTH):

S. 2029. A bill to prohibit the payment of social security benefits to aliens illegally employed or residing in the United States; to the Committee on Finance.

By Mr. GOLDWATER:

S. 2030. A bill to repeal the War Powers Resolution; to the Committee on Foreign Relations.

By Mr. MOYNIHAN:

S. 2031. A bill relating to the residence of the American Ambassador to Israel; to the Committee on Foreign Relations.

By Mr. HART:

S. 2032. A bill to designate certain additional national forest lands in the State of Colorado as components of the National Wilderness Preservation System; to the Committee on Energy and Natural Resources.

By Mr. BYRD:

S.J. Res. 191. A joint resolution to require the Office of Federal Procurement Policy to review certain procurement practices and procedures of the Department of Defense and to report its findings, conclusions, and recommendations to the Congress; to the Committee on Armed Services.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BYRD:

S. Res. 256. A resolution calling for a Senate factfinding mission to travel to Grenada and to report back to the Senate; to the Committee on Rules and Administration.

By Mr. BYRD:

S. Res. 257. A resolution calling for a Senate factfinding mission to travel to Gre-

nada and to report back to the Senate; placed on the calendar.

By Mr. DOLE (for himself and Mr. BAKER):

S. Res. 258. A resolution to amend rule 15 of the Standing Rules of the Senate; to the Committee on Rules and Administration.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. NICKLES (for himself, Mr. MELCHER, Mr. EXON, Mr. ZORINSKY, Mr. COCHRAN, Mr. BUMPERS, Mr. HUMPHREY, Mr. McCLURE, Mr. STEVENS, Mr. GARN, Mr. HUDDLESTON, Mr. ANDREWS, Mr. HELMS, Mr. BURDICK, Mr. KASTEN, Mr. MATTINGLY, Mr. EAST, Mr. WARNER, Mr. GRASSLEY, Mr. BOSCHWITZ, Mr. HEFLIN, Mr. GORTON, Mrs. HAWKINS, Mr. JEPSEN, Mr. PRESSLER, and Mr. ROTH):

S. 2029. A bill to prohibit the payment of social security benefits to aliens illegally employed or residing in the United States; to the Committee on Finance.

#### SOCIAL SECURITY BENEFITS DISALLOWANCE ACT OF 1983

Mr. NICKLES. Mr. President today Senator MELCHER and I are introducing legislation which would prohibit illegal aliens from receiving social security benefits. This is not the first time that this issue has been before the Senate, nor do we expect it to be the last.

In February of this year, I introduced legislation, S. 595, which addressed the issue of legal and illegal aliens receiving social security benefits. When H.R. 1900, the Social Security Amendments of 1983 were adopted by the Senate, provisions affecting both classifications of aliens had been incorporated into the legislation. Through the work of a number of my colleagues, including Senators LUGAR, GRASSLEY, and BOREN, the amount of benefits which could be earned by legal aliens living abroad was restricted in the Finance Committee. When the reform package came to the full Senate for consideration, I along with 18 other Senators including Senator MELCHER, offered an amendment to prohibit illegal aliens from receiving social security benefits. A motion to table this amendment was defeated by 58 to 34 and the language was accepted by voice vote.

During conference on the Social Security Amendments of 1983, a weakened version of the language reducing benefits for legal aliens living abroad was enacted into law. However, the provision regarding illegal aliens was struck completely from the bill.

Because of the support which my colleagues and the general public have shown for this issue, Senator MELCHER and I are reintroducing the provision barring illegal aliens from receiving

social security benefits as a separate bill. We are proud to have 25 cosponsors on this measure, including Senators EXON, ZORINSKY, COCHRAN, BUMPERS, HUMPHREY, MATTINGLY, EAST, WARNER, GRASSLEY, BOSCHWITZ, HEFLIN, GORTON, MCCLURE, STEVENS, GARN, HUDDLESTON, ANDREWS, HELMS, BURDICK, KASTEN, HAWKINS, JEPSEN, and PRESSLER.

The language in this legislation is identical to the amendment we offered in March. It is in response to a GAO report (GAO/HRD-83-32) which pointed to a myriad of problems with aliens and social security law. Currently, there is nothing in the Social Security Act which prohibits illegal aliens from earning credits and collecting social security benefits. Although it is impossible to know the exact number of illegal aliens receiving social security benefits, some data is available. According to the best estimates, there are from 3.5 to 6 million illegal aliens living in the United States. There is little data on the proportion of those who have worked and even scarcer information on what percentage become vested and receive benefits. However, one study found that between 65 and 88 percent of illegal aliens interviewed had been employed in this country and had paid social security taxes on their earnings. Taking the lower of all the estimates, GAO reports that if only 1 percent of the 2.6 million illegal aliens working in this country become vested and draw benefits, it could cost the trust fund \$108 million per year. If 10 percent collect benefits, it could cost the fund \$1 billion per year. Indeed, this is \$1 billion which the trust fund does not have.

Regardless of the exact number of illegal aliens or the cost involved, this is not an appropriate use of social security trust funds. At this time, those receiving benefits have forgone a cost-of-living adjustment until January because of the shortage in the trust fund. Employers and employees will begin paying higher social security taxes in 1984 because of the imbalance in the trust fund. With Americans making sacrifices to insure the solvency of the trust fund, it is ludicrous to continue to allow benefits to go to aliens who are both living and working in this country illegally. Congress rightly incurs the wrath of our citizens when it allows this kind of abuse to continue unchecked.

The legislation we are introducing today will address the problem in two ways. First, it prohibits social security benefits from going to any illegal alien found to be living or working in the United States by the Immigration and Naturalization Service. In 1982, approximately 970,000 illegal aliens were apprehended by the INS; of those, most leave voluntarily but some go through deportation proceedings. If an illegal alien leaves voluntarily, then

he or she may still draw benefits based on their employment in the United States. Our legislation would correct this loophole which allows aliens to collect benefits which were illegally earned.

The millions of illegal aliens who are never caught by the INS will be affected by the second clause, which requires proof of legal immigrant status upon application for benefits. Before collecting social security checks, all individuals would be required to show evidence of his or her legal status during the period for which benefits are being applied. Should Congress pass legislation which gives amnesty to illegal aliens, this legislation would allow them to receive benefits based on their employment regardless of whether they were legal at the time or not.

It is my hope that the Finance Committee will take action on this legislation. During debate on the Social Security Amendments of 1983, Senator EXON and others were very clear in their dismay about losing this provision in conference. In addition, this language enjoyed the support of the Commissioner of the Social Security Administration.

I urge all 58 Senators who supported this amendment in March to cosponsor the legislation and join me in pushing for its passage, and I ask unanimous consent that the bill be printed in the RECORD.

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

S. 2029

*Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.—This act may be cited as the "Social Security Benefits Disallowance Act of 1983"

DISALLOWANCE OF BENEFITS TO ALIENS NOT AUTHORIZED TO WORK IN THE UNITED STATES

SEC. 101 Title II of the Social Security Act is amended by adding at the end thereof the following section:

"SEC. 234. PROHIBITION OF BENEFITS TO ILLEGAL ALIENS.—Notwithstanding any other provisions of this Title—

(a) An individual can only receive benefits if, at the time such individual files his or her claim for benefits, such individual can show that he or she—

- (1) is a U.S. citizen, or
- (2) was once a U.S. citizen but had voluntarily relinquished such status, or
- (3) is an alien who has been legally admitted to work, or
- (4) was once an alien who was legally admitted to work but had voluntarily relinquished such status.

(b) Subsection (a) applies only with respect to individuals who first become eligible for benefits after December, 1984.

SUSPENSION OF BENEFITS TO ILLEGAL ALIENS

SEC. 102. (a) Section 202(n) of the Social Security Act is amended by adding at the end thereof:

"(3) Notwithstanding any other provisions of this title, no monthly benefit under this

section or section 223 of such Act shall be paid:

"(A) to an individual for any months for which the Attorney General notifies the Secretary that such individual is subject to—

"(i) a final order of exclusion entered under 8 U.S.C. 1226, or

"(ii) a final order of departure entered under 8 U.S.C. 1252, or

"(iii) a voluntary departure in lieu of deportation under 8 U.S.C. 1254(e); and

"(B) on the basis of wages or self-employment income which were earned by an individual during any period for which the Attorney General furnishes information sufficient for the Secretary to determine that such individual is not legally permitted to work in the United States."

(b) The amendment made by this section shall be effective with respect to monthly benefits payable for months after December 1984. Nothing in this section shall prohibit current enforcement measures.

● Mr. MELCHER. Mr. President, I join my colleague, Mr. NICKLES, in introducing this bill to prohibit social security benefits from being paid to illegal aliens.

If an illegal alien is employed illegally, allowing them to be on social security compounds a problem when they leave the country and start drawing benefits. All of us have heard from angry constituents who are appalled to learn that perhaps hundreds of millions of dollars are being paid out of the trust funds in benefits earned through unlawful employment in violation of the Immigration and Naturalization Act. The benefits drawn out are quickly more than any that were contributed by the illegal alien.

In these days of fiscal austerity, retirees are forgoing a meager 3.5 percent cost-of-living increase for 6 months while their health care, utility, and other expenses continue to escalate. And employed workers whose payroll taxes are going up are, in effect, subsidizing benefit payments to these illegal aliens. We find it hard to condone Congress allowing any questionable outgo of the trust funds to continue.

As you know, the Senate did vote overwhelmingly in March to close this loophole when it considered the social security bill. Regrettably, this section was dropped in conference.

Under our bill, applicants for social security benefits would have to show proof of legal employment and residency. This would insure that benefits under the social security system are paid only to those who earn them under legal employment. I hope that Congress can act soon to close this loophole drain on social security funds.●

Mr. MATTINGLY. Mr. President, I am pleased to join with the distinguished Senator from Oklahoma and a number of my other colleagues in cosponsoring legislation to prohibit illegal aliens from receiving social security benefits.

This subject has been voted upon previously this year by this body. In March, during consideration of the Social Security Amendments of 1983, Mr. NICKLES offered an amendment identical to this legislation. After a good deal of discussion and debate, this Senate adopted the amendment. Unfortunately, the provision was dropped in conference with the House. The elimination of the provision does not represent the elimination of the problem. It is quite to the contrary. The problem continues to exist—payments of social security benefits to aliens who entered and worked in this Nation illegally continue to put a financial strain on the system. Today, these aliens continue to receive monthly benefit checks, even if these individuals no longer reside in the United States. At the same time, hard-working, law-abiding citizens are asked, through taxes, to contribute an ever-increasing portion of their wages to support the system. Simple logic recognizes this as unjust.

When we discussed the Nickles amendment in March, I pointed out the frustrations and anger that the citizens of Georgia had expressed to me about the abuse and misuse of the social security system. This very injustice is one which they continue to call to my attention.

The citizens of this Nation should not be penalized because of inconsistent and unjust laws which, on the one hand, prohibit illegal aliens from working in the United States and, on the other, allow them to receive social security benefits on the basis of that work. The inconsistencies and contradictions in those laws should be resolved. I believe this legislation will contribute toward that resolution—and do so in the manner most fair to the citizens of this Nation.

I urge my colleagues' serious support of this measure.

By Mr. GOLDWATER:

S. 2030. A bill to repeal the War Powers Resolution; to the Committee on Foreign Relations.

REPEAL OF THE WAR POWERS RESOLUTION

● Mr. GOLDWATER. Mr. President, I am today introducing a bill to repeal the War Powers Resolution. In my opinion, the resolution is unconstitutional, but we may never have a definitive court decision on that question because the judicial branch usually ducks political questions. The courts believe these problems are better left for resolution between the two political branches, the President and Congress.

In order to avoid a terrible constitutional confrontation at some time of grave international crisis in the future, when a firm and prompt U.S. response is required, I believe we should repeal the War Powers Resolution now. It attempts to deny flexibility to the President in the defense of American citi-

zens and their freedoms. Even if it were not unconstitutional, the War Powers Resolution is impractical and dangerous.

It may cause hesitation at a moment in history when immediate action is necessary. It may encourage and incite this country's adversaries to take action harmful to the vital interests of the American people in the belief that the President will not be able to carry out a sustained response to foreign threats.

Not only does the War Powers Resolution attempts to restrict the engagement of U.S. military forces to no more than 60 days, except for an additional 30 days when needed to remove our forces safely, but it claims to give Congress power to order the President to remove our military units before 60 days are up. Under the terms of the War Powers Resolution, Congress can technically direct the withdrawal of American forces from hostilities 1 hour after the President has deployed them, if Congress is in session and chooses to act with such unusual speed.

Mr. President, the War Powers Resolution runs contrary to all practical experience that had been gained by the Founding Fathers during the War of Independence and by the free people of the United States in the last 207 years. Impediments erected by the Continental Congress nearly lost the Revolutionary War.

The framers of the Constitution, who met in Philadelphia in 1787, knew this fact. They understood from firsthand knowledge that the Congress, acting under the supreme military command powers vested in it by the Articles of Confederation, had disrupted and overturned General Washington's plans time after time with disastrous results. The framers wanted to break away from this bad experience and this is one reason why they made the President Commander-in-Chief of the Nation's military forces when they drafted the Constitution in 1787.

What we often forget today is that the leaders of the new Nation recognized in 1787 that the American people faced tremendous military dangers, both immediately and in the visible future. The United States was surrounded by hostile forces. Spain controlled the mouth of the Mississippi River and blocked free U.S. navigation of the river. She tried to erect a hostile Indian nation between Spanish possessions and the territories of the 13 American States.

To the north, Britain still occupied military forts in American territory in direct violation of the Treaty of Paris of 1783. Great Britain also incited Indian raids across the borders of the United States.

Even our recent ally, France, looked upon the United States as little more than a dependent client. France tried

to involve us in its own foreign conflicts.

Also, U.S. trade already was traveling to all corners of the globe. John Jay commented in the *Federalist Papers* No. 4 that the U.S. people may well find themselves drawn into a military conflict because of commercial conflicts arising as far away as China and India.

Of course, one answer the framers provided to meeting these difficulties was national unity. But increased military powers for the National Government did not provide a complete answer. More was needed and that is why the framers established an independent Chief Executive for the Nation, the President, who was vested with all the executive power of the Nation and specifically designated as the "Commander-in-Chief."

Until the seventies, this was the overwhelming interpretation given by the American people to the Constitution. The President was seen as the national leader who decided the fundamental question of when and where to use American military forces and virtually every President carried out this responsibility. My office has collected over 200 instances in which U.S. Presidents, without any declarations of war, have ordered American military units to engage in hostilities outside the United States in the defense of American citizens and freedoms.

When Congress changed course in the early seventies and began to claim control over military decisions for itself, it brought humiliation upon the United States and severely damaged our position in the world. Congressionally legislated restrictions have led directly to the total collapse of South Vietnam, to genocide in Cambodia, and to the loss of a neutral, independent Laos. I also attribute Soviet-sponsored aggression in Ethiopia, Afghanistan, Angola, Nicaragua, and other areas as stemming in part from the perception of Russian leaders that the United States is so weakened by congressional limitations that we no longer have the ability or will to meet serious challenges while they are manageable.

We can also test the War Powers Resolution against history. What would have happened if President Franklin Roosevelt had been faced with a congressional War Powers Resolution in 1940 and 1941?

Historians are discovering through recently uncensored materials that it was only the independent and often secret actions of President Roosevelt that enabled the United States to keep some foreign opposition to Nazi Germany alive before Hitler's declaration of war on our country. Congress was not consulted when Roosevelt sent American troops to occupy and establish bases in Greenland and Iceland in

1941 and to cooperate with British Armed Forces already there. Nazi planes overflew these bases and no one knew with assurance whether or when a German attack was coming. Would Congress have extended President Roosevelt's authority to keep American marines on these islands after 60 days, as required by the War Powers Resolution? I think not. Remember, Congress had barely agreed to renew the military draft in 1940. The outcome depended on a single vote.

Would Congress have extended President Roosevelt's authority in September 1941 to order American warships to escort and protect British convoys west of Iceland and to destroy German submarines on sight, if it had been compelled to take a vote pursuant to the War Powers Resolution? Again, the answer is surely "No." Would Congress have approved of President Roosevelt's action in May 1941, when he secretly lent long-range amphibian planes to Great Britain and assigned 80 Navy airmen to help in British operations to sink the German battleship, Bismarck? Again, the answer must be "No".

The fact is that if the War Powers Resolution had been on the books in the early 40's, President Roosevelt could not have kept troops in Greenland, he could not have reinforced the Marines on Iceland, he could not have escorted British shipping in the Atlantic and he could not have taken any of the many actions which prevented a total collapse of resistance to Nazi Germany. The War Powers Resolution would have brought nothing but a total disaster to the democracies in the 40s.

Mr. President, the point is that the President of our Nation must have flexibility to resist challenges to our freedom in the early stages. The American people cannot count on an often reluctant and divided Congress to act in time to deal with the threats to our Nation's survival. The framers of the Constitution understood that the ultimate decision over the defense of American freedoms must rest with the Commander in Chief.

This is not to say that there are no checks at all on the President. The President does not inherit his position, he must be elected by the people and he must stand for reelection if he wishes to have a second term.

He must get Senate approval for his appointments executive officers and he must come to Congress for defense appropriations. Ultimately, there is the check of impeachment.

Every President knows that it is the sovereign people who retain the reins of power, but he has the sworn duty to defend, as well as uphold, the Constitution. He has the right to judge how to defend the Nation in the way he thinks best.

Mr. President, whether it is unconstitutional, as I believe, or a dangerous impediment to taking necessary actions in defense of the freedoms of our citizens and the security of our Nation, the War Powers Resolution should be repealed and that is why I have introduced this bill today. I ask unanimous consent that the text of the bill may appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, AS FOLLOWS:

S. 2030

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the War Powers Resolution (50 U.S.C. 1541-1548) is repealed.●*

By Mr. MOYNIHAN:

S. 2031. A bill relating to the residence of the American Ambassador to Israel; to the Committee on Foreign Relations.

RESIDENCE OF AMERICAN AMBASSADOR TO ISRAEL

● Mr. MOYNIHAN. Mr. President, I am today introducing for the consideration of the Senate legislation that would require the U.S. Embassy in Israel, and the residence of the American Ambassador to Israel, to be located in the city of Jerusalem, Israel's capital.

It is a reality that Jerusalem is and shall remain the State of Israel's capital—reunited and undivided. For America to deny this is to base our foreign policy on unreality, and to pave the way to failure in the conduct of that policy.

Sadly, U.S. policy toward Israel and the Middle East has too frequently been characterized by flights of fancy and willful ignorance of reality. As I put it in an essay published last Wednesday in *Newsday*:

Until the administration is willing to acknowledge the commonality of interest it shares with Israel in the region, and coordinates policy accordingly, there can be little expectation that a token military force such as our contingent of Marines in Beirut will accomplish very much.

Until the U.S. Government is able and willing to recognize which countries are our friends in the world—and which are not—we will be unable properly to exercise our responsibilities as a great power. In the Middle East, the United States needs most urgently to acknowledge, and live up to, the responsibilities occasioned by our friendship with Israel.

Among these responsibilities is an obligation to lead the free nations of the world—save one—in a return of our diplomatic missions to the capital city of Israel: Jerusalem. Today, only Costa Rica, alone among the nations of the world, locates its embassy to Israel in the city of Jerusalem. The American refusal to do the same has been at the heart of a longstanding diplomatic dispute that has complicated our bilateral relations—and under-

mined American policy in this vital region. I refer to the refusal by eight successive American administrations over 35 years to acknowledge that the city of Jerusalem is the capital of the State of Israel. It is a simple and profound failure on our part, one that permeates the whole of the relationship.

The United States has given, and continues to give, unintended succor and encouragement to those enemies of Israel who hope one day to be able to divide the United States from Israel, the only democratic state in the Middle East. For as long as Israel's most important friend in the world refuses to acknowledge that Israel's capital city is its own—to the extent of refusing even to permit our Ambassador to Israel to set foot in parts of that capital city—we lend credibility and dangerous strength to the lie that the State of Israel is somehow a tentative or interim arrangement. The United States therefore fosters intransigence and obstructionism, of even its own diplomatic initiatives in the continuing search for a broad settlement and peace in the Middle East.

It is accordingly in hopes of strengthening the bonds of friendship between Israel and America, and also in pursuit of the broad peace in the region that is rendered more likely as both Israel and its adversaries are reminded of the strength of those bonds, that I am introducing today this legislation requiring that the U.S. Embassy in Israel, and the residence of the American Ambassador to Israel, be henceforth located in the city of Jerusalem.

Under Israeli rule Jerusalem has flourished as it did not under Jordanian suzerainty. Today Jerusalem stands as a model of successful modern urban management. Thanks largely to the enlightened administration of Mayor Teddy Kollek, Jerusalem provides a glimpse of the harmony and prosperity the whole of the Middle East might resemble, were its people able to live and work in peace and with tolerance for diversity. Since becoming mayor in 1965, Teddy Kollek has played a unique role in sustaining cooperation and pluralism in Jerusalem despite the seemingly insurmountable political obstacles posed by Jerusalem's mosaic of religions and peoples. Jerusalem is a city in which 300,000 persons are Jews, 100,000 are Muslims and 15,000 are Christians. And it remains remarkably calm in the circumstances that surround it.

Israel's claim to Jerusalem as its capital has not been at the expense of the religious rights of access on the part of other religions. The people and Government of Israel are keenly aware of the religious meaning of Jerusalem to Christians and Muslims. And their religious prerogatives have been scrupu-

lously observed under the terms of the June 27, 1967, "protection of holy places law." But it must be acknowledged that the claims to Jerusalem of Islam and Christianity are qualitatively different from those of Judaism. This difference was defined with insight and precision in an editorial in the London Daily Telegraph on June 25, 1967, shortly after the 6-day war that led to Israel sovereignty over the whole of the city:

To Christians and Moslems, Jerusalem is a place where supremely important things happened long ago. To them, therefore, it is an object of pilgrimage. To Jews, on the other hand, it is the living centre of their faith, of their identity as a people. To them, it is a place to be possessed, today and forever.

There is no essential incompatibility between these differing needs. Jewish political possession of Jerusalem and absolute freedom of access to it by Christians and Moslems—these have always been twin declared principles of the State of Israel.

Jerusalem, in short, is the capital city of Israel. This is a fact. Though the U.S. Government does not acknowledge it, this is a fact acknowledged by standard American reference books.

If one turns to page 519 of the 1980 edition of the Encyclopedia Americana, and the entry there entitled "Israel", one reads the simple statement of fact: "Capital: Jerusalem."

More completely accurate is the fifth edition, published in 1981, of the Congressional Quarterly Handbook, "The Middle East." Its capsule summary of "Key Facts of Israel" includes the following:

Capital: Jerusalem: Tel Aviv is the diplomatic capital recognized by the United States.

For it is currently the policy of the United States to treat Jerusalem as if it were a geographical and political entity altogether apart from Israel. We maintain our Embassy to Israel in Tel Aviv. In Jerusalem there is an American Consulate General which is not considered to be a part of our diplomatic mission to Israel: the consul general, in an arrangement unique in the operation of the American Foreign Service, formally reports directly to the State Department in Washington.

Furthermore, in official U.S. Government documents of numerous kinds, Jerusalem is treated as an entity apart from Israel. In the State Department's desk-top telephone directory, under the section heading "Foreign Service Post Directory", one finds the "Post" Tel Aviv listed next to "Country" Israel, and "Post" Jerusalem next to "Country" Jerusalem.

More significantly, American officials on diplomatic missions to the Government of Israel are not permitted to meet with their Israeli interlocutors if the Israeli official's offices happen to be located in the eastern portion of the city of Jerusalem.

On June 2, Deputy Assistant Attorney General Mark Richards cancelled a scheduled, long-planned meeting with Israel's Attorney General, Yitzhak Zamir, when he learned—of a sudden, as if it had been kept secret—that the justice ministry is located in the eastern section of Jerusalem. The meeting, according to the times account, had been arranged "to discuss the possibility of Israel's accepting for trial in Israel several former Nazis and Nazi sympathizers now living in the United States."

Yet, because of the American refusal to treat Jerusalem as Israeli, the United States has been unable to complete these important discussions.

What is the effect in the world at large of this American practice of refusing to acknowledge diplomatically that Israel's capital city is Israel's capital city?

The subtle yet pernicious effect of this policy is to undermine the prominent and vociferous protestations of friendship that American Presidents and Secretaries of State issue regularly with respect to Israel. How close a friend can Israel be, after all—other nations must wonder—when the U.S. Government publishes maps that do not indicate East Jerusalem to be a part of Israel? What kind of message do we send to Israelis, and to Israel's hostile neighbors, when we refuse to send envoys to its capital?

The sending and receiving of diplomatic envoys is a demonstration of a nation's willingness to acknowledge another's existence and to engage in political and commercial intercourse with it. Moreover, it is an American tradition that the quality of our relations with other nations are reflected in the quality of our diplomatic representation. This is widely understood in the world.

As do a number of other countries, the United States recalls its Ambassador to another country as an expression of dissatisfaction with that country's government. The dispatch, or recall, of an ambassador to another country's is known in the world of international politics to be a measure of our estimation of the legitimacy of that country's government.

Since the brutal murder in 1979 by Afghan Government forces of U.S. Ambassador Adolph Dubs, for instance, and in part as a reflection of our opposition to the illegitimate Soviet-sponsored Government in Kabul, we have maintained only a charge d'affaires in Afghanistan.

Recall that among the first formal expressions of American dissatisfaction with the evil regime of Adolph Hitler in Germany was to recall Ambassador Hugh R. Wilson, in November 1938, following a savage Government-sanctioned attack on the German Jewish community.

The world community is not unaware of the fact, therefore, that a traditional measure of the quality of American relations with other countries is the nature and quality of our diplomatic representation.

Consequently, our refusal after 35 years of Israeli independence, to send an Ambassador to Israel's capital city and seat of Government, as we have done with virtually every other established government in the world, is necessarily understood in the world to be a sign of American distance from the Israeli Government and Nation.

I do not believe we are displeased, as a matter of American national policy, with either the nature of the Israel system of government or with its leaders. Israel remains one of the small number of functioning, indeed thriving, democracies in the world today.

American policy raises questions about the traditional commitment of the United States to help uphold Israel's rights as a free and independent nation. It therefore encourages in Israel's enemies the false hope that the United States can be pressured and cajoled into abandoning Israel. This in turn leads them to be more intransigent than they might otherwise be.

Should the United States also continue to say to the world, in effect, that Israel has no capital? And thus that Israel is less than a sovereign nation?

I believe not. I believe the United States should declare that it will hereforward treat Israel's capital as Israel's capital. In a formal sense, this policy change could be done in a day: The Ambassador would have simply to drive to Jerusalem and announce that the Embassy was accompanying him.

I am also persuaded that the Congress should take action to effect this policy change as soon as possible.

On September 22, during consideration of the State Department authorization bill for fiscal years 1984 and 1985, I offered an amendment requiring that the United States move its Embassy to Jerusalem. At that time the distinguished chairman of the Committee on Foreign Relations, and the ranking member of that committee, persuaded me that the matter had not properly been examined in hearings of the committee. They urged me to withdraw the amendment, which I did.

Mr. President, I would like to state for the record that I did so on September 22 on the basis of an understanding reached between myself and the chairman and the ranking member that hearings on my proposal would be held by the Committee on Foreign Relations.

I realize full well that the committee has experienced over the past 6 weeks what may have been its busiest season in a generation. The chairman had in-

dedicated on the Senate floor on September 22 that he anticipated a full schedule for the subsequent several weeks, and how very right he was.

It is therefore in order to facilitate the work of the committee that I am introducing my proposal in the form of a bill. I am hopeful that the committee will be able in the coming weeks to find time for a day or two of public hearings on S. 2032. I would also like to invite Senators to join me as cosponsors of this measure if they agree with me that the American Embassy in Israel should be in the capital city of that country, Jerusalem. ●

By Mr. HART:

S. 2032. A bill to designate certain additional national forest lands in the State of Colorado as components of the National Wilderness Preservation System; to the Committee on Energy and Natural Resources.

COLORADO NATIONAL FOREST WILDERNESS ACT  
OF 1983

● Mr. HART. Mr. President, today I am pleased to introduce the 1983 Colorado Wilderness Act, legislation to protect in its natural state nearly 733,000 acres of the most spectacular Federal land in Colorado's Rocky Mountains. This legislation will create 10 new wilderness areas in the State, adding diversity to the existing wilderness system. The bill also expands seven existing wilderness areas: adding a large variety of landforms and ecosystems, enlarging several areas to accommodate heavy usage from surrounding population centers and modifying several areas by establishing more geographically manageable boundaries. Furthermore, this legislation marks the final step in the Forest Service Roadless Area Review and Evaluation (RARE) process in Colorado.

In Colorado, 6.5 million acres were studied during the RARE I and RARE II process. This process identified roadless areas around the country and led to recommendations of each of these areas for wilderness designation, for multiple uses other than wilderness, or for further study for all uses including wilderness. This process included massive public involvement. Based on this involvement and other parts of the roadless area inventory, the Forest Service made designation recommendations to Congress.

In 1980, Congress completed and passed the Colorado Wilderness Act of 1980, adding 12 areas and 1.4 million acres to the Colorado wilderness system. The 1980 act brought the total wilderness acreage in Colorado to nearly 2.6 million acres, or roughly 4 percent of total acreage in the State. In addition, the 1980 act established 12 wilderness study areas (SWA's) and retained 6 further planning areas (FPA's). The Forest Service was then directed to study these areas in the ensuing 3 years to determine their suit-

ability for wilderness or other uses. The Forest Service has completed its final recommendations for 6 areas and the remaining 12 will soon be final.

Thus, the legislation I am introducing today is necessary to complete designation of the areas set-aside for further study in 1980.

The decisions that Congress will make with respect to these lands are of vital concern to all Coloradans. National forest lands contribute to the quality of life Coloradans know and appreciate. These lands also provide an important source of natural resources and jobs; these lands provide watershed and fish and wildlife protection; and these lands provide numerous recreational opportunities throughout the State.

Protection of those areas in the State which have outstanding natural characteristics and high value as wilderness is of vital importance. These areas must be preserved for the benefit of all Americans now and in the future. I continue to be impressed by how important our unspoiled mountain areas are to most Coloradans. Our State is impressive in many respects, but most people think first of Colorado's mountains when they think of the State. As our cities become more crowded and as competition for our diminishing natural resources increases, the relatively few untouched areas become even more important to people. This has been proven by the increasing use of our mountains for recreation and by the growing pressure to protect additional areas while they are still pristine.

At the same time, I recognize the value and importance of many competing uses in the national forests, many which are incompatible with wilderness preservation. Our national forests provide opportunities for skiing, motorized recreation, energy, timber and water development as well as backpacking. In developing this legislation, I have sought to balance these competing interests and eliminate many potential conflicts.

Although our interests and needs in Colorado's national forest lands are varied, the 11 national forests are vast enough to accommodate many competing interests. This legislation will protect much of the most magnificent of those lands, lands which are for the most part unspoiled by human intrusion. It also leaves those lands with the most promising economic potential, as identified by the Forest Service and others, free for nonwilderness uses: no mineral resources have been locked away which are not readily available now and in the foreseeable future, prime timber has been left for potential harvesting for commercial and fuelwood purposes, no planned or potential water development has been impaired by this legislation, and no proposed development or expansion of

existing ski areas will be hindered by the proposed wilderness in this legislation. Moreover, I have eliminated most established, existing motorized recreational use areas, including snowmobile and trailbike trails and four wheel drive vehicle roads.

In short, this legislation reflects the best efforts of myself, and the many Coloradans who have commented and worked with me over the past several months, to balance our many interests in the public lands. Nowhere is this pursuit of balance more important than in the process by which we decide how best to manage Colorado's public lands. Balance in development, balance in preservation, and balance which will enable us to make the wisest use of this Nation's great natural wealth, both for ourselves and for future generations.

This legislation does not alter any provisions of the 1980 Colorado Wilderness Act with respect to release for multiple use, grazing, insect control, buffer zone language, or other important management decisions made during consideration of that act.

Mr. President, I wish to emphasize this legislation is a starting point for all interested parties to express their views on areas which should or should not be included in the wilderness system in Colorado. Efforts have been made to seek comment from numerous Coloradans and a wide variety of organizations representing many different interests, including conservationists, local and county government officials, and various industry and business leaders. These participants have identified certain conflicts and boundaries have been adjusted and an entire area eliminated to preserve alternative use options. I intend to maintain this contact and to continue to solicit comments from Coloradans as this legislation progresses. With their suggestions and comments a solid consensus can be established. The important point is to get the process started so the fate of many beautiful untouched areas in Colorado can be determined during this Congress.

Mr. President, political and economic pressure to develop energy and other resources on our public lands continues to mount. Increasing needs for secure domestic supplies of energy will insure much of Colorado's land is devoted to energy and other development in coming years. At the same time, population growth in Colorado and other parts of the West points to a growing demand for wilderness recreation.

Fortunately, our public lands are vast enough that preserving additional untouched and pristine areas in the State will not prevent us from meeting other needs, including energy, water, and mineral development. I believe this legislation strikes a careful bal-

ance between the many competing needs, preserving the best of what is special and unique about Colorado, while not inhibiting legitimate development of needed resources. This bill permits us to protect those roadless and undeveloped areas in the State, best preserved in their natural and present condition.

Mr. President, I ask unanimous consent that a description of the wilderness areas and the text of this bill be printed in the RECORD at this point.

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

S. 2032

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Colorado National Forest Wilderness Act of 1983".*

Sec. 2. (a) In furtherance of the purposes of the Wilderness Act of 1964 (78 Stat. 892), and subject to the provisions of the Colorado Wilderness Act of 1980 (94 Stat. 3265) except as provided specifically in this Act, the following lands in the State of Colorado are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System:

(1) the Service Creek Wilderness Area, consisting of approximately fifty thousand five hundred and forty acres in the Routt National Forest, as generally depicted on a map entitled "Service Creek Wilderness Proposal", dated November 1983;

(2) the Buffalo Peaks Wilderness Area, consisting of approximately fifty-seven thousand and four hundred thirty acres in the Pike-San Isabel National Forests, as generally depicted on a map entitled "Buffalo Peaks Wilderness Proposal", dated November 1983;

(3) the Cannibal Plateau Wilderness Area, consisting of approximately sixty-three thousand seven hundred acres in the Uncompahgre National Forest, as generally depicted on a map entitled "Cannibal Plateau Wilderness Proposal", dated November 1983;

(4) certain lands adjacent to the Mount Zirkel Wilderness Area, consisting of approximately twenty-two thousand three hundred and forty acres in the Routt National Forest, as generally depicted on a map entitled "Davis Peak Wilderness Proposal", dated November 1983, which are hereby incorporated in and shall be deemed to be a part of the Mount Zirkel Wilderness Area as designated by Public Law 88-577;

(5) the Fossil Ridge Wilderness Area, consisting of approximately fifty-five thousand five hundred and sixty acres in the Gunnison National Forest, as generally depicted on a map entitled "Fossil Ridge Wilderness Proposal", dated November 1983;

(6) the Greenhorn Mountain Wilderness Area, consisting of approximately twenty-two thousand three hundred and sixty acres in the San Isabel National Forest, as generally depicted on a map entitled "Greenhorn Mountain Wilderness Proposal", dated November 1983;

(7) certain lands adjacent to the Lost Creek Wilderness Area, consisting of approximately eleven thousand acres in the Pike National Forest, as generally depicted on a map entitled "Lost Creek Wilderness Proposal", dated November 1983, which are hereby incorporated in and shall be deemed

to be a part of the Lost Creek Wilderness Area as designated by Public Law 96-560;

(8) certain lands adjacent to the Raggeds Wilderness Area, consisting of five thousand five hundred acres in the Grand Mesa National Forest, as generally depicted on a map entitled "Oh Be Joyful Wilderness Proposal", dated November 1983, which are hereby incorporated in and shall be deemed to be a part of the Raggeds Wilderness Area as designated by Public Law 96-560;

(9) the Piedra Wilderness Area, consisting of approximately forty-nine thousand one hundred eighty acres in the San Juan National Forest, as generally depicted on a map entitled "Piedra Wilderness Proposal", dated November 1983;

(10) the St. Louis Peak Wilderness Area, consisting of approximately thirteen thousand acres in the Arapahoe National Forest, as generally depicted on a map entitled "St. Louis Peak Wilderness Proposal", dated November 1983;

(11) the Vasquez Peak Wilderness Area, consisting of approximately thirteen thousand acres in the Arapahoe National Forest, as generally depicted on a map entitled "Vasquez Peak Wilderness Proposal", dated November 1983;

(12) the Sangre de Cristo Wilderness Area, consisting of approximately two hundred and forty-eight thousand acres in the San Isabel National Forest, as generally depicted on a map entitled "Sangre de Cristo Wilderness Proposal", dated November 1983;

(13) certain lands adjacent to the South San Juan Wilderness Area, consisting of approximately thirty-two thousand eight hundred acres in the San Juan National Forest, as generally depicted on a map entitled "South San Juan Wilderness Expansion Proposal", dated November 1983, which are hereby incorporated in and shall be deemed to be a part of the South San Juan Wilderness Area as designated by Public Law 96-560;

(14) the Spanish Peaks Wilderness Area, consisting of approximately nineteen thousand two hundred fifty acres in the San Isabel National Forest, as generally depicted on a map entitled "Spanish Peaks Wilderness Proposal", dated November 1983;

(15) certain lands adjacent to the Hunter-Fryingpan Wilderness Area, consisting of approximately eight thousand acres in the White River National Forest, as generally depicted on a map entitled "Spruce Creek Wilderness Proposal", dated November 1983, which are incorporated in and shall be deemed to be a part of the Hunter-Fryingpan Wilderness Area as designated by Public Law 95-237;

(16) certain lands adjacent to and near the Weminuche Wilderness Area, consisting of approximately thirty-three thousand acres in the San Juan National Forest, as generally depicted on a map entitled "West Needles and Weminuche Wilderness Expansion Proposal", dated November 1983, which are incorporated in and shall be deemed to be a part of the Weminuche Wilderness Area as designated by Public Law 93-632;

(17) the Wheeler Geologic Wilderness Area, consisting of approximately twenty-nine thousand three hundred fifty acres in the Rio Grande National Forest, as generally depicted on a map entitled "Wheeler Geologic Wilderness Proposal", dated November 1983; and

(18) certain lands adjacent to the Big Blue Wilderness Area, consisting of approximately one thousand five hundred and five acres in the Bureau of Land Management Gunnison Basin Resource Area, as generally de-

scribed on a map entitled "American Flats Wilderness Proposal", dated November 1983, which are hereby incorporated in and shall be deemed to be a part of the Big Blue Wilderness Area as designated by Public Law 96-560.

(b) The lands depicted on the map referred to in subsection (a) (18) which are within the jurisdiction of the Secretary of the Interior and managed through the Bureau of Land Management are hereby transferred to the Secretary of Agriculture and incorporated in and deemed to be a part of the Uncompahgre National Forest.

(c) As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file the maps referred to in subsection (a) and legal descriptions of each wilderness area designated by subsection (a) with the Committee on Energy and Natural Resources, United States Senate, and the Committee on Interior and Insular Affairs, House of Representatives, and each such map and legal description shall have the same force and effect as if included in this Act. *Provided, however,* That correction of clerical and typographical errors in such legal descriptions and maps may be made. Each such map and legal description shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture.

(d) Subject to valid existing rights, each wilderness area designated by this Act shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act of 1964 (78 Stat. 892) governing areas designated by that Act as wilderness areas, except that, with respect to any area designated in this Act, any reference in such provisions to the effective date of the Wilderness Act of 1964 shall be deemed to be a reference to the effective date of this Act.

Sec. 3. Subject to valid existing rights, the Williams Fork Further Planning Area, Arapaho National Forest, shall be managed by the Secretary of Agriculture to maintain its presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System: *Provided,* That no right, or claim of right, to the diversion and use of water from such area by the board of water commissioners of the city and county of Denver shall be prejudiced, diminished, altered, or affected by this section, and this section shall not be construed to impair, impede, or interfere with the exercise of such rights, including the exercise of such rights in a manner affecting the area's presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System.

FACTSHEET—1983 COLORADO WILDERNESS BILL

The 1983 Colorado Wilderness Bill is necessary to determine the status of 18 Colorado areas set aside by Congress for further study following passage of the 1980 Colorado Wilderness Act. These areas include:

Twelve areas designated by Congress as Wilderness Study Areas in the 1980 Colorado Wilderness Act. Congress directed the Forest Service to review and report to Congress within three years the suitability or unsuitability of these areas for wilderness designation.

Six further Planning Areas identified by the Forest Service during the RARE II process for further study for possible inclusion in the wilderness preservation system.

The 1983 Colorado Wilderness Act proposes creation of ten new wilderness areas and modifies and expands the boundaries on seven established wilderness areas. The legislation proposes the addition of approximately 733,000 acres to the wilderness system in the State of Colorado.

The legislation is subject to existing provisions of law, agreed upon in the 1980 Colorado Wilderness Act, pertaining to release of lands not found suitable for wilderness, grazing in wilderness areas and buffer zone language.

Decisions on each area are the result of careful review of existing and potential conflicting uses, including recreational vehicle use, mineral, oil and gas, and timber.

Efforts have been made to seek comment from numerous Coloradans and a wide variety of organizations, representing many different interests, including conservationists, local and county officials and the oil and gas industry. These participants have identified certain conflicts and boundaries have been adjusted and an entire area eliminated to preserve the alternative use options. For example, portions of the proposed Sangre de Cristo Wilderness have been eliminated to preserve certain established trail bike and four wheel drive roads. Boundary adjustments were made in other areas to exclude certain known mineralized pockets and prevent obstacles to the development of potential ski areas and existing water rights in the proposed Williams Fork and St. Louis Peak Wilderness Areas.

Summary of areas incorporated in 1983 Colorado Wilderness Bill:

#### SERVICE CREEK

Included in the bill is a wilderness area of 50,540 acres in the Routt National Forest, Routt County, Colorado. This area is located ten miles southeast of Steamboat Springs, Colorado, and on the northernmost portion of the Gore Mountain Range. This area is home to large numbers of elk and popular for hiking, cross country skiing and other outdoor activities. This area was designated for further study in the 1980 Colorado Wilderness Act.

#### BUFFALO PEAKS

Included in this bill is a wilderness area of 57,430 acres in the Pike-San Isabel National Forest, in Lake, Chafee and Park Counties, Colorado. This area is located ten miles southeast of Leadville and one of the most productive bighorn sheep areas in the State of Colorado.

#### CANNIBAL PLATEAU

Included in this bill is a wilderness area of 63,700 acres in the Gunnison National Forest, Hinsdale County, Colorado. This area is two miles northeast of Lake City, Colorado and contains the largest alpine tundra area south of Alaska in addition to many bird and animal species.

#### DAVIS PEAK

Included in this bill is a wilderness area of 22,340 acres in the Routt National Forest, Routt County, Colorado. This area is located north of Steamboat Springs, Colorado and a logical addition to the established Mt. Zirkel Wilderness Area.

#### FOSSIL RIDGE

Included in this bill is a wilderness area of 55,560 acres in the Gunnison National Forest, Gunnison County, Colorado. This area is located eight miles northeast of Gunnison, Colorado and characterized by high peaks and stream-fed alpine lakes. It is located in proximity to several population centers and provides home for many species

of wildlife including elk, mountain goats, golden eagles and peregrine falcons.

#### GREENHORN

Included in this bill is a wilderness area of 22,360 acres in the San Isabel National Forest, Pueblo County, Colorado. This area is located on the southern end of the Wet Mountain Range and approximately 20 miles southwest of Pueblo, Colorado. This area serves as a readily accessible and popular recreation area of south central Colorado and provides home for an abundant population of wildlife including but not limited to deer, Pine Marten, Bighorn sheep, elk, and greenback cutthroat trout.

#### LOST CREEK

Included in this bill is a wilderness area of 11,000 acres in the Pike-San Isabel National Forest, Park County, Colorado. This area is located southwest of Denver and is a geographically logical addition to the established Lost Creek Wilderness Area.

#### OH BE JOYFUL

Included in this bill is a wilderness area of 5,500 acres in the Gunnison National Forest, Gunnison County, Colorado. This area is located four miles northwest of Crested Butte, Colorado, and is a logical addition to the existing Raggeds Wilderness Area. This area is known for its glacial alpine meadows and valleys and provides home for an abundant population of wildlife.

#### PIEDRA

Included in this bill is wilderness area of 49,180 acres in the San Juan National Forest, Archuleta and Hinsdale Counties, Colorado. This area is 30 miles west of Pagosa Springs, Colorado, and provides important migration routes between summer and winter range for elk and deer as well as serving as an important watershed for nearly 41,000 acre feet of water.

#### ST. LOUIS PEAK

Included in this bill is a wilderness area of 13,000 acres in the Arapahoe National Forest, Grand County, Colorado. This area is approximately 60 miles west of Denver and nine miles south of Fraser, Colorado, and consists of high rugged timberline peaks.

#### VASQUEZ PEAK

Included in this bill is a wilderness area of 13,000 acres in the Arapahoe National Forest, Grand and Jackson Counties, Colorado. This area is approximately nine miles south of Fraser, Colorado and adjacent to the proposed St. Louis Peak Wilderness Area.

#### SANGRE DE CRISTO

Included in this bill is a wilderness area of 248,000 acres in the Pike-San Isabel National Forest, Saguache, Alamosa and Custer Counties, Colorado. This mountain range is five miles south of Salida, Colorado, and 30 miles northeast of Alamosa, Colorado. This area of the state is among the most prized recreational ranges and provides home for many wilderness species including black bear, cougar, elk, bighorn sheep, peregrine falcons and eagles.

#### SOUTH SAN JUAN

Included in this bill is a wilderness addition of 32,800 acres in the San Juan and Rio Grande National Forests, Archuleta, Mineral and Rio Grande Counties, Colorado. The V-Rock and Montezuma Peak areas are additions to the established South San Juan Wilderness Area, located some 50 miles south and east of Alamosa, Colorado and

characterized as among the wildest and primitive areas of the State.

#### SPANISH PEAKS

Included in this bill is a wilderness area of 19,250 acres in the San Isabel National Forest, Las Animas County, Colorado. This area is located 20 miles southwest of Walsenburg, Colorado, and best known for twin volcanic peaks rising nearly 6,000 feet in elevation above the surrounding plains. This area is important to fish and wildlife populations, recreation and important drainage.

#### WHEELER

Included in this bill is a wilderness area of 29,350 acres in the Rio Grande National Forest, Mineral County, Colorado. This area is an addition to the established La Garita Wilderness near Creede, Colorado, and best known for the Wheeler Geologic Study Area containing unusual and spectacular rock formations.

#### SPRUCE CREEK

Included in this bill is a wilderness area of 8,000 acres in the White River National Forest, Pitkin County, Colorado. This area is located northeast of Aspen, surrounded on three sides by the existing Hunter-Fryingpan wilderness. It is a roadless tract, providing a critical migrating route between summer and winter range for deer and elk; in addition, Spruce Creek is the home of the declining Colorado cutthroat trout. Other reported wilderness species in the area include the mountain lion, lynx, white tailed ptarmigan, and hairy woodpecker and others. The tourist attractions of the clean air and water of this area are essential to the local economy. Aspen and Pitkin County are supportive of wilderness designation for Spruce Creek.

#### WEST NEEDLES AND WEMINUCHE ADDITIONS

Included in this bill is a wilderness area of 33,000 acres in the San Juan National Forest, San Juan County, Colorado. This area is located between the towns of Durango and Silverton, adjoining the western boundary of the existing Weminuche wilderness area. Split by the Narrow Gauge railroad running through the Animas River Gorge, the area's pristine beauty is enjoyed by tourists marvelling at the rugged slopes of the Animas River Gorge. Hikers, backpackers, hunters, and fishermen also enjoy the popular hiking trails and the spectacular views of the San Juan Range. The state flower of Colorado, the Colorado Columbine, grows in abundance with other wildflowers on the slopes.●

#### ADDITIONAL COSPONSORS

##### S. 175

At the request of Mr. DeCONCINI, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 175, a bill to amend title 17 of the United States Code to exempt the private noncommercial recording of copyrighted works on video recorders from copyright infringement.

##### S. 800

At the request of Mr. STEVENS, the names of the Senator from Illinois (Mr. PERCY), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Ohio (Mr. GLENN), the Senator from California (Mr. WILSON), and the Senator from New York (Mr. D'AMATO) were added as cosponsors of

S. 800, a bill to establish an ocean and coastal development impact assistance fund and to require the Secretary of Commerce to provide to States national ocean and coastal development and assistance block grants from moneys in the fund, and for other purposes.

S. 1256

At the request of Mr. MOYNIHAN, the name of the Senator from Colorado (Mr. HART) was added as a cosponsor of S. 1256, a bill to authorize special assistance for desegregation activities.

S. 1436

At the request of Mr. D'AMATO, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 1436, a bill to permit the exclusion from gross income of certain work-related sick pay received by New York City police officers.

S. 1588

At the request of Mr. LEAHY, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Oregon (Mr. PACKWOOD) were added as cosponsors of S. 1588, a bill to eliminate the exemption for Congress from the application of certain provisions of Federal law relating to employment and privacy, and for other purposes.

S. 1821

At the request of Mr. GARN, the name of the Senator from Iowa (Mr. JEPSEN) was added as a cosponsor of S. 1821, a bill to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 with respect to the treatment of mortgage-backed securities, to increase the authority of the Federal Home Loan Mortgage Corporation, and for other purposes.

S. 1822

At the request of Mr. GARN, the name of the Senator from Iowa (Mr. JEPSEN) was added as a cosponsor of S. 1822, a bill to amend the Internal Revenue Code of 1954 to encourage investments in mortgage-backed securities through trusts for investments in mortgages, and for other purposes.

S. 1913

At the request of Mr. HUDDLESTON, the names of the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. DANFORTH), and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 1913, a bill to provide for improvements in the school lunch and certain other child nutrition programs.

S. 1931

At the request of Mr. DURENBERGER, the names of the Senator from North Dakota (Mr. ANDREWS) and the Senator from Nevada (Mr. LAXALT) were added as cosponsors of S. 1931, a bill to amend the Internal Revenue Code of 1954 to revise the tax incentives for certain alcohol fuels.

S. 2014

At the request of Mr. SPECTER, the names of the Senator from Mississippi (Mr. STENNIS), the Senator from Arkansas (Mr. PRYOR), the Senator from Connecticut (Mr. DODD), and the Senator from Kansas (Mrs. KASSEBAUM) were added as cosponsors of S. 2014, a bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide for assistance in locating missing children.

SENATE JOINT RESOLUTION 57

At the request of Mr. CHILES, the name of the Senator from Tennessee (Mr. BAKER) was added as a cosponsor of Senate Joint Resolution 57, a joint resolution to designate the week of April 3, 1983, through April 9, 1983, as "National Drug Abuse Education Week."

SENATE JOINT RESOLUTION 181

At the request of Mr. BENTSEN, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of Senate Joint Resolution 181, a joint resolution to provide for the awarding of a gold medal to Lady Bird Johnson in recognition of her humanitarian efforts and outstanding contributions to the improvement and beautification of America.

SENATE CONCURRENT RESOLUTION 40

At the request of Mr. LEVIN, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of Senate Concurrent Resolution 40, a concurrent resolution expressing the sense of the Congress that a uniform State act should be developed and adopted which provides grandparents with adequate rights to petition State courts for privileges to visit their grandchildren following the dissolution (because of divorce, separation, or death) of the marriage of such grandchildren's parents, and for other purposes.

SENATE CONCURRENT RESOLUTION 80

At the request of Mr. DOLE, the name of the Senator from Wisconsin (Mr. PROXMIRE) was added as a cosponsor of Senate Concurrent Resolution 80, a concurrent resolution expressing the sense of the Congress that the President should take all steps necessary to bring the question of self-determination of the Baltic States before the United Nations, and for other purposes.

SENATE CONCURRENT RESOLUTION 81

At the request of Mr. QUAYLE, the names of the Senator from Illinois (Mr. PERCY), the Senator from Kentucky (Mr. FORD), the Senator from Iowa (Mr. GRASSLEY), and the Senator from New Jersey (Mr. BRADLEY) were added as cosponsors of Senate Concurrent Resolution 81, a concurrent resolution expressing the sense of the Congress with respect to the urgency of extending the Japanese automobile export restraints beyond March 31, 1984, at the current level of 1,680,000

vehicles, to foster recovery and reduce high unemployment in the American automobile industry.

SENATE RESOLUTION 139

At the request of Mr. ZORINSKY, the names of the Senator from North Carolina (Mr. HELMS), and the Senator from Minnesota (Mr. DURENBERGER) were added as cosponsors of Senate Resolution 139, a resolution disapproving the recommendation of the Study Group on Senate Practices and Procedures to abolish the Senate Committee on Veterans' Affairs.

SENATE RESOLUTION 180

At the request of Mr. METZENBAUM, the name of the Senator from Tennessee (Mr. SASSER) was added as a cosponsor of Senate Resolution 180, a resolution expressing the sense of the Senate in support of affordable and decent health care for older Americans.

SENATE RESOLUTION 185

At the request of Mr. DENTON, the name of the Senator from Iowa (Mr. JEPSEN) was added as a cosponsor of Senate Resolution 185, a resolution establishing a temporary Special Committee on the Family, Youth and Children.

SENATE RESOLUTION 225

At the request of Mr. BAUCUS, the name of the Senator from South Dakota (Mr. PRESSLER) was added as a cosponsor of Senate Resolution 225, a resolution relating to the dismantling of nontariff trade barriers of the Japanese to the import of beef.

At the request of Mr. BAUCUS, the name of the Senator from Arkansas (Mr. BUMPERS) was withdrawn as a cosponsor of Senate Resolution 225, supra.

#### AMENDMENTS SUBMITTED

#### INCREASE IN PUBLIC DEBT LIMIT

#### TOWER AMENDMENT NO. 2473

(Ordered to lie on the table.)

Mr. TOWER submitted an amendment intended to be proposed to amendment No. 2471 previously proposed by Mr. RIEGLE and others to the joint resolution (H.J. 308) increasing the statutory limit on the public debt; as follows:

Strike all after line 4 and insert in lieu thereof the following:

to the extent consistent with national security and with due regard for the protection from unauthorized disclosure of classified information and information relating to intelligence sources and methods, unreasonable restrictions imposed upon the press in Grenada shall cease. For the purpose of this section, "unreasonable restrictions" means:

(1) Unreasonably preventing the press from freely accessing news sources of its choice;

(2) Unreasonably limiting the number or representation of the press permitted to enter Grenada; and

(3) Unreasonably limiting freedom of unsupervised movement of the press in Grenada.

*Provided, however,* That nothing in this resolution shall be construed to require any action which jeopardizes the safety or security of United States or allied forces or citizens in Grenada, or the security of the United States; *Provided further,* That nothing in this resolution shall be construed to require that the press shall have access to or that the Department of Defense shall disclose matters set forth in Subsection (b) of the Freedom of Information Act, 5 U.S.C. 552(b); *And provided further,* that nothing in this resolution shall be construed to require that the Department of Defense shall make available to the press access to news sources to which it is not otherwise entitled under the Constitution or laws of the United States.

#### BAUCUS (AND OTHERS) AMENDMENT NO. 2474

Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. TOWER, Mr. DANFORTH, Mr. MELCHER, Mr. BOSCHWITZ, Mr. HEINZ, Mr. BOREN, Mr. HOLLINGS, Mr. McCLURE, Mr. SYMMS, Mr. HEFLIN, Mr. WILSON, Mrs. HAWKINS, Mr. NICKLES, Mr. ABDNOR, Mr. EXON, Mr. BENTSEN, Mr. HECHT, Mr. ARMSTRONG, and Mr. LEVIN) proposed an amendment to the bill House Joint Resolution 308, supra, as follows:

At the end of the bill, add the following new section:

#### NONTARIFF TRADE BARRIERS TO THE IMPORTATION OF BEEF

Sec. . (a) The Senate finds that—

(1) the United States and Japan are signatories to the General Agreement on Tariffs and Trade (hereinafter in this section referred to as "GATT");

(2) in keeping with the provisions of GATT and the general principles of free trade, the United States has given Japan broad access to many United States markets;

(3) Japan has benefited from this broad access by becoming a major United States supplier and now has a \$16,000,000,000 annual trade surplus with the United States;

(4) Japan uses a system of quotas and other nontariff barriers to limit the importation of beef;

(5) such barriers force Japanese consumers to pay unreasonably high prices for beef and denies American cattlemen an opportunity to compete fairly in the Japanese market;

(6) such barriers are in violation of GATT; (7) in 1979, the United States and Japan negotiated a bilateral agreement under which Japan would gradually increase its beef quota;

(8) such agreement expires on March 31, 1984, at which time Japan will no longer be under any agreement to increase its beef quota and the United States will no longer be under any agreement to forgo trade law remedies against Japan;

(9) negotiations are underway to establish a new bilateral agreement; and

(10) Japan's barriers to beef imports undermine the principles of free trade, reduce the income of United States cattlemen, and

obstruct the development of better trade relations between the United States and Japan.

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

(1) in negotiations with Japan, the President and United States negotiators should insist that Japan dismantle all nontariff barriers to the importation of beef; and

(2) if negotiations do not result in satisfactory progress toward the dismantling of all such barriers by the time of the expiration of the current bilateral agreement between the United States and Japan prescribing the importation of beef into Japan, the United States Trade Representative should seek appropriate relief under United States and international trade law.

#### KASTEN (AND OTHERS) AMENDMENT NO. 2475

Mr. KASTEN (for himself, Mr. D'AMATO, Mr. MURKOWSKI, Mr. EAST, and Mr. DENTON) proposed an amendment to the joint resolution House Joint Resolution 308, supra; as follows:

At the end of the resolution, add the following:

Since Congress passed the Tax Equity and Fiscal Responsibility Act of 1982 with the assumption that there would be three dollars in spending cuts for every one dollar in tax increases; and

Since recent Treasury Department figures show that spending has in fact increased by \$1.14 for every \$1 in tax increases; and

Since the increase in federal spending has resulted in the need to increase the permanent public debt limit to \$1.6 trillion; and

Since the United States is finally experiencing a strong economic recovery which would be endangered by a tax increase, Now, therefore,

It is the sense of the Senate that no further tax increases should be enacted until Congress fulfills the pledge made one year ago to reduce spending by three dollars for every one dollar in revenue raised by the Tax Equity and Fiscal Responsibility Act of 1982.

#### KENNEDY (AND HATFIELD) AMENDMENT NO. 2476

Mr. KENNEDY (for himself, Mr. HATFIELD) proposed an amendment to the joint resolution House Joint Resolution 308, supra; as follows:

At the appropriate place in the Resolution add the following new section:

#### NUCLEAR WEAPONS FREEZE AND REDUCTIONS

Sec. . The Congress finds that the greatest challenge facing the Earth is to prevent the occurrence of nuclear war by accident or design.

#### KENNEDY (AND OTHERS) AMENDMENT NO. 2477

Mr. KENNEDY (for himself, Mr. HATFIELD, Mr. BAUCUS, Mr. BIDEN, Mr. BINGAMAN, Mr. BRADLEY, Mr. BURDICK, Mr. CRANSTON, Mr. DODD, Mr. EAGLETON, Mr. GLENN, Mr. HART, Mr. HUDDESTON, Mr. LEAHY, Mr. LAUTENBERG, Mr. LEVIN, Mr. MATSUNAGA, Mr. MELCHER, Mr. METZENBAUM, Mr. MITCHELL, Mr. MOYNIHAN, Mr. PELL, Mr. RIEGLE, Mr. SARBANES, Mr. STAFFORD, and Mr. TSONGAS) proposed an amendment to

the joint resolution House Joint Resolution 308, supra; as follows:

In the first degree amendment offered by Mr. Kennedy and Mr. Hatfield, strike all after "Nuclear Weapons Freeze and Reductions" and insert the following:

Sec. . (a) The Congress finds that—

(1) the greatest challenge facing the Earth is to prevent the occurrence of nuclear war by accident or design;

(2) the nuclear arms race is dangerously increasing the risk of a holocaust that would be humanity's final war; and

(3) a mutual and verifiable freeze followed by reductions in nuclear warheads, missiles, and other delivery systems is needed to halt the nuclear arms race and to reduce the risk of nuclear war.

(b) As an immediate arms control objective, the United States and the Soviet Union should—

(1) pursue an immediate and complete halt to the nuclear arms race;

(2) decide when and how to achieve a mutual verifiable freeze on the testing, production, and further deployment of nuclear warheads, missiles, and other delivery systems; and

(3) give special attention to destabilizing weapons whose deployment would make such a freeze more difficult to achieve.

(c) Proceeding from the freeze, the United States and the Soviet Union should pursue major, mutual, and verifiable reductions in nuclear warheads, missiles, and other delivery systems, through annual percentages or equally effective means, in a manner that enhances stability.

#### COHEN (AND OTHERS) AMENDMENT NO. 2478

Mr. COHEN (for himself, Mr. NUNN, Mr. PERCY, Mr. RUDMAN, Mr. CHILES, Mr. GOLDWATER, Mr. EVANS, Mr. TRIBLE, Mr. PRESSLER, and Mr. SIMPSON) proposed an amendment to the joint resolution House Joint Resolution 308, supra; as follows:

At the appropriate place in the bill, add the following new language: "Since the greatest danger facing mankind is to prevent the occurrence of nuclear war by accident, miscalculation or design; and since an unrestricted arms race would threaten peace and security, divert resources needed for the betterment of mankind, and undermine the mutual confidence needed to attain agreement on a new arms reductions agreement, It is therefore the sense of the Congress that:

(1) an agreement in the Strategic Arms Reductions Talks (START) should, among other restrictions, provide for significant reductions to equal levels in the aggregate number of ICBM's and SLBM's and the aggregate number of warheads deployed on these systems, with comparable reductions in other types of strategic offensive weapons, in a manner which enhances stability and deterrence;

(2) Congress supports the mutual guaranteed buildup concept, which would, if accepted by the Soviet Union, immediately cap and then significantly reduce the number of United States and Soviet strategic warheads and their overall destructive capacity.

(3) The United States should continue to press, month after month, year after year, to achieve balanced, stabilizing arms reductions, looking at the earliest possible time to

the elimination of all nuclear weapons from the world's arsenals.

#### GRASSLEY AMENDMENT NO. 2479

Mr. GRASSLEY proposed an amendment to the joint resolution House Joint Resolution 308, supra; as follows:

At the appropriate places, insert the following:

Sec. . . (a) By March 1, 1984, the Comptroller General of the United States shall prepare and transmit to the Congress a report containing a comparison of the amounts expended to carry out each Federal program in each of the fifteen most recent fiscal years ending prior to October 1, 1983, with the amounts specified in the budgets submitted by the President for each such fiscal year and each of the four fiscal years preceding each such fiscal year that would be necessary to carry out such program in each fiscal year in such fifteen-fiscal-year period. The report shall include, for each such program and for each fiscal year in such fifteen-fiscal-year period—

(1) a determination of the amount expended to carry out such program in such fiscal year;

(2) a specification of the amount requested in the budget submitted by the President for such fiscal year to carry out such program in such fiscal year;

(3) a specification of any amount projected in the budget submitted by the President for each of the four fiscal years preceding such fiscal year that would be necessary to carry out such program in such fiscal year; and

(4) a comparison of the difference between—

(A) the amount determined under paragraph (1) for such program for such fiscal year and the amount specified under paragraph (2) for such program for such fiscal year; and

(B) the amount determined under paragraph (1) for such program for such fiscal year and any amount specified under paragraph (3) for such program for such fiscal year.

(b) By January 15, 1984, the Comptroller General of the United States shall submit to the Congress an interim report which contains the information required under subsection (a) for—

(1) all programs and activities of the Department of Defense;

(2) all programs and activities of the General Services Administration;

(3) the program of Federal old-age, survivors, and disability insurance benefits established under title II of the Social Security Act (42 U.S.C. 401 et seq.); and

(4) the program of hospital insurance and supplementary medical insurance benefits established under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(c) The Director of the Office of Management and Budget and the head of each Federal department and agency shall provide the Comptroller General of the United States with access to all data and information necessary to enable the Comptroller General to prepare the reports required by this section.

#### DOLE AMENDMENT NO. 2470

Mr. DOLE proposed an amendment to the joint resolution House Joint Resolution 308, supra; as follows:

At the end of the bill, add the following:

At the end of Rule 15 of the Standing Rules of the Senate, add the following new paragraph:

"6. During the consideration of any bill or joint resolution affecting the statutory limit on the public debt, no amendment not germane shall be received."

#### NOTICES OF HEARINGS

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McCLURE. Mr. President, I would like to announce for the information of the Senate and the public that the hearings scheduled on the nomination of William P. Clark to be Secretary of the Interior for November 1, 2, and 3 will begin at 9 a.m. instead of 8:30 a.m., as previously scheduled.

The hearings will be held in room SD-366 of the Dirksen Senate Office Building.

For further information regarding these hearings, you may wish to contact Mr. Gary Ellsworth of the committee staff at 224-5304.

##### SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. ANDREWS. Mr. President, the Senate Select Committee on Indian Affairs has scheduled an oversight hearing on the impact that certain coal land exchanges between the Department of the Interior and western land grant railroads, the Burlington Northern and Union Pacific will have on the value of Indian-owned coal. The hearing will be held on Tuesday, November 15, at 9:30 a.m. in room SD 583, Dirksen Senate Office Building.

For further information, contact Tom Champion or Max Richtman at 224-2251.

#### AUTHORITY FOR COMMITTEES TO MEET

##### SUBCOMMITTEE ON ARMS CONTROL

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Arms Control of the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Monday, October 31, at 2 p.m., to hold a hearing to discuss International Communications and Information Policy.

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

##### COMMITTEE ON ARMED SERVICES

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Monday, October 31, first in executive session to be followed by open session, to hold a hearing on the military situation in Lebanon.

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

##### COMMITTEE ON THE JUDICIARY

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to

meet during the session of the Senate on Monday, October 31, in order to receive testimony concerning S. 1870, the Credit and Debit Card Counterfeiting and Fraud Act.

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

#### ADDITIONAL STATEMENTS

##### HOME VIDEO RECORDING

● Mr. WARNER. Mr. President, I am today announcing that I have become cosponsor of S. 175, sponsored by the Senator from Arizona, Mr. DeCONCINI. S. 175 will establish that home video recording is not a violation of the law.

At present, the Supreme Court has not acted on the pending case that would establish whether or not such recording can be considered a copyright violation.

Mr. President, artists who create material that others would want to record and sell for profit deserve and should receive some compensation for the sale of their creations—however, some of the means by which certain persons have proposed to collect these royalties are unfair to the 10 million honest users of video cassette recorders.

A royalty tax solution would unnecessarily interfere with the free marketplace and could cost American consumers billions of dollars over the coming decade. The royalty fee would come in the form of a special sales tax on home recorders and tapes which would go into a fund to pay royalties to owners of copyrights.

Such royalty schemes would result in significant inequities because there is no practical way that a royalty tax can reflect the varied and growing uses of VCR's, such as making home video movies, playing back precoded tapes and time-shifting television programs to watch at another hour. These are the types of users that S. 175 seeks to protect—not those who tape copyrighted works for commercial gain in violation of the Copyright Act.●

##### THE FRUSTRATING JOB OF SENATOR HATFIELD

● Mr. DOLE. Mr. President, this morning's edition of the Wall Street Journal contains an article that all of my colleagues should read. The article is about my good friend and colleague, Senator MARK HATFIELD, who late last week announced that he would seek another term as the Senator from Oregon and, I hope, the chairman of the Appropriations Committee. I applaud him for the decision, and the Senator from Kansas looks forward to working with the chairman of the Appropriations Committee in the years ahead.

I ask that the article from this morning's Wall Street Journal be printed in the RECORD.

CONTINUING RESOLUTIONS ON  
APPROPRIATIONS

(By Leonard M. Aparc)

WASHINGTON.—About five months into his new job in 1981 as chairman of the influential Senate Appropriations Committee, Republican Sen. MARK HATFIELD talked privately of quitting the post.

"I was frustrated, I was angry, I felt betrayed," the Oregon moderate recalls. The targets of his anger were several Republican colleagues who double-crossed him on the Senate floor by supporting a time-consuming, politically sensitive anti-abortion amendment to an unrelated—but urgently needed—package of spending measures. Sen. HATFIELD had hoped to steer the legislation through the Senate without any hitches and thought that his brethren had agreed to go along.

ONLY GAME IN TOWN

"We're going to stop legislating on appropriations bills," he declared, and save those separate fights for another day. To demonstrate his resolve, he opposed the amendment, even though he had supported it in the past. But it turned out that stopping such extraneous legislating on money bills is like trying to fight the law of gravity. And despite some gains, Sen. HATFIELD remains frustrated and angry about the difficulty of obtaining what he argues are needed changes to impose orderliness and efficiency on the unwieldy appropriations process.

One problem has been that spending bills have long been the "only game in town" for lawmakers who see them as veto-proof freight trains on which to load amendments for pet projects or issues. Amendments also can be used to get popular items around reluctant committees. Another problem is that temporary, stopgap spending legislation has become used as a way to postpone difficult decisions on domestic spending issues. When the current fiscal year began Oct. 1, Sen. HATFIELD's committee—and its counterpart House panel—had failed to complete action on nine of 13 annual spending bills. To keep the money flowing, Congress had to pass a resolution to continue interim spending for such programs as defense, health, welfare, education, agriculture and foreign aid.

"The continuing resolution is a horrible way to conduct business," Sen. HATFIELD says. It totally distorts the appropriations process for the simple reason that, in effect, we're not creating a new program for the coming year. It's a patchwork, it's not a blueprint," he says.

For most agencies and departments covered by the resolution, it merely sets spending rates that keep them on hold. For Congress, the delays in getting one set of appropriations bills out the door at least means less time left for consideration of next year's measures, creating a backup. And implications of a continuing resolution can be more far-reaching.

For one thing, the resolution's very existence reflects the fact that Congress can't make difficult choices that are required to produce the 13 annual spending bills. The bills that aren't finished in time are often delayed or thwarted completely in committee by a failure to resolve important political issues or reach a compromise on an administration budget proposal. The resulting continuing resolution taken up on the Senate and House floors has evolved from a

slim, technical document into a legislative behemoth of 500 pages, in some instances, and loaded with complex provisions and special-interest sweeteners. Few lawmakers understand its contents fully, though it sets spending rates for many politically important areas.

Nowhere are the problems caused by the resolutions more costly than at the Pentagon. This year, as in the past, the resolution which runs from Oct. 1 through Nov. 10, prevents the Defense Department from beginning production of new weapons or production increases. The Pentagon must delay commitments to begin production of new equipment until a separate military spending bill is enacted or some other agreement is reached.

"Planning goes out the window," says a top Pentagon budget official. In some cases, the price of a new \$800 million ship can rise 0.5 percent a month while Congress makes up its mind. By one estimate, a continuing resolution costs as much as \$750 million for each month it's in effect.

There also are broader frustrations for the 61-year-old Mr. HATFIELD. So much so that there was a serious question about whether he would seek a fourth term next year. He announced Friday that he will run, but he remains troubled by the Senate's sluggish pace on spending matters. And he is uneasy in his self-described role as the "leper" of the GOP who has a leading role in a Republican Senate that is more conservative than he would like.

Always to the left of the GOP's center, Mr. HATFIELD has shown little appetite for cutting the domestic programs that the Appropriations Committee funds. There have been days, he says, when money saved by cutting domestic programs, many of which he promoted, was channeled directly into military programs that he long opposed. "I said, 'Hey, why should I go in there and whack and slash and cut away in programs that I'm deeply committed to, only to have the membership come out and support additional military money that hasn't even been asked for by the administration?'"

But while pressing for what he could get, he has gone along with most of the domestic cuts as his price to be part of the team. "I felt I had to lower some of my flags at least to half-mast," he says. His hope was that others would do the same for him.

That is why, back in 1981, he wanted Republican colleagues to refrain from pushing the abortion amendment onto a complicated package that included \$15 billion in spending cuts, \$22 billion in supplemental spending and a continuing resolution.

Despite that experience, colleagues say, Sen. HATFIELD has succeeded in improving the efficiency of his committee. Last month, the continuing resolution for uncompleted spending bills breezed through Congress without the usual barrage of amendments. And several of the nine uncompleted measures are moving in the legislative pipeline, including defense.

Sen. HATFIELD also says that there have been some small personal victories recently. He still thinks that he may be able to stop funding of the MX missiles, which he opposes. He believes that if he hadn't pushed for the jobs bill that Congress passed earlier this year, the administration wouldn't have agreed to it. And he takes some of the credit for stalling production of a new series of chemical weapons. "It's a rear-guard action," he says of his efforts.

But Sen. HATFIELD's resistance to some administration proposals draws fire from some

fellow Republicans. And he remains frustrated over the frequent political gridlock on major spending bills. This year's action on a continuing resolution was achieved only after he pleaded with his Senate colleagues to save their amendments for a less urgent measure that arrived on the floor later.

POLITICALLY FRUSTRATING

Sen. HATFIELD sees ways to improve the process but concedes that there aren't any easy solutions. Historically, spending bills originate in the House. To avoid delays, he has started work in the Senate committee even before the House has finished its measure, and he has threatened to take the bills to the floor to keep the process moving. He would like more restrictive rules to make it difficult to attach unrelated amendments or for a member to try to stop debate on a spending measure. But he adds, "We know too well that the clever minds which promulgate new rules and reforms are cleverer still in negating their effect."

So why is he likely to seek to continue in a post that he finds so procedurally and politically frustrating?

Sen. HATFIELD, who is deeply religious, recalls a trip to India and a visit with Mother Teresa. He noted the poverty and asked the nun how she struggled against it. "She told me the Lord hasn't called me to be successful, just to be faithful," Mr. HATFIELD says. "I'm not Mother Teresa, but I take a pragmatic view and can recall that to my own role." ●

THE ARGENTINE ELECTIONS

● Mr. HELMS. Mr. President, while it is not appropriate for the United States to interfere in the internal politics of Argentina, as chairman of the Western Hemisphere Subcommittee I feel some comment is in order concerning yesterday's elections in Argentina.

I suspect there is broad approval among Americans concerning the reestablishment of the representative process in Argentina. I hope the administration will take note of this progress and that our relations with Argentina will be placed on a cordial basis befitting the spirit and tone of our relations at the time of Argentine independence. As at no time before in our history, the peoples and nations of the New World must work together to foster a spirit of Pan-Americanism in order to promote peace and prosperity.

Mr. President, perhaps the most interesting development in the Argentine elections is the emergence of a strong two-party system. Judging from early election returns, it appears that the Argentine electorate voted on a remarkably careful and sophisticated basis, and favored the most democratic elements of the Peronist and Radical Parties. Another indication of that is suggested by the split balloting reported in a number of areas.

It appears that the Argentine Congress will not be dominated by a single party and that the opposition will be strong and dynamic. Whichever party gains the Presidency, a spirit of na-

tional unity and bipartisanship is needed to overcome past divisions and to meet the challenges facing the Argentine nation.

The Radical Party has had a tradition of being a democratic force concerned with the Argentine national interest. While the Peronist Party apparently did not gain the Presidency, it appears that its strong showing can lead to greater internal party strength, particularly as constructive changes and adjustments are made internally as a result of the election experience.

In all, the elections represent a promising chance for Argentina to practice responsible representative government with accountability to the electorate.

Mr. President, in my visits to Argentina, I have found a land blessed with bountiful natural resources and a sophisticated and dynamic population. I am hopeful that these elections will be a step forward for the Argentine nation to realize its historic destiny both in the New World and in the international community of nations.●

#### S. 2029

● Mr. PRESSLER. Mr. President, I am pleased to serve as an original cosponsor of S. 2029, legislation which would prohibit illegal aliens from receiving social security benefits. The current loopholes in our social security laws which allow aliens who have left this country to collect benefits has long troubled me.

At a time when we are asking for sacrifices on the part of so many, it is clear that the Government owes its citizens assurances that the trust fund is being closely monitored. The payment of benefits to nonresident aliens must be brought to an end.

Under the present law, illegal aliens who have been deported are prohibited from receiving social security benefits. However, aliens who leave the country voluntarily are able to collect benefits based on their illegal employment. The measure introduced today would prevent any illegal alien discovered by the INS from receiving benefits.

I am most pleased that this bill would go still further as it would require the establishment of legal resident and employment status criteria for the receipt of benefits.

As many of you know, an amendment similar to this legislative measure was passed by the Senate last year during the debate on the Social Security Amendments of 1983.

I cosponsored that amendment because I believe our social security trust fund cannot withstand illegal drains of this type. Unfortunately, our language was dropped in conference.

A recent GAO report estimates that if even 1 percent of the 3.5 to 6 million

illegals living in this country draw benefits, it could cost the social security trust fund \$108 million per year. A more realistic 10-percent collection rate could cost \$1 billion per year.

In the face of these staggering statistics, I will wholeheartedly support this legislation and work for its speedy passage. As a member of the Senate Aging Committee and a long-time advocate of the rights of our elderly citizens, I will continue to fight to assure our senior citizens that the social security trust fund will remain solvent.●

#### CIVIL RIGHTS COMMISSION

● Mr. DURENBERGER. Mr. President, I was shocked and disappointed to learn Tuesday that President Reagan had "terminated the appointments" of three members of the U.S. Civil Rights Commission. His action reflects insensitivity to the importance of the Civil Rights Commission and disregard for the tireless efforts of many of my colleagues on the Judiciary Committee to resolve this dilemma.

In light of the public perception of the administration's overall civil rights records and reputation, this incident is particularly troubling.

Mr. President, the Civil Rights Commission is afloat on a sea of doubt, the time has come for us to take action and return the Commission to secure ground. Civil rights and the Civil Rights Commission are too important to our national well-being and heritage.

On October 10, this body paid tribute to America's most important civil rights' spokesman, Dr. Martin King, Jr. In setting aside Dr. King's birthday as a national holiday, we acknowledged not only Dr. King's historic accomplishments, but also the high priority of civil rights in the United States.

While that action was a momentous and encouraging step forward, today we must confront a divisive issue involving our national commitment to protect and foster those accomplishments. The future of the U.S. Civil Rights Commission is in jeopardy. The irony of this situation is a sad commentary on our ability to act to protect civil rights.

Mr. President, our Founding Fathers and Mothers, by and large, came to America fully aware of the need to protect individuals from the oppressive tendencies of government. Their beliefs were embodied in the document which forms the foundation of our Government—the Constitution.

Because of President Abraham Lincoln's commitment to "a nation conceived in liberty and dedicated to the proposition that all men are created equal," we fought a Civil War. Thereafter, we enacted the 13th, 14th, 15th,

and 19th amendments to the Constitution.

Despite these constitutional promises of equality and freedom, for many years our society failed to implement these guarantees of equal rights to all citizens.

Although there was a flurry of civil rights activity during the Reconstruction Era, following the Civil War, major progress did not occur until the mid-20th century. Judicial decisions, such as *Brown v. Board of Education*, 347 U.S. 483 (1954), set the stage for the public awareness and discontent that was to follow in the coming decades.

But even before the Supreme Court set the court for legislative equity, a few political leaders risked their careers to the cause of civil rights. One of the civil rights movement's original and most powerful and dedicated spokesman was Hubert Humphrey. Hubert Humphrey advocated the cause of civil rights for many, many years—in the face of tremendous opposition and pressure.

Few who were present at the 1948 Democratic National Convention will ever forget the eloquent and courageous words of Hubert Humphrey in support of his party's civil rights platform:

There are those who say to you—we are rushing this issue of civil rights. I say we are 172 years late. There are those who say—this issue of civil rights is an infringement on the States rights. The time has arrived for the Democratic Party to get out of the shadow of States rights and walk forthrightly into the bright sunshine of human rights.

The U.S. Civil Rights Commission was authorized by the Eisenhower administration in 1957. The Commission was created after years of effort, on the part of Hubert Humphrey, to establish an agency to oversee gains made in civil rights and to alert our society to new needs.

During the historic debate on the Civil Rights Act of 1957, the legislation which created the Civil Rights Commission, Hubert Humphrey recognized the importance of the action which was being taken by Congress and his unique foresight was again revealed:

I can remember when we pleaded in the Senate for a Civil Rights Commission and when we could not even get a pleasant or courteous hearing. . . .

I introduced the first bill in Congress for the establishment of a commission on civil rights. That was in the 81st Congress. The provisions in the bill on the establishment of the commission are almost identical with the provision of the bill I had introduced. If it was good enough for me in the 81st Congress—and I reintroduced it in the 82nd, 83rd, and 84th Congress and be grateful for it. . . .

The provision for a Civil Rights Commission is sound, long overdue, and will be of great significance to the people of America in the days to come.

Fortunately, Hubert was able to realize a great deal of the vision he foresaw for America during the 1960's. He outlined those gains in a speech to the White House Conference in 1966:

In a few short years, we have traveled down a road studded with landmarks: historic Supreme Court decisions, legislative victories, executive actions. And as we have traveled that road, we have seen thousands of acts of heroism, large and small, by the brave and determined Americans who made that journey with us—men and women of both races struggling to secure the reality of freedom, equality and human dignity.

The Great Society brought to our Nation a series of comprehensive and effective pieces of legislation, designed to remove barriers to equal opportunity. Those laws, the Civil Rights Act of 1964, the Voting Rights Act of 1965, the Immigration Act of 1965, and the Fair Housing Act of 1968, instituted new types of civil rights guarantees and clarified and reinforced old ones. Additionally, they established penalties for failure to comply with their requirements. Lists of affected racial and ethnic populations were formulated and women were finally entitled to protection under these laws as a result of hundreds of years of discrimination.

Despite the great progress that has been made by the civil rights effort, America remains a society that is plagued by the threat of discrimination. Franklin A. Thomas, president of the Ford Foundation, recently identified America's struggle with racism and bigotry in an address entitled, "Reflections on a Multiracial Society." I would like to read just a portion of that address for the RECORD.

America's struggle with racism has deep roots. Even before the establishment of the nation, a decision was made to rely on black slave labor as the mainstay of the southern agricultural economy. Today, we are wrestling with the consequences of that decision and with the society to which it gave rise. Substantial progress has been made. But so much more remains to be done. In a sense, the ultimate battle takes place within each of our minds. The outcome for our nation will be determined less by the achievements measured by statistics than by the attitudes with which we proceed.

There are storm clouds on my country's horizon suggesting that further progress in overcoming the legacy of discrimination will become more difficult. That is so, in part, because the obstacles are more subtle and thus, less subject to discovery and, in part, because of America's diminished self-confidence. It's not easy to be of a generous spirit when you're living in hard times and it's difficult to see your enlightened self-interest when you immediate self-interest seems threatened.

Thus, historically there exists a need to monitor and protect the gains that have been achieved in guaranteeing equal opportunity and protection. The U.S. Civil Rights Commission fulfills that need.

The purpose of the Commission can be summarized as follows: To investigate allegations that citizens of the

United States are being deprived of their right to vote; to study and collect information concerning legal developments constituting discrimination or denial of equal protection under the Constitution; to appraise the laws and policies of the Federal Government with respect to discrimination or denial of equal protection of the laws under the Constitution; to serve as a national clearinghouse for information with respect to discrimination; and to submit interim reports to the President and Congress.

Although the Civil Rights Commission was originally given a lifespan of very brief duration, its invaluable service to our country became quickly apparent and that life has been extended 23 years. Once again, the time has come to restore life.

The House, acting in response to this need, considered the matter in a timely and reasonable fashion and enacted legislation well before September 30.

But, September 30 has come and gone with no action taken in this body to preserve the life of the Civil Rights Commission. As a result, the Commission now finds itself in a "wind-down" period, with little or no authority to conduct business and incredible uncertainty about its future. This is a tragic occurrence.

Equally tragic is the loss of independence the Commission has suffered as a result of the President's actions. The Commission must be free to act without fear of retribution from any branch of Government.

It is, however, not too late to rectify this situation. Senators SPECTER and BIDEN have proposed legislation which would save the life of the Civil Rights Commission. I am pleased to join my colleagues and cosponsors Senate Concurrent Resolution 78.

This legislation would transform the Civil Rights Commission into a legislative advisory body, with four members to be appointed by the House and four to be appointed by the Senate. This legislation will insure continuation of the Commission and preserve its independence. I urge my colleagues to support this effort and to act with dispatch on this issue.

Let us follow through with the commitment we made to civil rights on October 19 and restore life to the Civil Rights Commission. We cannot afford to let it die. ●

#### OPENING UP THE JAPANESE TELECOMMUNICATIONS MARKET

● Mr. LAUTENBERG. Mr. President, a 3-year agreement between the United States and Japan opening procurement by Nippon Telephone and Telegraph to American exports is due to expire in December of this year. I

believe it critically important to our domestic telecommunications equipment industry that the President and his trade advisers secure significant improvements in this agreement.

The agreement was intended to open up to American and non-Japanese competitors the \$3 billion a year market created by the government-owned telephone company in Japan. Unfortunately, the results of the agreement have been less than satisfactory. Thus far, less than 1 percent of procurement by NTT has gone to American firms, despite their technological achievements and quality products.

Our domestic telecommunications industry is entering a new era of increased competition. Notwithstanding any reservations we may have, divestiture of American Telephone & Telegraph Co. will soon be a fact of life. With Bell operating companies unlinked from Western Electric, AT&T's manufacturing arm; with individual businesses and consumers more likely than ever to consider the purchase of equipment from foreign suppliers; our domestic market is inviting unprecedented foreign entry. In the meantime, our industry is struggling to expand into markets abroad, including the Japanese market, said to be second in size only to our own.

Our telecommunications industry has been one of our leading high technology sectors. It can and should play an increasing role in our economy in the future. We cannot afford to subject it to stiff competition here at home, while denying it the ability to freely compete abroad. At stake is the health of our established firms, the growth of new ones, and the thousands of jobs of men and women in the industry.

Mr. President, my State is among the Nation's leaders in the manufacture of communications equipment. Some 40,000 men and women earn their livelihood in that pursuit. Thousands others are engaged in the research and development of product and the marketing of it here and abroad. The issue of trade in telecommunications equipment is an important issue for my constituents.

It is also an important issue for many of my colleagues, who have joined me in sending a letter to the President, urging him to take all possible steps to strengthen the agreement between our Nation and Japan on trade in telecommunications equipment. Mr. President, I ask that the text of the letter signed by myself and 14 of my colleagues be printed in the RECORD.

The letter follows:

COMMITTEE ON COMMERCE,  
SCIENCE, AND TRANSPORTATION,  
Washington, D.C., October 31, 1983.

The PRESIDENT,  
The White House,  
Washington, D.C.

DEAR MR. PRESIDENT: As you know, the agreement between the United States and Japan opening procurement by Nippon Telephone and Telegraph to American exports will expire in December of this year. We are writing, in advance of your planned trip to Japan, to express our strong interest in securing significant improvements in this important agreement.

The Japanese telecommunications equipment market is second in size only to our own domestic market. Government-owned N.T.T. procures over \$3 billion in goods annually. It is critically important to our domestic telephone and telegraph equipment industry, and its roughly 150,000 workers, many of whom are concentrated in our states, that the Japanese market become increasingly accessible to American exports.

The advent of a competitive telecommunications policy in our nation has opened our domestic market to unprecedented foreign entry. After the divestiture of American Telephone and Telegraph Co., Bell operating companies—which purchase roughly \$13 billion in equipment a year—will no longer be linked contractually to Western Electric, AT&T's manufacturing arm. Those companies will be more likely to consider purchases of foreign-made equipment. Individual consumers are already free to purchase their own terminal equipment and foreign equipment manufacturers are actively courting them. The United States imported over \$600 million in telephone and telegraph equipment in 1982, almost half of that from Japan. Japan, on the other hand, imported \$141 million in equipment, including radio equipment, while exporting over \$1.5 billion.

Our nation's longstanding trade surplus in telecommunications equipment is threatened. Without more open markets, we risk a trade deficit in this key industry, notwithstanding our industry's technological achievements and quality products.

We want to express our disappointment that in the three years since the signing of the agreement on N.T.T. procurement, less than one percent of the more than \$3 billion annual procurement, has gone to American firms. While the Japanese have taken some steps to enhance this record, particularly as we approach the expiration of the agreement, there remains considerable room for improvement. We believe there should be broadened avenues for involvement by American firms in the earliest stages of joint research and development of products that ultimately are procured by N.T.T. Moreover, we recommend the adoption of firm guidelines by which to measure progress and compliance with the terms and the spirit of the agreement. In general, further assurances and improvements in the agreement are in order, to increase the likelihood that reliable American firms with competitive products are treated fairly.

A failure to secure an effective and fair agreement on telecommunications equipment could have grave consequences for our industry—a growing, high technology industry of the sort that will become increasingly important to our economy in the future. Moreover, failure would likely increase the call for protectionism here at home. We certainly agree that we cannot afford to subject an important industrial sector to stiff

foreign competition here at home, while denying it the ability to compete abroad.

We urge you to ensure that the telecommunications equipment industry in the United States has free and open access to the market in Japan equivalent to the access offered here.

Sincerely,

Frank R. Lautenberg, Donald W. Riegle, Jr., Howell Heflin, Alan Cranston, Alan J. Dixon, Daniel K. Inouye, Ernest Hollings, Edward M. Kennedy, Daniel Patrick Moynihan, Slade Gorton, David L. Boren, Pete Wilson, Paul S. Sarbanes, Gary Hart, and William Proxmire

#### LOBBY ACT OVERSIGHT HEARINGS

● Mr. DURENBERGER. Mr. President, many of my colleagues have perceived in recent years an increase in the volume and visibility of lobbying activities as an element of congressional policy deliberations. These observations are borne out by a study conducted by two political scientists from Boston College, detailed in a recent issue of the *Journal of Politics*. Based on their survey of, and interviews with, 200 Washington lobbying organizations, the two concluded that not only is there more lobby group activity than ever before, but that the increased activity spans virtually every lobbying technique.

I would not suggest that there is anything improper about this activity. Petitioning the Government is a right protected by the first amendment, and lobbyists often play an important role in assisting Senators with their legislative duties. Just as important for the public's interest and for Congress, however, is an accurate portrayal of such lobbying efforts.

I am concerned with the statute intended to provide for disclosure of information to the public and Members of Congress about the significant activities of professional lobbyists. By virtually all accounts this law, the 1946 Federal Regulation of Lobbying Act, has been ineffective in fulfilling the purpose for which Congress intended it. In 1954, the U.S. Supreme Court narrowed the act to avoid a finding of unconstitutionality; in doing so, the Court severely constricted the law's scope. A 1975 investigation by the General Accounting Office found that both effective administration and enforcement of the act had become almost impossible due to the Court's interpretation.

The failure of this law to do what Congress designed it to do, and the subsequent failure of Congress to come up with a reasonable alternative, has had at least two negative results. First, it has cast a shadow on the legitimate activities of the vast majority of lobbyists since the information required by the current statute so inaccurately and incompletely reflects their activities. Second, the impotence

of the lobby law has kept from Congress and the public some basic information about private pressures on public issues. The act has done very little to expose the motives of interest groups and Government officials to public scrutiny and enable competing interests to mobilize. It has done little to make Government officials, especially Members of Congress, more accountable for their actions.

To further illuminate this issue, the Governmental Affairs Committee will hold oversight hearings of the Lobby Disclosure Act in November. These hearings are intended to gather and disseminate in a systematic fashion information on how lobby groups operate in a modern democracy, and to determine whether or not the Senate should again seek to rewrite the current disclosure statute. I currently have no legislation prepared on this subject and I am not yet convinced that the issue even lends itself to a legislative solution. But I am convinced that the sorry history of this law and the important area of political expression that it covers requires thorough review and study.

The scope of the hearings will be broad. The committee hopes to take testimony from representatives of the lobbying community, former members of Congress now representing private interests in Washington, various groups concerned with this issue, legal and academic scholars, and government agencies. Taking this wide approach in the context of an oversight hearing is one nonstatutory means by which the public can be informed of the legislative activities of interest groups.

The committee does not intend to single out any individual or group as having abused speech or petition freedoms. I reject a pejorative connotation of lobbying. Rather, the working premise of these hearings is one that was recently expressed by the noted economist, Robert J. Samuelson:

The burden—and the glory, too—of modern American democracy is the proliferation of (special interest) groups. Their expansion is the natural result of the post-Depression growth of Government spending and authority. If democracy is people's right to be heard on issues that engage their interests and emotions, then government's growth could have had no other effect. Because government interferes more, it is interfered with more. Because the nature of its intervention has become more narrow and detailed, so has the nature of the political reaction.

I intend these hearings to focus on both the burden and the glory.

If any of my colleagues would like to testify or submit a statement for the record, I would appreciate their contacting me at their earliest convenience.

The hearings will be held on Tuesday, November 15 at 2 p.m. in room

SD-342 and on Wednesday, November 16 at 10 a.m. in room SD-124.

#### MORE EQUITABLE PAYBACK FOR RURAL/FREE-STANDING HEALTH CLINICS

● Mr. BINGAMAN. Mr. President, on October 28, 1983 I introduced a bill, S. 2024, that would change the reimbursement formula for National Health Service Corps personnel. The changes made to the formula are needed to establish a more equitable payback system that does not jeopardize primary health care in those communities financially unable to pay the Federal Government for placement of NHSC doctors, dentists, and nurses.

The companion bill to S. 2024 is H.R. 3649, introduced by my distinguished colleague, Congressman BILL RICHARDSON of New Mexico. I am pleased to join him in introducing this measure and recognize his hard work on this issue.

The NHSC provides medical personnel to health manpower shortage areas, HMSA. These medical personnel, in return for scholarship money from the Government, make a commitment that upon completion of medical school, they will go to a HMSA. The basic intent of the NHSC is to provide health professionals to medically underserved communities. Communities which are assigned a NHSC member must then pay the Federal Government for the Government's cost of educating that individual and subsequent payment of salary at that NHSC site.

The current system works to the disadvantage of the smaller clinics in that their payment to the Federal Government is comparatively large given their size, costs, revenue, and service clientele. Also, the payback policy makes no allowance for encouraging a clinic to improve or expand its service to the community. There is usually no money left for such improvements after payment to the Government.

The smaller clinics in my State of New Mexico are predominantly located in rural areas where the clinic is the only primary health care provider. Also, the 100,000 people served in New Mexico by NHSC reside in parts of the State where there is high unemployment and low per capita income. A high percentage of the patients are older New Mexicans with chronic health problems, no means of transportation, and fixed incomes. Unless the reimbursement system is changed soon, these rural health clinics will be forced to cut back on needed support services intrinsic to rural care providers such as outreach services, health and nutrition education, pharmacy services, laboratory X-ray services and transportation. Even more compelling is that these clinics may have to

reduce primary health care and at the worst close down.

The administration's change in waiver policy and computation of payback precipitated this controversy. Waivers, traditionally granted if clinics were having financial hardship or serving large numbers of poor, elderly or other needy persons, would now only be granted if acts of God occurred causing large, unexpected expenditures, or because of poor financial management.

The outcry from the NHSC sites prompted HHS to reinstate its original policy and emphasize that the two new requirements would be in addition to the original law. However, the fact remains that payment is still required of these clinics and that the revised payback formula governs.

This bill would resolve an inconsistency in NHSC direction. On the one hand the goal of NHSC is to get health professionals out into medically underserved areas; yet at the same time, it declares that those communities are penalized for the very status that makes them unable to payback the Government. The question cannot be phrased as an either/or proposition; that is, either you pay the Government or you lose your doctors. Rather, the Federal Government needs to clarify what it seeks to accomplish with NHSC personnel. If the purpose is producing revenue then the sites should be placed in high employment and high per capita income areas with active economic conditions to get the most return on the Federal Government's investment. Communities without these characteristics would obviously be poor risk. The intent of NHSC however, is to target health care to those in greatest need. That purpose must be maintained.

The bill I have introduced would fulfill the NHSC's mission to assist medically underserved areas. The bill amends the payback formula to encourage fiscal responsibility of NHSC sites so they would be able to reimburse the Federal Government, but not at the expense of their existence or vital operations.

This legislation will remedy confusion in several important areas. As I have explained, the current formula follows a complicated method that is disadvantageous to the smaller NHSC clinics. Nationwide there are 500 small/freestanding clinics and in New Mexico 23 of 28 clinics are freestanding. The new formula would look to each clinic and determine what amount of payback, if any, should be waived.

The process would begin with the clinic submitting its proposed budget to HHS (NHSC) at the beginning of its fiscal year. The budget would include:

First, primary and supplemental health services needed in the HMSA served by the clinic;

Second, the costs the clinic anticipates will be incurred; and

Third, the revenue it expects will be collected from patients.

At the time of the budget submission to NHSC the clinic may request a partial or complete waiver. NHSC would then review the proposed budget and either approve or disapprove the waiver. The Secretary in making that determination would review several factors: Whether the money may be used to expand or improve a clinic's services; whether the clinic has an increase in patient population; whether the clinic needs to construct or modernize its facilities; or whether a clinic needs to improve its program or establish a necessary financial reserve. With the new basis for computation it is expected that the clinic will—because of prospective budgeting—be able to plan in advance for making the payment and at the same time have an opportunity to use its revenue to make necessary improvements if a waiver is granted.

The bill specifies that the new method will be used by clinics that have minimal or no Federal grant money and that have less than \$57,000 of NHSC costs. Large NHSC clinics would still use the present formula. Large clinics are hospital or public agency sponsored and migrant health clinics and community health centers with grants of more than \$57,000. A provision in the bill allows large clinics to use the new system if the Secretary so determines.

Unless this legislation is enacted, it is estimated that in New Mexico some NHSC clinics will experience close to a 300-percent increase in payment to the Federal Government. I ask to insert in the RECORD at this point a letter from the New Mexico Secretary for Health and Environment, that documents anticipated increases by the NHSC sites statewide.

The letter follows:

STATE OF NEW MEXICO,  
GOVERNOR'S CABINET,  
Santa Fe, July 7, 1983.

HON. JEFF BINGAMAN,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR BINGAMAN: The Bureau of Health Care Delivery and Assistance National Health Service Corps (NHSC), of June 13, 1983, issued a policy regarding a change in the payback formula and process for all "integrated" and "freestanding" NHSC sites. The new policy and subsequent enforcement by regional office staff, will have a serious effect on the continuance of Primary Health Care Service to medically underserved New Mexicans.

Title 42—The Public Health And Welfare establishes the National Health Service Corps to "improve the delivery of health services in health manpower shortage areas". Section 253(g) (b) (1) and (2) states that bills for NHSC personnel may be waived under certain conditions: for example, in those areas "in which a significant percentage of the individuals are elderly,

living in poverty, or have other characteristics which indicate inability to repay."

Previous NHSC policy regarding payback of NHSC personnel allowed for circumstance particular to the entity requesting a whole or partial waiver of NHSC payback to be a consideration in determining payback amounts. The NHSC has increasingly depended on fiscal "accountability" as the measure for deciding reimbursement levels for NHSC sites.

The most recent change in NHSC policy ignores demographic data, poverty status and other access issues in regard to payback waiver and insists that: (1) "Acts of God" and (2) "Sites inability to repay" are the rational for demanding payback. And, in the latter case "sites should realize that they are admitting their inability to provide effective financial management, are in non-compliance with the NHSC statute and are vulnerable for suspension of grant funds, re-assignment of assignees, and/or termination" (see attached policy: bill waiver). It is obvious that according to the new policy, need is no longer the criteria for maintaining a NHSC program.

This change in policy will have an extreme negative impact on New Mexico clinics for three major reasons. First, unlike urban clinics where this policy was apparently site-tested, most New Mexico clinics are small, one or two physician practices which do not generate cash flow. In Hatch, for example, the new policy would require a change in payback from \$17,421 (June-December 1982) to \$60,555 (based on June-December 1982 data applied to new policy). That is a 248 percent increase which is also expected to be paid in full in one sum (see attached list of clinics). Second, if the intent of the new policy is not to close all clinics, the new policy assumes that clinics have alternative methods, such as grants, for hiring physicians. While this is true to some extent for Community Health Centers which receive grant awards as well as physician placement, 21 of the 29 clinics in New Mexico are freestanding sites, not Community Health Centers. The predominance of freestanding sites is a characteristic unique to New Mexico.

Third, access to medical services in rural New Mexico is significantly different than access to service in urban areas. While urban clinics may close and the patient population may be referred to other clinics or public hospitals, in the areas, if rural clinics close in New Mexico there are no alternative service.

The Anaya Administration has a strong commitment to primary health care in New Mexico and the Health and Environment Department is in the process of dividing a plan to support and encourage these services state wide. However, a smooth and organized transition from Federal to State support is required and we need your assistance in maintaining those Federal services until the State Legislature can be presented with this issue.

Further, while the State is willing at this time to consider a change in its relationship with these clinics, the real issue is that the new NHSC payback policy is contrary to the legislative intent behind—and stated in—the Legislation which established the National Health Service Corps. We would appreciate your assistance on this problem as well.

Thank you.

Sincerely,

ROBERT McNEILL,  
Secretary.

PRELIMINARY ESTIMATE OF IMPACT OF NEW NHSC POLICY ON NEW MEXICO CLINICS (BASED ON JUNE TO DECEMBER 1982 DATA)

Name	June 12, 1982, approximately	June 12, 1982, new policy	Percent change
Pecos Valley Medical Center	1,707	4,064	138
La Clinica de La Gente Plus 24,000	10,378	12,504	20
Dexter Dental Clinic	3,200	0	0
Clayton Health Center	11,900	16,000	34
Los Esteros Dental Clinic (Santa Rosa)	4,000	4,000	0
10,000 loan			
La Clinica del Pueblo de Rio Arriba (T.A.) (74,000 outstanding)	28,518	37,048	30
Truchas Service Center	1,961	3,502	79
Hidalgo Medical Services, Inc. (Lordsburg)	2,818	4,914	74
Sacramento Mountains Medical Facility, Inc. (Cloudford)	3,760	5,612	49
Area Human Resources Council (Silver City)	1,520	2,533	67
Alamo Navajo Health Clinic	2,600	10,000	284
Hatch Area Health Clinic	17,421	60,555	248
El Pueblo Health Services (Bernalillo)	13,811	15,865	15
Carrizozo Health Center	2,827	19,193	579
Mora Valley Health Clinic	392	6,303	1,507
Hope Medical Center (Estancia)	15,582	18,000	16
La Clinica del Norte (El Rito)	5,277	6,136	16
Gallup Family Health Center	6,071	6,904	14
Jicarilla Apache Tribe (Dulce)	500	1,000	100
Los Lunas Hospital and Training School—Pay back in full State facility			
Total	134,243	234,138	74

<sup>1</sup> Increase.

Source: HED health planning and development division June 1983.

Mr. BINGAMAN. Nationwide, a poll taken by the National Association of Community Health Centers demonstrates an average payback increase of 230 percent for small clinics.

The Department of Health and Human Services has indicated support for this legislation as reported out of the House Subcommittee on Health and the Environment, and the Office of Management and Budget has estimated its cost to be minimal. The bill is supported by the National Association of Community Centers and the National Rural Primary Care Association.

The Department of Health and Human Services has billed many clinics for payment due February 1985. Therefore, there still is time for us to act and I urge my colleagues to join me in this effort to secure quality health care to those in need. Mr. President, I ask that the text of S. 2024 be printed in the RECORD.

The bill follows:

S. 2024

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a)(1) section 334(a) of the Public Health Service Act (42 U.S.C. 254g(a)) is amended (A) by inserting ", if an entity described in the last sentence of this subsection," after "the entity" in paragraph (3), (B) by striking out "and" at the end of paragraph (3), (C) by redesignating paragraph (4) as paragraph (5), and (D) by inserting after paragraph (3) the following new paragraph:*

"(4) the entity, other than an entity described in the last sentence of this subsection, shall pay to the United States, as prescribed by the Secretary in each calendar quarter (or other period as may be prescribed in the agreement) during which any Corps member is assigned to the entity the amount (prorated for a calendar quarter or other period) by which the fees, premiums, third party reimbursements, and other reve-

nue which "the entity may reasonably expect to receive during an annual period, as determined under subsection (c), for the provision of primary and supplemental health services (as defined in section 330) exceeds the costs which the entity may reasonably expect to incur, as determined under subsection (c), to provide such health services during such period. The amount to be paid under this paragraph shall not exceed the amount to be paid under paragraph (3); and"

(2) Section 334(a) of such Act is amended by adding after paragraph (5) (as so redesignated) the following: "An entity required to make the payment prescribed by paragraph (3) is an entity which is a hospital, an entity of State or local government, or the recipient of a grant under section 329 or 330 unless the Secretary determines that in the case of an entity which is the recipient of a grant under section 329 or 330, the amount of the grant is less than the amount calculated under subparagraphs (A) and (B) of paragraph (3) for such entity."

(3) Section 334 of such Act is amended by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively, and by inserting after subsection (b) the following:

"(c)(1) To determine for purposes of subsection (a)(4) the revenue and costs which an entity may reasonably be expected to receive and incur in an annual period for the provisions of health services, the entity shall submit to the Secretary before the beginning of such period a proposed budget which—

"(A) describes the primary and supplemental health services which are needed by the area the entity serves in such period, and

"(B) states the revenues and costs which the entity expects to receive and incur in providing such health services in such period.

"(2) From the submission under paragraph (1) and other information available to the Secretary, the Secretary shall determine—

"(A) the primary and supplemental health services needed in the area the entity serves,

"(B) the fees, premiums, third party reimbursements, and other revenues the entity making the submission may reasonably expect to receive from the provision of such services, and

"(C) the costs which the entity may reasonably expect to incur in providing such services."

The revenues and costs determined by the Secretary shall be the revenues and costs used in making the computation under subsection (a)(4)."

(4) Section 334(a)(1) is amended by striking out "subsection (d)" and inserting in lieu thereof "subsection (e)".

(b)(1) Paragraphs (1) and (2) of section 334(b) of such Act are each amended by inserting ", on a prospective or retrospective basis," after "in part".

(2) Paragraph (3) of such section is amended by inserting "and does not require payment under subsection (a)(4)" after "(1) or (2)".

(3) Section 334(b) of such Act is amended by adding at the end the following:

"(5) If the Secretary determines that an entity is eligible for a waiver under paragraph (1) or (2), the Secretary may waive the application of the requirement of subsection (a)(3) for the entity and require the

entity to make the payment required under subsection (a)(4).

"(6) The Secretary may waive in whole or in part the application of the requirement of subsection (a)(4) for an entity if the entity demonstrates to the satisfaction of the Secretary that it requires all or part of the amount payable under subsection (a)(4)—

"(A) to expand and improve its health services,

"(B) to increase the number of persons it is able to serve,

"(C) to construct and modernize facilities for the provision of its health services,

"(D) to improve the administration of its health service programs, or

"(E) to establish a financial reserve to assure that it will be able to continue to provide health services.

The Secretary may grant a waiver under this paragraph to an entity at any time on or after the date the Secretary makes the determination described in subsection (c)(2) with respect to such entity.

(c) Subsection (d) of such section 334 (as so redesignated) is amended by inserting "(1)" after "(d)" and by adding at the end the following:

"(2) The excess (if any) of the amount of funds collected in accordance with subsection (a)(2) by an entity subject to subsection (a)(4) over the amount paid to the United States in accordance with such subsection shall be used by the entity for the purposes set out in subsection (b)(6) or to recruit and retain manpower to provide health services to the individuals in the health manpower shortage area for which the entity submitted and application."

Sec. 2. The amendments made by the first section shall apply with respect to agreements entered into under section 334 of the Public Health Service Act after the date of the enactment of this Act, but, to the extent feasible, the Secretary of Health and Human Services shall revise agreements entered into under such section 334 before such date to reflect the amendments made by the first section.●

**COMMEMORATION OF REV. VICTOR R. YANITELLI'S 50TH ANNIVERSARY AS A JESUIT**

● Mr. LAUTENBERG. Mr. President, on Sunday, November 6, 1983, friends and admirers of Father Victor R. Yanitelli will join him upon the occasion of his 50th anniversary as a Jesuit. The celebration marks not only Reverend Yanitelli's life dedication as a priest, but as educator, counsellor, public official, and friend.

I first met Father Yanitelli when we served together as commissioners of the Port Authority of New York and New Jersey. The commissioners often had difficult issues to resolve. When emotions at our meetings would begin to run high, Father Yanitelli had the marvelous ability of restoring calm and reason to the proceedings. I have long admired his ability to focus a discussion and get to the heart of a matter. Father Yanitelli epitomizes the finest qualities of cleric, scholar, and pragmatic participant in the civic life of the community.

Mr. President, in addition to his role as a distinguished public official, Rev-

erend Yanitelli is an accomplished and revered figure in both the church and education circles. After his education at Fordham Preparatory School and Georgetown University, Reverend Yanitelli received his master's and Ph.D. degrees at Fordham University.

Reverend Yanitelli then served as instructor of language and philosophy at Fordham Prep School, Fordham College, and the University of Scranton. Continuing his career as an educator, Reverend Yanitelli served as an administrator in student personnel at Fordham University and Saint Peter's College. He later became president of St. Peter's College, and more recently served there as chancellor.

Father Yanitelli has also served with distinction on the boards of many community, State, and national organizations. His boundless energy and sense of service have added much to the communal life of New Jersey and the country.

The celebration of the anniversary of Father Yanitelli's entry into the Society of Jesus is indeed a happy occasion. He has served his church and his State with honor and distinction. I am pleased to join with his many friends in recognizing the Father's life of dedication.

**ORDER OF BUSINESS**

Mr. BAKER. Mr. President, may I inquire of the minority leader if there is any other matter he wishes to deal with?

Mr. BYRD. Mr. President, the majority leader is very kind to ask each day. I appreciate it, because at times, we have had something on this side, but not on this day do we have anything.

Mr. BAKER. I thank the minority leader.

**RECESS UNTIL 10 A.M. TOMORROW**

Mr. BAKER. Mr. President, I move, in accordance with the order previously entered, that the Senate stand in recess until the hour of 10 a.m. tomorrow.

The motion was agreed to and, at 11:50 p.m., the Senate recessed until tomorrow, November 1, 1983, at 10 a.m.

**NOMINATIONS**

Executive nominations received by the Senate October 31, 1983:

**DEPARTMENT OF STATE**

Diego C. Asencio, of Florida, a career member of the Senior Foreign Service, class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Brazil.

**MINISTER**

Edmund Stohr, of Illinois, for the rank of minister during the remainder of the tenure

of his service as the Representative of the United States of America on the Council of the International Civil Aviation Organization.

**THE JUDICIARY**

Lenore Carrero Nesbitt, of Florida, to be U.S. district judge for the southern district of Florida, vice C. Clyde Atkins, retired.

**DEPARTMENT OF TRANSPORTATION**

Mari Maseng, of South Carolina, to be an Assistant Secretary of Transportation, vice Lee L. Verstandig, resigned.

**DEPARTMENT OF COMMERCE**

Kenneth S. George, of Texas, to be Director General of the United States and Foreign Commercial Services (new position—Public Law 97-377, of December 21, 1982).

**FEDERAL MARITIME COMMISSION**

Thomas F. Moakley, of Virginia, to be a Federal Maritime Commissioner for the term expiring June 30, 1988 (reappointment).

**DEPARTMENT OF JUSTICE**

The following-named persons to be Commissioners of the U.S. Parole Commission for terms of 6 years:

Helen G. Corrothers, of Arkansas, vice Robert D. Vincent, resigned.

Vincent Fechtler, Jr., of Florida, vice Audrey A. Kaslow, term expiring.

Paula A. Tennant, of California, vice Cecil M. McCall, term expiring.

**SENIOR FOREIGN SERVICE**

The following-named career member of the Foreign Service of the Department of Agriculture for promotion into the Senior Foreign Service as indicated:

Career member of the Senior Foreign Service of the United States of America, class of Counselor:

Frank A. Padovano, of Virginia.

**IN THE AIR FORCE**

The following Air National Guard of the United States officers for promotion in the Reserve of the Air Force under the provisions of section 593(a) title 10 of the United States Code, as amended:

**LINE OF THE AIR FORCE**

*To be lieutenant colonel*

- Major James N. Hagenson, xxx-xx-xxxx
- Major David W. Jurenka, xxx-xx-xxxx
- Major Donald F. Kauer, xxx-xx-xxxx
- Major Jared P. Kennish, xxx-xx-xxxx
- Major Michael N. Killworth, xxx-xx-xxxx
- Major Richard H. Leavy, xxx-xx-xxxx
- Major Juan E. Montanez, xxx-xx-xxxx
- Major James N. Naylor, xxx-xx-xxxx
- Major Robert J. O'Hare, xxx-xx-xxxx
- Major Raymond J. Rauenhorst, xxx-xx-xxxx
- Major Andrew Savanick, Jr., xxx-xx-xxxx
- Major Lawrence F. Sheehan, Jr., xxx-xx-xxxx

- Major Edward F. Smith, xxx-xx-xxxx
- Major William K. Swarthout, xxx-xx-xxxx
- Major Jack G. Thomas, xxx-xx-xxxx
- Major Thomas P. Wittman, xxx-xx-xxxx
- Major Nicholas C. Xenelis, xxx-xx-xxxx

**LEGAL**

Maj. Michael T. Hay, xxx-xx-xxxx

**CHAPLAIN**

Maj. Larry E. Elliott, xxx-xx-xxxx  
Maj. Fay E. Miller, xxx-xx-xxxx

**MEDICAL CORPS**

- Maj. Ronald P. Krueger, xxx-xx-xxxx
- Maj. Deepak Midha, xxx-xx-xxxx
- Maj. Nirmalendu K. Pandeya, xxx-xx-xxxx
- Maj. Richard G. Spindler, xxx-xx-xxxx

DENTAL CORPS

Maj. Guy O. Bilek, xxx-xx-xxxx

IN THE ARMY

The following-named officers for appointment under automatic integration in the Regular Army of the United States, in promotion grade major, under the provisions of section 531, 532, and 533, title 10, United States Code:

Adams, William G., xxx-xx-xxxx
Schumacher, Walter F., xxx-xx-xxxx

The following-named Reserve Officers Training Corps for appointment in the Regular Army of the United States, in the grade of second lieutenant, under the provisions of section 531, 532, 533, 2106, and 2107, title 10, United States Code:

Amato, John M., xxx-xx-xxxx
Dawson, Wallace H., xxx-xx-xxxx

The following-named distinguished honor graduates of Officer Candidate School for the appointment in the Regular Army of the United States, in the grade of second lieutenant, under the provisions of section 531, 532, and 533, title 10, United States Code:

Martin, Van N., xxx-xx-xxxx
Nichols, Richard A., xxx-xx-xxxx
Sartain, Samuel D., xxx-xx-xxxx

The following-named officers for appointment in the Regular Army of the United States under the Defense Officer Personnel Management Act (DOPMA), in their active duty grades, under the provisions of section 531, 532, and 533, title 10, United States Code:

To be lieutenant colonel

Bartlett, Charles M., xxx-xx-xxxx
Provence, Dennis E., xxx-xx-xxxx
Williams, Carol D., xxx-xx-xxxx

To be major

Garcia Robert, xxx-xx-xxxx
Vanarsdale, Layne A., xxx-xx-xxxx

The following-named officers for appointment in the Regular Army of the United States, in their active duty grades, under the provisions of section 531, 532, and 533, title 10, United States Code:

To be major

Stovall, Michael, xxx-xx-xxxx

To be captain

Acker, Christopher A., xxx-xx-xxxx
Allison, Ralph E., Jr., xxx-xx-xxxx
Arnold, William G., xxx-xx-xxxx
Aswell, Paul L., xxx-xx-xxxx
Aycock, Robert H., xxx-xx-xxxx
Baggott, Christopher L., xxx-xx-xxxx
Bailey, Ernest M., xxx-xx-xxxx
Battle, James H., xxx-xx-xxxx
Beil, William E., Jr., xxx-xx-xxxx
Bell, Robert M., xxx-xx-xxxx
Bodenhamer, Beverly R., xxx-xx-xxxx
Bosko, Victor J., xxx-xx-xxxx
Braaf, Sylvia R., xxx-xx-xxxx
Brooks, William C., xxx-xx-xxxx
Brophy, Thomas F., Jr., xxx-xx-xxxx
Brosnan, William D., xxx-xx-xxxx
Broughall, Stephen E., xxx-xx-xxxx
Burnett, Thomas R., xxx-xx-xxxx
Bush, Frank P., Jr., xxx-xx-xxxx
Bush, Manzel S., xxx-xx-xxxx
Camilletti, Michael H., xxx-xx-xxxx
Cantu, Ricardo M., xxx-xx-xxxx
Carney, Michael F., xxx-xx-xxxx
Cass, Steven L., xxx-xx-xxxx
Chaikin, Hal, xxx-xx-xxxx
Cleary, Gerald J., II, xxx-xx-xxxx
Coffman, Donna L., xxx-xx-xxxx

Council, Terry R., xxx-xx-xxxx
Cox, Logan I., III, xxx-xx-xxxx
DeWitt, Kelly E., xxx-xx-xxxx
Dodd, David D., xxx-xx-xxxx
Erickson, Dennis D., xxx-xx-xxxx
Fague, Richard A., xxx-xx-xxxx
Fast, Barbara G., xxx-xx-xxxx
Faughnan, Michael J., xxx-xx-xxxx
Florence, Phillip, xxx-xx-xxxx
Frandsen, Robert D., xxx-xx-xxxx
Fuller, Robert L., xxx-xx-xxxx
Gahagan, Larry D., xxx-xx-xxxx
Garrett, Wayne S., xxx-xx-xxxx
Gee, Robert W., xxx-xx-xxxx
Geraci, Richard V., xxx-xx-xxxx
Gibbons, Robert T., xxx-xx-xxxx
Gray, Xavier D., xxx-xx-xxxx
Hannon, Richard J., xxx-xx-xxxx
Hanson, Peter H., xxx-xx-xxxx
Harness, Steven M., xxx-xx-xxxx
Harwood, Thomas P., xxx-xx-xxxx
Hayduk, Stephen C., xxx-xx-xxxx
Henderson, Edward S., xxx-xx-xxxx
Hodges, Alexander G., xxx-xx-xxxx
Hoidahl, Robert I., Jr., xxx-xx-xxxx
Jahrsdoerfer, Stephen R., xxx-xx-xxxx
James, Norman E., xxx-xx-xxxx
Jordan, Ronald M., xxx-xx-xxxx
Kaulius, Mark R., xxx-xx-xxxx
Keefe, Daniel J., xxx-xx-xxxx
Kerrick, Stephen W., xxx-xx-xxxx
Kjer, James T., xxx-xx-xxxx
Knapp, Steven A., xxx-xx-xxxx
Krum, Eric L., xxx-xx-xxxx
Kubicki, Frank, xxx-xx-xxxx
Landry, Alan D., xxx-xx-xxxx
Larson, Milton R., xxx-xx-xxxx
Lawson, Harold F., xxx-xx-xxxx
Lozier, Glen J., xxx-xx-xxxx
Martinez, Leo A., xxx-xx-xxxx
Mason, Elmer J., xxx-xx-xxxx
Maziarka, Russell J., xxx-xx-xxxx
McGann, Denise R., xxx-xx-xxxx
McMillan, Joseph B., xxx-xx-xxxx
McNair, Susan A., xxx-xx-xxxx
Mejias, Carlos E., xxx-xx-xxxx
Montgomery, Bennie, xxx-xx-xxxx
Moore, Nina M. A., xxx-xx-xxxx
Morgan, Edwin C., xxx-xx-xxxx
Neely, Steven L., xxx-xx-xxxx
Patterson, William R., xxx-xx-xxxx
Pedone, Joseph E., xxx-xx-xxxx
Phillips, William D., xxx-xx-xxxx
Puchon, Charles A., Jr., xxx-xx-xxxx
Reiter, Bruce N., xxx-xx-xxxx
Robinson, James G., xxx-xx-xxxx
Rodriguez, Carlos, xxx-xx-xxxx
Rodriguez, Jose M., xxx-xx-xxxx
Ryan, Thomas M., xxx-xx-xxxx
Saul, Lawrence H., xxx-xx-xxxx
Saulsbury, Thomas B., xxx-xx-xxxx
Schwab, Daniel, xxx-xx-xxxx
Schmitt, Joseph K., xxx-xx-xxxx
Self, Keith A., xxx-xx-xxxx
Shull, Patrick, xxx-xx-xxxx
Simpson, Larry L., xxx-xx-xxxx
Smith, Carolyn E., xxx-xx-xxxx
Smith, Kenneth E., xxx-xx-xxxx
Soltero, Mark A., xxx-xx-xxxx
Stahl, David T., xxx-xx-xxxx
Stallings, Joseph L., xxx-xx-xxxx
Stibrany, Charles, xxx-xx-xxxx
Terrill, Marilyn E., xxx-xx-xxxx
Thomas, Alvin J., xxx-xx-xxxx
Thompson, Lee A., xxx-xx-xxxx
Thompson, Lewis H., Jr., xxx-xx-xxxx
Thompson, Linda I., xxx-xx-xxxx
Thompson, Michael D., xxx-xx-xxxx
Toms, Leslie P., xxx-xx-xxxx
Tucker, Donald G., xxx-xx-xxxx
Uldricks, Dennis G., xxx-xx-xxxx
Ward, Bonita R., xxx-xx-xxxx

Ward, Rodney G., xxx-xx-xxxx
Webb, Harold W., xxx-xx-xxxx
Weiner, Ben W. K., xxx-xx-xxxx
Weiss, Alfred G., xxx-xx-xxxx
Welch, Billy H., xxx-xx-xxxx
Wilkie, James B., IV, xxx-xx-xxxx
Wright, Anthony W., xxx-xx-xxxx
Zilversmit, Ephraim B., xxx-xx-xxxx
Zimmerman, Keith L., xxx-xx-xxxx

To be first lieutenant

Alemany, Walter A., xxx-xx-xxxx
Bruzese, Victoria M., xxx-xx-xxxx
Calhoun, Patrick A., xxx-xx-xxxx
Clay, Steven E., xxx-xx-xxxx
Colson, Robert P., xxx-xx-xxxx
Conner, Clifford D., xxx-xx-xxxx
Contarino, Joseph, III, xxx-xx-xxxx
Coons, Michael K., xxx-xx-xxxx
Cory, Rennie M., Jr., xxx-xx-xxxx
Crosby, William T., xxx-xx-xxxx
Cugno, Ronald J., xxx-xx-xxxx
Dalessandro, Robert J., xxx-xx-xxxx
Discavage, Gregory D., xxx-xx-xxxx
Duncan, Ronald M., xxx-xx-xxxx
Edens, Arvel J., Jr., xxx-xx-xxxx
Edrington, Michael G., xxx-xx-xxxx
Fagan, William J., xxx-xx-xxxx
Fiacco, Anne, xxx-xx-xxxx
Filipowicz, Stephen J., xxx-xx-xxxx
Finnegan, Sean M., xxx-xx-xxxx
Garcia, William, xxx-xx-xxxx
Garrett, Anthony R., xxx-xx-xxxx
Gonzales, Steven M., xxx-xx-xxxx
Greene, Danny E., xxx-xx-xxxx
Guadalupe, Jose A., xxx-xx-xxxx
Higgins, Michael R., xxx-xx-xxxx
Irons, Tracheta L., xxx-xx-xxxx
King, Earl B., xxx-xx-xxxx
Lanier, Susan M., xxx-xx-xxxx
Longo, Edward C., xxx-xx-xxxx
Martin, Jimmy E., xxx-xx-xxxx
Miller, Daniel L., xxx-xx-xxxx
Newyear, Daniel A., xxx-xx-xxxx
Paradiso, Richard A., Jr., xxx-xx-xxxx
Parker, James P., xxx-xx-xxxx
Patykula, Joseph A., xxx-xx-xxxx
Perkins, Nathaniel W., xxx-xx-xxxx
Peterson, Craig A., xxx-xx-xxxx
Ratcliffe, Edward, xxx-xx-xxxx
Rembish, Raymond C., Jr., xxx-xx-xxxx
Rodriguez, Alfonso A., xxx-xx-xxxx
Rosati, Russell A., xxx-xx-xxxx
Scarborough, Jess A., xxx-xx-xxxx
Smith, William P., xxx-xx-xxxx
Stephenson, Edward R., Jr., xxx-xx-xxxx
Thomas, Dwayne L., xxx-xx-xxxx
Thompson, Gus H., xxx-xx-xxxx
Trumps, Thomas H., xxx-xx-xxxx
Verville, Michael R., xxx-xx-xxxx
Vosler, James I., xxx-xx-xxxx
Westgate, Molly J., xxx-xx-xxxx
Wheeler, William P., xxx-xx-xxxx
Whitehead, Kathleen L., xxx-xx-xxxx
Willis, Paul A., xxx-xx-xxxx
Winget, Kingston M., xxx-xx-xxxx

To be second lieutenant

Alvarez, Michael R., xxx-xx-xxxx
Anderson, Neil A., xxx-xx-xxxx
Appleberry, Audrey L., xxx-xx-xxxx
Billings, Roger S., xxx-xx-xxxx
Bishop, Angela M., xxx-xx-xxxx
Borgh, George L., xxx-xx-xxxx
Butler, Patrick C., xxx-xx-xxxx
Daviston, Duane K., xxx-xx-xxxx
Drury, Robert C., xxx-xx-xxxx
Epperson, Harold L., xxx-xx-xxxx
Fletcher, Charles D., xxx-xx-xxxx
Gensure, David W., xxx-xx-xxxx
Grable, Dean A., xxx-xx-xxxx

Harris, Terry R., xxx-xx-xxxx  
Hedly, John W., xxx-xx-xxxx  
Kuehl, Mark S., xxx-xx-xxxx  
Lietz, Lloyd W., xxx-xx-xxxx

McCulloch, Ralph K., Jr., xxx-xx-xxxx  
McKenney, John L., Jr., xxx-xx-xxxx  
Nelson, Mark A., xxx-xx-xxxx  
Stephens, Garry M., xxx-xx-xxxx

Tang, Johnny S., xxx-xx-xxxx  
Whetstone, Susan K., xxx-xx-xxxx  
Wray, Robert E., Jr., xxx-xx-xxxx  
Zimmerman, Ralf W., xxx-xx-xxxx