SENATE—*Thursday, June 14, 1984*

(Legislative day of Monday, June 11, 1984)

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Let us pray.

Gracious God, here is the most powerful deliberative body in the world—perhaps in history. The Members work hard for long hours—often at great personal sacrifice. Hundreds of laws are passed yet little changes. The family continues to disintegrate. Divorce, alcoholism, drug abuse, poverty, crime, violence, wars increase epidemically. The birth rate is highest among 9 to 15 year olds. Hundreds of thousands of babies are aborted. Teenagers seek fulfillment in alcohol and drugs. Drunk driving and suicide take more and more teenage lives.

Thank Thee, Father, for faithful public servants who, despite disappointment and seeming futility, devote themselves to public responsibility. Keep the Senators from discouragement. Help them discern, behind the physical and the temporal, the spiritual warfare which is designed to frustrate, divide, and destroy. Strengthen them against all that dibilitates and sustain them in their dedication. In the name of Him, incarnate love, who suffered total rejection and abuse from His contempories. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

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

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, there are three special orders this morning, so that, together with the time allocated to the two leaders, will probably consume an hour or thereabouts, and there will be a brief period then for the transaction of routine morning business because there is an order for the Senate to resume consideration of the Department of Defense authorization bill at 11:30 a.m.

Notwithstanding that, Mr. President, if we can clear a short time agreement for another bill—that is, the child restraint in motor vehicles measure, which is H.R. 4616—the leadership on this side would be willing to do that. I have not yet had an opportunity to check with staff and see if that arrangement will clear or not.

But, in any event, we will be on the Department of Defense authorization bill sometime at or shortly after 11:30 a.m.

Mr. President, once again I have not yet had an opportunity to consult with the chairman of the committee to ascertain his preference on the length of the session today. But I can report this: the managers, I believe, and I know the chairman of the committee indicates that he wants to finish this bill tonight. And, given the issues still remaining, I can almost guarantee that we will be in late, very late, almost surely later than we were last evening. But I will consult with the two managers and the minority leader and I will have another announcement to make a little later in the morning on an estimate of the time the Senate will be in session.

Mr. President, I believe that is all I have this morning. I ask unanimous consent that I may reserve 1 minute of my time under the standing order for my use anytime during the balance of this calendar day.

The PRESIDING OFFICER [Mr. WILSON]. Without objection, it is so ordered.

Mr. BAKER. I thank the Chair.

Mr. President, I offer the minority leader my remaining time, less 1 minute, if he would like to have it this morning.

Mr. BYRD. Mr. President, I thank the distinguished majority leader. I may or may not utilize the additional time or even my own time.

I am trying to get an agreement worked out which will allow for a brief time at least, or maybe at least a reasonable length of time, on the child restraint bill. I am very interested in the amendment that would raise the drinking age to 21 years. Just as soon as I can get that agreement on my side, I will inform the distinguished majority leader so that we can press forward with it.

Mr. BAKER. Mr. President, I thank the Senator. I, too, am very interested in that amendment. I hope that both sides can clear that measure so that we can do it in a brief time.

May I say, Mr. President, that I should have said earlier that I do anticipate a rollcall vote on that measure if it is cleared, and there will be many other rollcalls during the course of the day, I believe.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The minority leader is recognized.

FLAG DAY

Mr. BYRD. Mr. President, on June 14, 1777, the Continental Congress adopted as the official flag of the United States a design of 13 stars and 13 stripes. To celebrate that legislative stroke, June 14—today—is annually observed as Flag Day across our country.

The attitude of Americans toward the Stars and Stripes occasionally puzzle foreign observers. Aside from providing an elaborate and comprehensive set of legal rubrics governing the flag's design and treatment, Americans react with deep emotion, sincere respect, and even religious enthusiasm to the display of their flag. Where the British and Canadian flags, for instance, are largely regarded by citizens of Britain and Canada respectively as decorative symbols, our American flag is accorded a degree of sacredness and veneration usually reserved in many countries only for objects of divine faith.

But since the Revolutionary War, the American flag has stood for unity in a heterogeneous nation of broad interests, varied cultural and ethnic backgrounds, and sometimes conflicting regional loyalties. During the revolution even, when the British Crown interpreted the rebels as one force, several State militias marched under diverse banners that implied primary allegiances to this, or that original colony, or the other rather than to the idea of one nation. The Stars and Stripes became one of the earliest means of asserting the central purpose among the Thirteen Colonies of independence and freedom for all of the Atlantic Seaboard of then-British North America.

Today, the American flag plays a role in our national life somewhat paralleling that role represented by the reigning monarch in Britain. Presidents and Congresses come and go, subject to the limitations of tenure, changes in popular attitudes, and decisions of the ballot box. But the Stars and Stripes remains—the embodiment, in war and peace alike, of American sovereignty and endurance. So powerful is the flag's position in our national life that our national anthem hails

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

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the Stars and Stripes as the British anthem salutes the Queen.

So I know that all of our colleagues will want to join me in recognizing the significance of Flag Day and in remembering the principles for which our flag stands and the heritage that it represents.

RECOGNITION OF SENATOR DOMENICI

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

S. 2761—A BILL FOR THE RELIEF OF THE WHITE SANDS RANCHERS OF NEW MEXICO

SENATE RESOLUTION 405—TO REFER S. 2761 TO THE CHIEF COMMISSIONER OF THE U.S. COURT OF CLAIMS

Mr. DOMENICI. Mr. President, today I introduce legislation to correct a longstanding injustice to a number of American citizens. This inequitable treatment has continued for well over 40 years and in my mind ranks with some of the great injustices between this Nation and its private citizens.

The facts are simple. During World War II the Defense Department needed an area for military weapons testing. They chose a place called White Sands which is part of the Tularosa Basin in New Mexico. One day the military arrived at ranchhouse after ranchhouse on the basin and told the occupants that their land was needed for the defense of this Nation and that after the end of the war the land would be returned. Finally, they were told the land was needed immediately and they would have to move. To point out what this really means, I would like to quote a former White Sands ranching family member, Mrs. Laura E. McKinley of Alamogordo, who wrote me a very moving letter outlining her life for the past 40 years.

Laura states:

On February 12, 1942, when we started trailing our cattle, and trucking our belongings, the weather was cold, sleety and windy. Trailing 450 head of cattle and some horses during that kind of weather was a trying experience; some calves were born on the trip to our new location at Engle, New Mexico, and we had to truck these calves and some weak cows. Even then we lost some calves and a few cows. There was no way we could get the government to let us postpone moving until April or May. We were not paid any moving expenses at all.

We had a son four years old, and I was expecting another child. There was no suitable place for us to live on the ranch we had leased, so we rented a home in Truth or Consequences, New Mexico, first and later moved to Las Cruces.

In closing, Laura writes:

The White Sands Missile Range has been great for all the towns nearby, but it should not have been established at the expense of one hundred and ten ranchers. Many of the ranchers are dead and their families are carrying on in our effort to receive payment for our ranch units. I will still pray this will come.

I quoted the ending of her letter because that is why I introduce this legislation today.

I have been searching for a way to get this problem solved. We had a detailed hearing in the appropriate subcommittee here in the U.S. Senate, and I will refer to that later. Some excellent legislation on this issue has been introduced in the House by the distinguished Congressman, JOE SKEEN, who represents that area. Yet I am very concerned that until today, I could not say that I could see some light at the end of the tunnel.

The issue is complex. After the episode that I have just described and during the 40-some years, different ranchers and their families have been treated differently. Some are dead, some have paid inheritance taxes assuming they had a valuable ranch, even though they had not been on it for years. Some were paid a lot of rent. Some were paid a settlement, which they thought was a settlement in full.

Many have gone to court. Courts have ruled differently. In some instances, courts have ruled statutes of limitations apply and whatever their rights were are gone. I have been looking for some way to once and for all do equity and fairness for these ranchers. I recognize the Government has done a very serious wrong here. I am one who thinks this Government for the most part does an admirable job with reference to human rights and decency and having very high goals. It just gnaws on me that we cannot find a way to fix this situation.

Forty-two years later, many feel that the ranchers who were supposed to get their land back in 1946 but didn't, who were supposed to rent their land to the Federal Government but instead saw it seized and condemned, and finally were told they would be reimbursed in a manner which every agricultural expert in New Mexico agrees is not the way ranches are bought and sold in the West, should be helped.

Last November the Public Lands and Reserved Water Subcommittee of the Senate Energy and Natural Resources Committee held oversight hearings on this issue. I was convinced by those hearings that the cause of the White Sands ranchers is a just cause and I think any review of that hearing record will show others that there has been an inequity. The question is, How do we solve it?

As a matter of fact, GAO witnesses indicated to the subcommittee that never had they seen the Government acquire land in the manner used for White Sands. Regarding the manner in which appraisals were conducted, several agriculture experts testified that no ranches would be sold in that manner. Basically, the question revolves around the issue of the carrying capacity of a ranch versus the conventional method, which deals with a per-acre price.

In the West ranches are bought and sold on a per-animal unit basis. This is done because almost without exception ranches are made up of private land, State land, and Federal land. Ranchers own their private land and lease out as much State and Federal land as they can. This gives them a ranching unit, and that unit is bought and sold in the real estate market based on how many cattle the rangeland will carry; that is, how much land the entire ranching unit will carry.

However, as I have publicly stated for over a year, the real question in these cases does not really revolve around legal issues but rather whether or not a group of loyal American citizens were treated fairly by their Government over the course of the past 40 years.

It would seem to me that the legislation is necessary because the Federal Government was indecisive in what they wanted to do with the White Sands ranchers.

In fact, they acted differently with reference to many of them. Promises were made that were not kept. Commitments were made that were broken. Over all, they were treated shabbily.

In 1942, they were forced off their ranches to help the war effort. After the war they were allowed to return to their ranches for a short period and then were forced off again. The Government did not know if it wanted to purchase the ranches in fee, and came up with something called a lease and suspension agreement, another strange hybrid.

Then almost 30 years later, the Government decided that it needed to acquire complete ownership of the land. In other acquisitions, such as at the MacGregor Range, the Department of Defense came in and purchased the ranches outright over a few years time and, for the most part, this allowed the owners to purchase other ranches if they wanted to. In the case of the White Sands ranchers, they were given a few thousand dollars each year under these lease and suspension agreements and local lending institutions refused to allow them to use their White Sands properties as collateral to purchase other ranches. So they were caught in a situation which placed them in a state of suspended animation for the past 30 years.

The question of equity in this case revolves around the issue of the privilege of being granted a Federal grazing permit by the Bureau of Land Management and whether there is a finan-

cial value associated with that privilege. In some cases, the courts did not recognize the value of the grazing permit to these ranchers when they were seeking just compensation. However, I am informed that in the late 1930's, lending institutions began attaching a value to these permits for purposes of financing ranchers and for purposes of the purchase and sale of ranches.

As a matter of fact, before I came to the Senate, as an attorney, I recall handling transactions where two major ranches were sold and there is no question when the ranching units were sold the permits had a value and were included in the total sale price, even though it is generally understood that they are permits.

They have received significant continuity over the years and, as a consequence, they have value. Furthermore, I have been told by many ranchers that the Internal Revenue Service certainly has attached a value to those permits over the years for estate taxes and that some of those in the White Sands case may well have been forced to pay taxes on something other Government agencies said had no tangible value.

What I am saying is that even with this lease arrrangement, when one of the old ranchers died, the entire ranching unit was valued by the Internal Revenue Service. They valued the ranching unit as I have described it, giving a significant value to the permits, both State and Federal.

I pass on to this body the comments of Mrs. Alice Lee Cox, of Las Cruces, NM, who is not only involved in this issue but who is also a good friend. She and her husband, Hal R. Cox, who passed away a few years ago, represent a real pioneer family from southern New Mexico.

After outlining the many upheavals and changes in plans by the Defense Department, Mrs. Cox states:

Our lives were changed drastically by these upheavals. When we were forced from the ranch, we borrowed money from a friend in El Paso and bought an alfalfa farm in Blythe, California. We were not farmers, did not want to make our home away from New Mexico, sold it, and went head over heels in debt to buy a ranch near Hillsboro, New Mexico. Hal's health began to fail, so we sold the ranch there and moved to Las Cruces, where he died November 2, 1980, at the age of 87.

A few years ago we asked permission to take a favorite niece and nephew, who had never seen our ranch, to visit it for an hour or so. Permission was granted under the condition that we be met at the gate by security guards, who accompanied us every step of the way.

You see, she still considers that property there on White Sands as her property, even though she gets a rental because the Federal Government claims they are temporarily using it.

This is part of the legacy of Hal Cox. As Alice continues,

Hal's father and mother had settled on this ranch in 1886, having traveled overland in a covered wagon from south Texas. This ranch is where Hal grew up, where we anticipated spending the rest of our lives together.

Almost 2 years ago on one of these ranches, frustrated by years of inaction, he "took back" his ranch by force. After several days of negotiations he left the Missile Range vowing to return if the Federal Government did not pay him market value for his ranch. Under the laws of this Nation what he did was wrong. But, one can also understand what he did, and, again, that is what is really at stake here.

Mr. President, I ask that a letter dated January 17, 1984, from the Department of the Army and an article from the U.S. News & World Report, dated February 13, 1984, entitled "Is Uncle Sam a Cruel Landlord?" be made a part of the RECORD.

Mr. President, the letter from the Department of the Army, dated January, 17, 1984, is addressed to the Honorable JAMES A. MCCLURE, chairman, Committee on Energy and Natural Resources, U.S. Senate. It is in response to a question propounded to the Department of the Army in the hearings I referred to. In the letter they have included all the names of all 110 ranchers who were on the ranch when the U.S. Army 40-plus years ago began the episode which I have described here in a few words. I hope it will not take many more years to do justice to the injustice which has occurred.

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

DEPARTMENT OF THE ARMY,
Washington, DC, January 17, 1984.

Hon. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Reference is made to the hearing of November 15, 1983 before the Subcommittee on Public Lands and Reserved Water, Senate Committee on Energy and Natural Resources. During the hearing, you requested additional information with regard to payments made to landowners by the Department of the Army for property acquired in connection with the White Sands Missile Range, New Mexico.

Enclosed is a chart which outlines the payments made, by ownership, from 1942 to October 1, 1983. The figures are based on the best information available as records of some payments made during World War II no longer exist. Payments for fee title (Column A), leasehold interests (Column B), and improvements (Column C) are shown. The total for payments under Columns A, B and C is shown in Column D.

Prior to the acquisition of fee title to lands within the White Sands Missile Range, it was necessary at various times to acquire leasehold interests in both State and privately-owned properties. Voluntary leases were entered into by most of the owners before 1970. From 1942 until 1970, the Government also paid compensation for withdrawn public domain lands used by the owners under permits issued by the Department of the Interior, Bureau of Land Management pursuant to the Taylor Grazing Act (43 U.S.C. section 315). Ultimately, it was determined that the former holders of grazing permits had been fully compensated. The annual payments to permittees ceased after June 30, 1970.

Due to the adverse reaction of many owners after the cessation of payments for public domain lands in 1970, efforts by the Government to obtain voluntary leases were seriously hampered. The filing of leasehold condemnation proceedings became necessary. We have set forth specific information as to these proceedings on the chart for your further information.

Leasehold condemnation cases were filed against 64 ownerships. Nine cases proceeded to trial before a land condemnation commission, three of which were settled after a successful appeal by the Government in each case. The 55 remaining ownerships settled prior to trial. The annual rental figures either agreed to by the parties or awarded by the commission are provided.

Column B on the chart includes the sum of the rental payments made for the voluntary leasing of private and State-owned lands, compensation for withdrawn public domain lands paid prior to 1970 and leasehold condemnation settlement amounts and awards.

In addition to the payments reflected on the chart, approximately $1,022,000 has been paid to the State of New Mexico for lands it did not lease to third parties. Accordingly, as of October 1, 1983, existing records indicate a total of $20,754,846 in payments.

Sincerely,

PAUL W. JOHNSON,
Deputy Assistant Secretary of the Army.

IS UNCLE SAM A CRUEL LANDLORD?

If you think your landlord is tough, consider the plights of these tenants:

Residents of 4,700 housing units, mostly scattered across the West, were slapped with rent increases that in some cases reached nearly 100 percent.

Some New Mexico ranchers are still fighting to get more money for land they were forced to vacate 42 years ago.

About 100 people who invested up to $50,000 apiece in fancy houseboats had to petition Congress to avoid being evicted from Lake Allatoona, Ga.

The landlord? In each case, Uncle Sam.

The federal government owns and manages millions of acres of parks, forests, wilderness areas and other lands. Washington assumes the role of landlord by providing housing for employes and permitting livestock grazing, mining, recreation and other activities on its properties. Like any landlord, the government has run into its share of controversies, problems and complaints.

Nearly 200 employes of the National Park Service sued the government in 1983 over rent hikes on housing, much of it in remote areas. The suit complains that monthly rent paid by the average ranger at Yosemite National Park, who earns $16,558 a year, rose to $300 from $155. The increases were ordered after the Office of Management and Budget ruled that the government will not subsidize housing for civilian workers.

Some landlord-tenant fights involving Washington drag on for decades.

In 1942, the Army gave nearly 150 ranchers in New Mexico two weeks to get off their own land and the grazing land they leased from Washington, so the acreage could be used as a bombing range during World War II.

When the war ended, the land was turned into the White Sands Missile Range. The Army, however, continued to tell the ranchers for years that the need for their land was temporary and paid them only small sums for the loss of their property and grazing rights. Then, in the early 1970s, the Army decided to buy the ranches outright.

The ranchers complained that the government used a formula that ignored established practice and did not include the value of the federal grazing permits. Most ranchers pocketed the payments, but some have taken this case to Congress.

One of them, A. D. Helms, describes his 42-year ordeal: "The government took away my ranch on two weeks' notice. They never paid me either enough to live on or to get a replacement ranch, and finally they rigged it so that my lease lands were treated as worthless. We are old and very tired, waiting in vain for our dream of returning to our ranch to be fulfilled."

The Army maintains that through various payments made to the ranchers over the years it has "paid for this property several times over."

SIMMERING BATTLE

Descendants of slaves in Georgia are still fighting to regain farms wiped out in 1943 when the government said it needed the land for an emergency air base. The 80 families who had quietly farmed and fished on a former plantation near the coastal community of Harris Neck were paid an average of $10 an acre, with one family getting only $2.44 an acre for its 157 acres.

After the war, the farms became part of a 2,687-acre national wildlife refuge. Now, the families would like to get back portions of the refuge that the government leases out for grazing. Says the Rev. Edgar Timmons, a descendant of the original settlers: "We want to create a relatively small community, a quiet place with maybe an oyster factory, a little grocery store, small-scale farming and crabbing."

The U.S. Fish and Wildlife Service tells them nothing can be done "within the framework of the law." Efforts to get Congress to change the law failed.

More successful were six couples who in 1941, through a surveyor's error, bought land in Oregon that included a 3.11-acre tract owned by the Interior Department. Over the years, they paid $20,000 in taxes on it. The government discovered the mistake in 1959, setting the stage for a long battle over clear title to the homes.

In 1983, the government offered to sell the couples the land at its current value—$45,000. Now retired, they have only modest incomes, so Congress stepped in to hand over the tract to them. But it had to do so over the veto of President Reagan, who contended that the U.S. is not responsible for mistakes made by others.

Some fights have erupted because, say tenants, the government can be a capricious landlord. Example: For years, the Army Corps of Engineers allowed individuals to keep houseboats on Georgia's Lake Allatoona. Some owners invested as much as $50,000 in elaborate retreats.

Then, in 1980, the corps decided the houseboats were not a proper use of a public recreational facility and ordered them off. The owners got Congress to forbid the corps from throwing the boats out until 1990 at the earliest.

UP IN THE AIR

In Jackson, Wyo., residents worry that Uncle Sam will take away their airport. The Jackson Hole Airport became part of the Grand Teton National Park when the park was expanded in 1950, and environmentalists argue that there is no place for a jetport in a national park.

Notes Ralph McMullen of the local chamber of commerce: "It's a real pain having it on federal land, because that makes us subject to the political whims of whichever administration is in power. One administration says destroy it; the next one says let's keep it."

The West is the locale for many disputes over government land because Washington controls so much acreage there—including nearly 90 percent of Nevada and 43.5 percent of Arizona.

The Bureau of Land Management (BLM), manager of 283.3 million acres, is a perennial foe of ranchers in a multitude of disputes over burning underbrush, cutting trees, digging ponds and determining how many cows can graze on how many acres of land leased by cattle ranchers.

Some environmentalists complain that the BLM has permitted overgrazing on government lands, resulting in severe loss of topsoil and the transformation of vast stretches into dust bowls. While acknowledging problems in the past, a BLM official says ranchers now "realize their own livelihoods are at stake, so they're trying not to overgraze their allotments."

Many Westerners blame environmentalists—particularly those in the East—for their landlord-tenant problems with the government. Says rancher Jim Kemp in San Diego County, Calif.: "Even if we had been here 150 years, if we don't have a Ph.D. in wildlife biology, no one's going to listen to us."

Hundreds of miles to the east, preservation of the environment prompted the government's 1966 decision to acquire most of Beverly Shores, Ind., for the Indiana Dunes National Lakeshore. The town, situated amid scenic sand dunes 40 miles east of Chicago, is bitterly divided over the move. Says one resident, "There are two kinds of people in Beverly Shores—those who are for the park and those who are against it."

One against it is Ed Nicholson, who was forced to sell his home of 31 years for $43,000 plus relocation expenses. Nicholson says he had to spend $73,000 on a new home and says: "The way I look at it, it cost me $30,000 to lose my home."

For their part, government officials claim they often are forced into the role of the hardhearted landlord by people who have no business on federal land in the first place.

BLM officials have cracked down on squatters who set up housekeeping on federal lands near Medford, Oreg. In another case, elderly people seeking refuge from Northern winters have been parking trailers along the lower Colorado River in Arizona and California and staying there until spring. Litter is a major problem at such sites.

In the Southeast, the Corps of Engineers counts at least 1,000 encroachments each year by private citizens on federal land. "Many of the encroachments are not intentional at all—from building an addition on a house that goes over onto government land to building a patio and barbecue pit on federal land without permission," says corps spokesman Rob Holland.

Intentional or not, the corps strictly enforces rules to keep government land open to the public.

Holden Beach, N.C., built a new city hall on land where the government had the right to dump dredged material. City leaders, say corps officials, took a "calculated risk that they would build and we would not spoil." The issue was settled in 1981 when the city gave the government substitute land.

SWITCHING LOTS

Land trade-offs have solved a number of other disputes. Arizona and the federal government swapped 200,000 acres—the state getting land it wanted for urban expansion and recreation, and Washington getting acreage inaccessible or unusable to the state. When Utah finally got title to land Washington had owed it for nearly a century, the state selected parcels with an eye to mineral development, municipal expansion and recreation use.

Selling some of the vast tracts owned by Washington seemed to the Reagan administration to offer a relatively painless way to reduce the national debt. But surplus-land sales last year netted only 195 million dollars, far short of the 1.23-billion-dollar goal.

A major factor behind the lackluster sales was the realization by ranchers that they could lease land for grazing much more cheaply than they could buy it. The National Resources Defense Council says regulations set grazing fees on federal land as low as one eighth the rates charged for private acreage.

Offering bargains such as these is one reason Uncle Sam, with all his faults, is likely to remain a landlord for a long time to come.

PAYMENTS MADE BY THE DEPARTMENT OF THE ARMY AT WHITE SANDS MISSILE RANGE BY OWNERSHIP (1942–83)

Owner	Payment for fee	Leasehold payments [1]	Leasehold condemnations					Separate payments for improvements	Total
			Private acres	State-owned acres	Annual rental [2] (included under B)	Settled by parties	Court award		
	(A)	(B)						(C)	(D)
1. Aguilar, Pete	$9,675.00	$18,045.03	77.40	0	$100.00	X		$1,782.00	$29,502.03
2. Baca, Barbarita	103,306.00	45,659.84	800.00	160.00	362.50	X		23,621.50	172,587.34
3. Black Hills Ranch	198,610.00	249,097.15	3,587.83	3,320.00	6,102.50	X		31,451.00	479,158.15

PAYMENTS MADE BY THE DEPARTMENT OF THE ARMY AT WHITE SANDS MISSILE RANGE BY OWNERSHIP (1942–83)—Continued

Owner	Payment for fee	Leasehold payments [1]	Leasehold condemnations					Separate payments for improvements	Total
			Private acres	State-owned acres	Annual rental [2] (included under B)	Settled by parties	Court award		
	(A)	(B)						(C)	(D)
4. Bradford, Vivian	0	0						19,305.00	19,305.00
5. Bruton, Allene	25,600.00	62,164.00	640.00	640.00	880.00	X		9,319.00	97,083.00
6. Bursum, H.O., et al	475,000.00	930,964.82	6,570.27	30,832.35	26,124.83	X		185,575.00	1,591,539.82
7. Cain, E. Lois	136,350.00	133,328.24						80,918.00	350,596.24
8. Cain, Leonard	41,005.06	448,973.26	640.0	14,725.11	9,732.50	X		75,248.00	565,226.32
9. Clayton, Vera	76,383.00	7,556.81						15.00	83,954.81
10. Cox, Hal R	196,075.00	246,469.88	3,081.85	1,296.09	5,765.27	X		109,470.00	552,014.88
11. Crockett, F.O	0	89,761.26	0	1,660.03	1,143.75	X		52,600.00	142,361.26
12. Crockett, Lloyd	0	138,596.88	0	2,882.49	1,587.50	X		53,277.00	191,873.88
13. Danley, Meldene G	140,000.00	279,710.62	2,125.29	4,481.86	5,050.00	X		51,967.00	471,677.62
14. Danley, Osie	85,000.00	106,123.70	562.29	640.00	756.25	X		11,345.00	202,468.70
15. Dappen, Robert	102,000.00	5,367.41						350.00	107,717.41
16. Dayberry, Ralph T	100,000.00	40,647.28	1,720.00	640.00	1,530.00	X		21,301.00	161,948.28
17. Degman, Eva H.W	0	4,000.00	0	800.00	400.00	X		0	4,000.00
18. DIZ Livestock Co	10,000.00	265,293.90	156.72	7,711.03	3,900.00	X		56,865.00	332,158.90
19. Dosing, George	600.00	90.00						0	690.00
20. Dosing, Margaret	0	450.00	3.00	0	45.00	X		0	450.00
21. Fite, William D	0	1,600.00	320.00	0	160	X		0	1,600.00
22. Foster, Claude	0	102,973.00	0	1,295.92	1,312.50	X		24,000.00	126,973.00
23. Fraley, Betty, et al	0	89,151.64	0	636.81	881.25	X		40,624.50	129,776.14
24. Gallegos, Lupita R	31,200.00	8,823.62						0	40,023.62
25. Gardenhire, Montie	112,900.00	38,633.54						4,000.00	155,533.54
26. Gaume, Anna Lee (Bruton, Ella)	18,000.00	254,364.62	450.68	4,137.67	2,907.67	X		81,998.00	354,362.62
27. Gilbert, Jesse R	5,000.00	557.70						0	5,557.70
28. Gilliland, Genevra W	30,646.00	153,509.82	854.33	3,232.54	3,368.75	X		26,144.00	210,299.82
29. Greer, Allie	65,714.00	103,923.50	1,997.22	1,280.00	1,946.25	X		9,850.00	179,487.50
30. Groom, Earlie	7,725.00	357.37						0	8,082.37
31. Guillon, Jesse	13,335.00	300.00						0	13,635.00
32. Hammett, Beth G	0	500.00	40.00	0	50.00	X		0	500.00
33. Hanna, Ralph (mineral owner [3])	300.00	0						0	300.00
34. Hardin, Lois	0	30,800.00	2,560.00	2,084.32	3,080.00	X		0	30,800.00
35. Harriet, Michel	280,156.00	924,719.14	1,838.71	33,571.78	23,328.55	X		143,129.00	1,348,004.14
36. Harvey Investment Co	0	0						4,858.00	4,858.00
37. Hatcher, Thelma	17,950.00	472.00						0	18,422.00
38. Headon, Charles	25,134.00	1,880.00						0	27,014.00
39. Hearn, Frances A	45,650.00	70,227.94						12,000.00	127,877.94
40. Helms, Arthur D	60,600.00	104,834.48	1,438.36	856.70	1,797.50	X		30,250.00	195,684.48
41. Henderson, Andy	80,000.00	256,092.95	2,876.04	3,837.56	4,523.75	X		51,233.00	387,325.95
42. Henderson, Myrtle A	40,250.00	210,583.30	1,232.07	3,122.82	4,187.50	X		26,325.00	277,158.30
43. Henderson, Roy L	1,600.00	33,081.17	40.00	640.00	478.75	X		6,332.00	41,013.17
44. Hobson, Phillip F., et al (mineral owner [3])	1,150.00	0						0	1,150.00
45. Horne, A.M., estate	18,000.00	480.00						0	18,480.00
46. Insall, Frances	13,000.00	400.00						0	13,400.00
47. Irvin, Tracy	10,000.00	375.80	20.00	0	25.00	X		0	10,375.80
48. Isaacks, Jefferson J	0	21,802.68	0	1,235.16	693.75	X		6,868.00	28,670.68
49. Isaacks, Robert L	109,992.52	43,119.64						15,939.00	169,051.16
50. Johnson, J.C	0	1,550.00	119.52	0	154.96	X		0	1,550.00
51. King, Louise K	54,200.00	3,682.03						190.00	58,072.03
52. Kircher, Raymond J., et al. (mineral owner [3])	1,400.00	0						0	1,400.00
53. Lewis, Helen E	24,000.00	24,483.10						2,277.00	50,760.10
54. Love, A.F	8,600.00	118,547.30	172.85	1,921.40	1,440.71	X		51,113.00	178,260.30
55. Love, Robert L	15,600.00	480.00						0	16,080.00
56. Marschall, John H	104,990.00	5,486.50						180.00	110,656.50
57. Martin, Willard F. (Martin Ga., estate)	10,830.00	191,316.70	180.43	4,996.85	3,932.61	X		42,743.00	244,889.70
58. McDonald, Carmen	160,000.00	197,686.23	640.00	4,468.34	6,165.00		X	4,000.00	361,686.23
59. McDonald, Dave	160,000.00	252,747.04	640.00	0	6,165.00		X	1,000.00	413,747.04
60. McDonald, Laura (McMurray, Kathryn, ex.)	16,600.00	423,870.75	473.79	9,362.57	5,793.70	X		65,110.00	505,580.75
61. McFarland, Helen	34,400.00	1,316.87	80.00	0	80.00	X		0	35,716.87
62. McKinely, Laura	3,000.00	283,355.10	80.00	6,422.43	4,062.50	X		63,194.00	349,549.10
63. McKinely, Weldon	0	53,930.96	0	1,280.00	960.00	X		7,620.00	61,550.96
64. Middleton, Gayle	38,000.00	199,705.26	1,000.00	3,678.32	3,197.50	X		35,551.25	273,256.51
65. Moates, Wayland	49,500.00	1,650.00						0	51,150.00
66. Morris, H.O	1,205.91	4,042.79						0	5,248.70
67. Moss, William	0	3,800.00						1,890.00	5,690.00
68. New Mexico Property Appr. Dept	0	1,880.00	629.79	0	188.00	X		0	1,880.00
69. Oliver, G.B	53,984.00	81,637.19	640.00	2,917.88	1,781.25	X		30,947.00	166,568.19
70. Ownes, Kenneth H. (mineral owner [3])	175.00	1,650.00	220.00	0	165.00	X		0	1,825.00
71. Parchman, Wilma	15,600.00	480.00						0	16,080.00
72. Patten, Andrew M., Estate (mineral owner [3])	1,504.00	0						0	1,504.00
73. Potter, Mellie	76,400.00	97,411.87	2,158.12	313.71	1,157.50	X		60,634.00	234,445.87
74. Pratt, Yukola H	0	480.00	40.00	0	48.00	X		0	480.00
75. Quesenberry, Geo. R	27,150.00	87,542.34	718.60	2,642.73	1,442.15	X		52,101.00	166,793.34
76. Ray, Walter	35,000.00	800.00						0	35,800.00
77. Ritch, William G	39,500.00	357,639.13	758.29	14,955.23	12,137.00		X	7,300.00	404,439.13
78. Ritch, Winnie	29,500.00	11,600.00						1,305.00	42,405.00
79. Robertson, Lupe B	0	2,935.38						0	2,935.38
80. Rogers, Len M. (mineral owner [3])	1,100.00	0						0	1,100.00
81. Sanders, Genevieve	67,431.00	212,524.54	1,520.00	5,884.43	3,630.00	X		74,162.00	354,117.54
82. Shores, Henry	330,000.00	161,867.61	640.00	0	8,.736.00		X	28,000.00	519,867.61
83. Sidwell, George B. (mineral owner [3])	801.00	1,400.00						0	2,201.00
84. Skimore, Frank S. (mineral owner [3])	400.00	0						0	400.00
85. Slates, Burton R	20,000.00	500.00						0	20,500.00
86. Smith, Clay L	20,006.20	48,310.75	638.90	640.00	718.75	X		13,443.00	81,759.95
87. Smith, Dwight (mineral owner [3])	400.00	0						0	400.00
88. Smith, Robert M. (mineral owner [3])	2,500.00	4,592.00						0	7,092.00
89. Smith, William G	18,500.00	(*)						0	18,500.00
90. Spence, Margaret	42,450.00	2,323.36						0	44,773.36
91. Spencer, Truman A	675,000.00	1,482,170.33	10,153.17	111,425.73	45,017.40	X		191,884.00	2,349,054.33
92. State of New Mexico (mineral owner [3])	199,452.89	0						0	199,452.89
93. Story, Anna	28,440.00	183,295.20	800.00	960.00	1,690.00	X		44,629.00	256,364.20
94. Stuart, Edward	0	640.00	162.52	0	64.00		X	0	640.00
95. Terry, Vera E	0	400.00	39.88	0	40.00	X		0	400.00
96. Tucker, Roy E	36,240.58	51,175.50	798.82	479.02	881.25	X		12,700.00	100,116.08
97. Virden, Tilamae	31,850.00	4,155.24	636.23	0	250.00	X		1,680.00	37,685.24
98. Voyde, Lydia	44,000.00	2,013.05						0	46,013.05
99. Walters, Ann I	0	36,600.00						7,032.00	43,632.00
100. Warner, Minnie	34,400.00	1,316.68						0	35,716.68
101. Williams, C.V. (Mrs.)	11,500.00	250.00	20.00	0	25.00	X		0	11,750.00
102. Wilson, Charles P	40,000.00	5,415.22	100.00	0	202.50	X		180.00	45,595.22

PAYMENTS MADE BY THE DEPARTMENT OF THE ARMY AT WHITE SANDS MISSILE RANGE BY OWNERSHIP (1942–83)—Continued

Owner	Payment for fee	Leasehold payments [1]	Leasehold condemnations					Separate payments for improvements	Total
			Private acres	State-owned acres	Annual rental [2] (included under B)	Settled by parties	Court award		
	(A)	(B)						(C)	(D)
103. Withers, Estella E., et al	184,711.00	337,067.92	126.67	3,708.56	12,089.38		X	88,728.000	610,506.92
104. Withers, Ivan	29,440.00	0						0	29,440.00
105. Wood, Eva H	0	35,044.00						8,085.00	43,129.00
106. Wood, H.A	32,890.87	131,407.70	839.62	1,511.20	1,853.66	X		32,865.00	197,163.57
107. Wood, John H	35,000.00	67,056.58	640.00	964.03	902.50	X		17,628.00	119,684.58
108. Wood, J.P	75,000.00	109,608.97	1,360.00	1,283.58	1,528.75	X		45,290.00	229,898.97
109. Woolf, Dale	66,000.00	168,148.76	1,790.87	2,131.67	2,456.25	X		77,000.00	311,148.76
110. Wright, Paul	18,000.00	623.20	30.04	0	40.00	X		0	18,623.20

[1] Includes the total of payments received per ownership under lease and suspension agreements covering public domain lands (circa 1942–70), and payments made after 1970 by virtue of voluntary leases or court awards in leasehold condemnation cases of both private and State-owned lands. The figures include payments for the leasing or condemnation of minerals.
[2] Includes yearly rental payments for both the fee lands of the owner and lands available for leasing to the owner from the State of New Mexico.
[3] Payments made by ownership for minerals which have been severed and conveyed separately from the surface ownership.
[4] Included under Isaacks, Robert L.

Mr. DOMENICI. Mr. President, today I introduce a private bill and a resolution. Under the rules of the Senate, the resolution will be referred to the Senate Judiciary Committee. If that committee and the Senate see fit to do what the Senator from New Mexico asks of them and the resolution is agreed to, a private bill will be referred to the Chief Commissioner of the Court of Claims.

Mr. President, the Commissioner then will proceed in accordance with the provisions of sections 1492 and 2009 of title 28 of the United States Code and report thereon to the Senate at the earliest practicable date, giving such findings and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand of the claimant, legal or equitable, against the United States or a gratuity and the payment, if any, legal or equitable, due from the United States to the claimant.

We have found that this is available to these New Mexicans.

If this court inequity makes the requisite findings, then Congress could pass the private bill, if it sees fit, which will then have established within it what the U.S. Court of Claims determines to be equitable relief for each and every one of these ranchers or their successors in interest.

I think this is the most practical solution to the problem. I hope I can get the resolution agreed to, and I hope that later on they will make the equitable findings and that then the Congress of the United States will pass a bill which would be a private bill but which would then include what the court finds is equitable relief and we will end this terrible episode.

Mr. President, I want to close by saying that I have been most appreciative of the help that the Judiciary Committee staff have given us in trying to resolve this issue because it is so complicated and difficult. You solve one piece and it seems to never end.

I hope that in the not too distant future, this will be the remedy and today will start the day of just the few months required for findings and conclusions, and to see equity done in behalf of these very loyal people.

Mr. President, I ask unanimous consent that the text of the bill and the resolution be printed in the RECORD.

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

S. 2761

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, a sum, to be determined, to individuals described in section 2. The payment of such sum shall be in full settlement of any claim for full and fair compensation by such individuals against the United States for the loss of real property, grazing privileges, and the value of mineral claims resulting from the actions of the United States in acquiring land for the White Sands Missile Range.

SEC. 2. The individuals to whom payments shall be made under this Act are individuals (or heirs or assignees of individuals) who owned ranching units in the area of the White Sands Missile Range, New Mexico, and whose ranching units (or a portion of whose ranching units) were taken for war and national defense purposes after 1941 and are now part of that missile range. The Secretary of the Army or the head of such other agency as the Secretary of the Treasury may determine shall provide a list of the names of such individuals to the Secretary of the Treasury.

SEC. 3. No part of the amount appropriated by the first section of this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, any contract to the contrary notwithstanding. Violation of the provisions of this section is a misdemeanor punishable by a fine not to exceed $1,000.

SEC. 4. Nothing in this Act shall be construed as an inference of liability on the part of the United States.

S. RES. 405

Resolved, That the bill (S. 271) entitled "A bill for the relief of White Sands ranchers of New Mexico" now pending in the Senate, together with all the accompanying papers, is referred to the Chief Commissioner of the United States Court of Claims. The Chief Commissioner shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code, and report thereon to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States or a gratuity and the amount, if any, legally or equitably due from the United States to the claimant.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER [Mr. GOLDWATER]. Under the previous order, the Senator from Wisconsin [Mr. PROXMIRE] is recognized for not to exceed 15 minutes.

Mr. BYRD. Mr. President, will the Senator yield to me?

Mr. PROXMIRE. Yes.

Mr. BYRD. Mr. President, I ask unanimous consent that I may retrieve the 8 minutes which remain under my leadership time.

The PRESIDING OFFICER. The Senator has 8½ minutes.

Mr. BYRD. I thank the Chair.

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

Mr. BYRD. Mr. President, I yield 3 minutes of that time to Mr. PROXMIRE and I yield 4 minutes of the time to my distinguished colleague [Mr. RANDOLPH].

Mr. President, will the Senator from Wisconsin allow me to proceed for 1 minute on my own time?

Mr. PROXMIRE. Yes, Mr. President.

TIME LIMITATION PROPOSAL—H.R. 4616

Mr. BYRD. Mr. President, I had indicated to the assistant Republican leader last evening that we would try hard to get an agreement with reference to the child restraint bill. I have been able to do that. I indicated to the distinguished majority leader just a little while ago I would continue the effort. I now have an agreement which I can offer. I have to leave the floor, but I want the majority leader to know that I am prepared on this side

to agree to a 10-minute limitation on the bill itself, equally divided, and with only one amendment to be in order, which would be the amendment relating to a national minimum drinking age of 21. It would be 20 minutes equally divided on that amendment.

I am prepared at any time to enter into that agreement and I thought I should inform the majority leader that we are ready on this side to proceed.

I thank the distinguished Senator for allowing me to proceed.

Mr. PROXMIRE. I thank the Senator.

WHAT'S WRONG WITH UNILATERAL NUCLEAR DISARMAMENT?

Mr. PROXMIRE. Mr. President, what is wrong with unilateral nuclear disarmament? Unilateral disarmament is a morally alluring copout. It is a renunciation of the sinful world. It is an embrace of the decent kind, generous life that should be. It is a rejection of all the mean, vicious, violent, selfish, hate-filled truth in the world that is. Too bad, but life is not fair. Sometimes life is good and generous. Sometimes it is evil. Would that we could wave a wand and vanquish the evils. We cannot. Unfortunately, we have no real alternative except to cope with life as it is. We cannot abolish nuclear weapons. We cannot remove from mankind the knowledge or the material or facilities for making nuclear weapons. For all the future years mankind dwells on this planet, he and she will have to live with the prospect that human life could vanish in a nuclear war at any time. That is a terrible fact of life. But it is a fact as sure, as certain, as the air we breathe and the Sun that gives us light and warmth. We have to accept nuclear weapons. We cannot abolish them.

So does that leave unilateral nuclear disarmament as a helpless, hopeless cause? Why is unilateral nuclear disarmament any more hopeless or unrealistic than the smashingly successful nonviolent resistance of Mahatma Gandhi and others that won the independence of India from the iron military rule of the British empire? Why is unilateral nuclear disarmament a feebler cause than the astonishing American civil rights progress won by the Reverend Martin Luther King and others by civil disobedience in the face of the opposition of the overwhelmingly dominant American white majority with its total monopoly of military force?

Consider: How were these previous victories for great moral progress by nonviolence won? What kind of power to change had to be won over? In both cases—India's independence and Americans civil rights progress—those who held power were vulnerable, in fact, highly vulnerable to popular moral persuasion. Both the United Kindom and the United States are democracies serving an elecorate informed by a free press. In both cases, both governments could change their policy radically and dramatically with no risk to the Government or the constituency the Government served.

On the other hand, could the U.S. Government—any U.S. Government—unilaterally reject nuclear weapons without a sure and certain popular repudiation and without an immense increase in risk for our country from armed-to-the-nuclear-teeth adversaries? Would that we could; but we cannot.

It reminds me of the observation made of an erratic, very wild Brooklyn Dodger pitcher, named "Rex Barney." Barney had a sizzling fastball—possibly the fastest pitch ever, but he could walk batters by the bundle. Bob Cooke, a New York sportswriter once observed, "Rex Barney would be the league's best pitcher if the plate were high and outside." Well, unilateral nuclear disarmament would be the world's best idea if every country were a democracy with a free press.

Unilateral nuclear disarmament by the United States unfortunately would not stop the catastrophe of nuclear war. Our intelligence services flatly predict that unless we stop nuclear weapons proliferation, more than 30 nations will have nuclear arsenals by the year 2000, 16 short years from now. Would U.S. unilateral nuclear disarmament prevent this proliferation? No way. We would simply be handing over political leadership and especially antiproliferation leadership to other nations. We would lose the very real leverage we now have for negotiating both an end to the arms race and the full cessation of nuclear arms proliferation. As long as the United States has awesome nuclear arms power, much of which is in vulnerable, the U.S.S.R. has a sharp incentive to return to the bargaining table and negotiate an end to the arms race. This country as the supreme free world nuclear arms power and the world's No. 1 trading Nation, has the basis for negotiating an end to nuclear arms proliferation and enforcing that negotiation. Statewide referendums and professional public opinion polls have documented the emphatic public support for these negotiations. They can be achieved without political risk to the American Government that achieves them and they can sharply reduce the risk of nuclear war that haunts informed people throughout the world. Unilateral nuclear disarmament will not succeed. Mutual, comprehensive verified nuclear arms negotiations will.

VIGIL FOR SOVIET JEWRY

Mr. PROXMIRE. Mr. President, today marks the 14th anniversary of the arrests which led to the imfamous Leningrad trials. During the Leningrad trials, 11 Soviet dissidents, including 9 Jewish refuseniks, were tried and sentenced in a case that again brought the problem of Soviet human rights violations to international attention.

Under Soviet law, the planning of a crime is as serious as the execution of one. Hence, the 11 were arrested by the KGB for planning to commandeer a small plane to flee the country. Nine were sentenced to prison terms and the other two were to be executed. Those sentenced to death elicited a world protest which prompted a congressional response. The pressure placed by these organizations enabled their prison sentences to be reduced to 15 years special regime, the harshest form of prison punishment.

These 11 individuals, frustrated with the human rights situation in the Soviet Union, were simply trying to practice their religious and cultural freedom, and to be allowed to emigrate.

As a result of a cooperative effort from Congress and other concerned bodies worldwide, all but two prisoners have been released. One of the two prisoners, Alexi Murzhenko, is scheduled for release tomorrow. However, it is not uncommon for an individual to receive an additional sentence on charges of bad behavior.

Mr. President, today Members of the Senate and House are participating in a fast from sunup to sundown, and a prayer vigil to show solidarity for those tried at Leningrad. It is most important that we continue our strong support for the plight of the Soviet Jews and the innumerable others in similar situations.

The Leningrad trials, of and by themselves, do not constitute genocide as defined in the Genocide Convention. Yet, the many examples of human rights violations committed by the Soviet Union illustrate the widespread discrimination and hatred that persists today. These mistreatments of a country's own citizens are reminiscent of those occurring in Nazi Germany prior to World War II, and are conducive to creating an environment in which genocide could occur.

As I have stated many times before, Mr. President, the Genocide Convention condemns the heinous act of genocide and makes it an international crime. With respect to those 11 individuals tried at Leningrad and in keeping with America's tradition as a champion of human rights, I urge the Senate to take immediate action and ratify the Genocide Convention.

RECOGNITION OF SENATOR LEVIN

The PRESIDING OFFICER. Under the previous order, the Senator from Michigan [Mr. LEVIN] is recognized for not to exceed 15 minutes.

Mr. PROXMIRE. Mr. President, does the Senator wish me to yield time? I have time also that I may yield to the Senator from Michigan or the Senator from West Virginia.

Mr. LEVIN. I ask unanimous consent to yield 4 minutes of my time, Mr. President, to the Senator from West Virginia [Mr. RANDOLPH].

The PRESIDING OFFICER [Mr. GOLDWATER]. The Senator from West Virginia is recognized for 4 minutes or a little more.

Mr. RANDOLPH. I thank the Chair. I remember the night before last that the present Presiding Officer of the Senate, Mr. GOLDWATER, spoke, as always, in a manner of helpfulness. When the majority leader said that he was going to recess the Senate at 9 o'clock, I recall his quick comment, "You are 1 minute over already." So I do listen to him always when we are together with our colleagues in the Senate.

THIS IS OUR FLAG DAY

Mr. RANDOLPH. Mr. President, last year, I gave extended comment because I wanted, on June 14, 1983, to call attention to that date as Flag Day.

Earlier today, in the Chamber, the able minority leader, my colleague from West Virginia [Mr. BYRD], discussed Flag Day. Because of a meeting, I could not listen to those remarks. I am sure they were well prepared and given in a meaningful manner.

This year, I decided I would call attention to our remarks of last year. Today, I shall talk for a brief time.

West Virginians have a sense of their State history and the background of our beginning. It was on June 20, 1863, that West Virginia became the only State to join the galaxy of States by the proclamation of Abraham Lincoln.

Our statehood, I repeat, came into being with the signature of Abraham Lincoln. No other State was brought into the Union in such a manner. Those were in the difficult days of the Civil War.

I mention the relationship of Abraham Lincoln to the State of West Virginia. His mother, Nancy Hanks, was born in the hills of our State, in the tiny hamlet of Antioch, between Keyser and Romney, county seats of Mineral and Hampshire Counties.

Abraham Lincoln, during his administration, participated in the dedication of a structure constructed while he was President. He had been asked to participate with the raising of an American flag. As you know, Abraham Lincoln in his speeches, spoke briefly, but in very, very eloquent and very meaningful words. On that occasion, the flag was to be raised over a building, a U.S. Treasury structure of that day. I say to the Presiding Officer and to those who are guests that it was not a very big building because our deficit, of course, was not very large at that time.

I repeat, as I have said, his 38 words on that occasion. He said:

> I have been assigned to raise this flag. This I will do, if there is no default in the machinery. And after I have raised the flag up, it will be for the people to keep it up.

Had he spoken 1,000 words or unnumbered words, the Great Emancipator could have said nothing more meaningful than these words.

I have made a study of the speeches and the comments of the Presidents of the United States. I have determined, with the help of others who have shared this work, that the shortest speech ever made by a President of the United States was this one.

Perhaps there is a sense of sadness in what I say because throughout America there shall not be the number of flags flying today that there should be. I am not critical. I recall, when in Norway, driving through the countryside years ago, I said to the driver of the car:

> I notice in front of every house or home there is a flagpole and the flag is flying. What event are you celebrating today?

He quickly responded:

> We're not celebrating a special day. In Norway, we fly our flag every day.

It is not an overstatement of mine, shared perhaps by others, to hope that symbolism has a value because it calls us back often to the fundamentals, to the beginnings, to the strengths of this country loved by Lincoln and served by him. Hopefully, in our individual service in this body, we may contribute more and should contribute more, to the well-being of the Republic and to the betterment of people.

RECOGNITION OF SENATOR LEVIN

The PRESIDING OFFICER. The Senator from Michigan [Mr. LEVIN] is recognized for not to exceed 14 minutes.

Mr. LEVIN. I thank the Chair and my friend. I was delighted as always to listen to the words of our friend from West Virginia. This place will not be the same without him.

THE PLIGHT OF SOVIET JEWRY

Mr. LEVIN. Mr. President, today happens to be the Second Annual Congressional Fast and Prayer Vigil for Soviet Jewry. I was thinking, as my friend from West Virginia was speaking, how appropriate it is that it happens to fall on our Flag Day, which symbolizes freedom not just to us but all the world.

Mr. President, many of us in the Senate and the House will participate today in a midday prayer vigil on the west front of the Capitol.

We are fasting from dawn until dusk to highlight the plight of Soviet Jews. Today has been chosen for the date of this event because it marks the 14th anniversary of the notorious Leningrad trial. By remembering that trial, we hope to call world attention to the plight of Soviet Jews, especially the dismal emigration rates from the U.S.S.R.

We will be honored to have Iosef Mendelevich join us at the prayer vigil today. Mr. Mendelevich was 1 of the 11 defendants in the Leningrad trial. That trial is recognized as a historic turning point for Soviet Jews because it was one of the first times world-wide attention was focused on their plight. It has been 14 years since Mr. Mendelevich and his 10 codefendants, both Jewish and non-Jewish were convicted for their attempt to commandeer an airliner to reach freedom in the West. Their attempt was an act of utter desperation. Most of those involved had struggled for years to leave the Soviet Union but with no hope of success. The leader of the group, Mr. Kuznetsov, was certain that the attempt would fail and would lead to their imprisonment. But since their actual objective was to bring international attention to the plight of Soviet Jewry and anti-Semitism within the Soviet Union, they were not deterred by the unlikely chance for success.

In 1970, the Leningrad trial brought about an international reaction so strong that the Soviet Government reduced defendants' original sentences from death to prison terms. Today, 2 of the original "Leningrad 11" remain incarcerated in harsh labor camps in ill health.

This Second Annual Congressional Fast and Prayer Vigil commemorates the courage and fortitude of the 11 daring people, such as Iosef Mendelevich. All of these victims have suffered terrible hardships but they lost neither their courage nor their sense of purpose. Mr. Mendelevich became a devoutly Orthodox Jew in prison. While there, he courageously taught Jewish history and Hebrew to his fellow Jewish inmates, and observed Jewish dietary laws and holidays. Although his work schedule was grueling, he worked overtime so that he would not have to work on the Sabbath. Alan Dershowitz tells in his book of a poignant incident involving Mr. Mendelevich that took place on Passover in prison.

> Mendelevich secretly conducted a Seder, using a small piece of a dried flower for matzoh. When the time came for making

the traditional sandwich of matzoh and bitter herbs, there were, of course, no bitter herbs. But that did not stop Mendelevich, who recited: "The bitter herb is a symbol commemorating Jewish suffering. Here we need no symbol. We swallow the reality of our suffering every day."

Although the courage and suffering of Iosif Mendelevich are inspiring, neither is uncommon. The kind of suffering he endured in 1970 still exists today in the U.S.S.R. Jews in the U.S.S.R. are not free to educate their children in their religious and cultural history. Jewish schools are forbidden. The printing of Hebrew books is considered criminal. The teaching of Hebrew is punished by imprisonment, and the training of religious leadership for the Jewish people is prohibited in the Soviet Union.

We in the Western World must come to the aid of the Soviet Jews. The only hope that these prisoners of conscience have is emigration to Israel or the West. In 1979, more than 51,000 Jews emigrated from the Soviet Union. Since then, the figures have decreased by 98 percent. In 1983, only slightly more than 1,000 Soviet Jews were allowed to emigrate. This trend must be revered.

One way to assist Soviet Jews is to adopt a refusenik. I have adopted Boris Rifkin and his family, on whose behalf I have been working for 5 years. This family had been attempting to emigrate for many years before that. In the spring of 1981, his children, Boris, Jr. and Luba, and their mother, Dina, were finally granted emigration visas. Boris, Sr., however, was not allowed to leave. In order for the children and wife to be granted their passage to freedom, Boris and Dina were required to get a divorce. Their dilemma exemplifies the sacrifices so many are willing to make to obtain emigration visas. Since moving to the Detroit area, Boris' children have been petitioning the Soviet Union to grant Boris an exit visa. I will continue to work on Mr. Rifkin's case. It is my sincere hope that I can soon attend the second wedding of Boris and Dina.

We must reaffirm to Soviet leaders that we are dedicated to the cause of human rights, and that until Soviet citizens can emigrate to free soil, Americans will not be silent. The great historian Simon Dubnor said, as he was about to be executed by the Nazis, "The greatest crime is silence . . . Record everything, record . . ." And Edward Kuznetsov said, after he was freed,

> Publicity is the air and water which keeps the prisoners alive. Unknown prisoners die every day in the camps. But they do not dare let a prisoner die if he is known in the West.

These statements prove that we can help. The American Government and its people can aid Soviet Jews by keeping stories of their plight on the front pages of our newspapers. We should mention this problem every time we have discussions with the Soviets. We must send clear signals to the Soviets that they can improve relations with us by going back to the policy of allowing more of their citizens to emigrate. We convey these messages by actively participating in demonstrations of support like today's Congressional Fast and Prayer Vigil, in which many of us will participate in the hope of helping many Soviet citizens, Jew and non-Jew alike, who seek their freedom.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business, not to extend beyond 11:30 a.m., with statements therein limited to 2 minutes each.

OWEN BIEBER AND LEE IACOCCA ADDRESS THE ISSUE OF AMERICA'S INDUSTRIAL FUTURE

Mr. KENNEDY. Mr. President, no economic issue is of greater longrun importance than rebuilding competitiveness and ensuring jobs for American workers. In that regard the American automobile industry has served as a primary example of both what to do and what not to do.

We have learned that when workers, management, and government sit down together and bargain across the range of wage, price, and policy issues that effect the industry good things can happen. We have also learned that there are no single simple answers. Recently two of the leading figures in the industry have addressed themselves eloquently to the industry's future and suggested the kinds of new bargains that are necessary. Owen Bieber and Lee Iacocca do not agree on everything. But, both recognize that the future of the industry is still very much up for grabs and that they and the Government have a lot of work left to do. And most importantly they both recognize that an approach employing cooperation and reciprocity is essential.

Mr. President, I believe that Mr. Bieber and Mr. Iacocca have pointed the way to the kind of industrial strategy that our country needs if we are to ensure prosperity for our children. Their comments are about the automobile industry, upcoming contract negotiations, and trade policy decisions—but they have implications that stretch much further. All of us who are concerned about the future would do well to read these two speeches and ask ourselves "How can government best do its part."

Mr. President, I ask unanimous consent that Mr. Bieber's and Mr. Iacocca's remarks be printed in the RECORD.

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

PREPARED REMARKS OF L.A. IACOCCA, CHAIRMAN OF THE BOARD, CHRYSLER CORP., AT THE LEAGUE OF WOMEN VOTERS NATIONAL CONVENTION, DETROIT, MI, MAY 15, 1984

Thank you, Ms. Robbins. And good morning, ladies . . . and ladies.

I was tempted to open this talk by thanking all of you for coming to Detroit to visit me. But that seemed a little presumptuous, so I'll just say, "Welcome to Detroit. The city is honored and privileged to have you here." And for those of you who follow the great game of baseball—I hope you'll come back again in October for the World Series!

It's the right time, and the right place, for you to be meeting. The right time, because we're in the midst of a Presidential election campaign; the right place, because "Smokestack America" has an awful lot at stake in this election, and Detroit's right smack in the middle of Smokestack America. And yours is a forum uniquely qualified to hear out the issues, and I want to raise a few today. Because what our government does, or chooses not to do, will be critical to the lives of millions of Americans over the next four years.

Your founders were not cynics or fatalists. They knew government was important. They knew that government policies made a difference. They knew that if these policies were intelligent and effective and fair, that government could be a positive force—that it could help create a better future for everyone.

In the 65 years since the League was founded, you've helped give millions of women the tools to get involved and choose a better future.

But you've done even more than that. By registering voters, by helping voters understand the public issues, by promoting discussion of government policies, by sponsoring televised debates among Presidential candidates—you've helped give all Americans more meaningful choices. You've helped improve American democracy.

You've helped all of us cast our votes on the basis of something more than a family habit, or a candidate's haircut—on something more than clever symbols or empty slogans.

Nothing could be more important because the very essence of democracy is that the voters make an informed choice.

They can't just accept what the so-called experts tell them. They've got to deal with the facts in the real world.

Well, the real facts about Detroit and the auto industry and government policies that affect us are pretty hard to get these days. On the surface, things look just great. This is a city that has literally risen from the ashes over the past 18 months. And we are all proud of—and grateful for—that fact.

We, at Chrysler, are particularly proud.

We had a brush with death; the Wall Street Journal, along with a lot of others even said we should die with dignity. Right or wrong, we chose not to. That we made it through the graveyard is due to the efforts of a lot of people, our suppliers, bankers, dealers, employees, cities, states, our federal government.

But, mostly to the goodwill and the support of the American people. Given a chance and given a choice—they opted to help save a company and a lot of jobs by buying what they believed to be pretty good

products, even though the company that built them might not be around.

So we should be pretty pleased, as we meet here today. But we're nervous, and the laughter is restrained, because some major issues remain unresolved. One of them is the subject of industrial policy, which you asked me to speak about today . . . which must mean it's on your minds as well. But, before I get into that, I think I should set the record straight and get rid of some of the phoney issues, first.

Let me get to the ones that are on the front pages and the TV screens right now, and put them aside. The first one we read and hear about is that Detroit's profit levels are excessive, and due only to "voluntary" Japanese restraints. The next one is that Detroit's prices have gone up 40-60 percent (pick your number), due to the same restraints. The third one is that we're lining our pockets with over-the-moon bonuses, as a result of the first two.

Well, I'm not going to devote a lot of time to defending the auto industry today—you've got more important things on your agenda. But let me get the record straight, and then get on with it.

First, prices. Chrysler didn't get healthy (and I didn't get rich) because we jacked up prices while protected by a shield against Japanese products. We got healthy because we got efficient; we built good products and the market improved. Period!

For the record, Chrysler's prices (equipment adjusted) in the subcompact, small specialty and compact segments . . . where the Japanese do 94 percent of their volume . . . went up, during the first three year restraint period by three percent. Three percent! Over three years! (McDonald's hamburgers went up 9 percent during that period!)

Our total car prices, in aggregate, went up eleven percent, because we brought in some new, higher priced models like the front-wheel-drive New Yorker, which doesn't compete with Japanese cars—just GM cars.

During that same period, the auto industry's aggregate prices went up by 12 percent. Japanese car prices went up by 15 percent. The Consumer Price Index went up by 17 percent. Newspaper prices by 24 percent, fuel prices by 27 percent, and a ticket to the Tiger games by 28 percent (although I have to admit the quality improved).

And our 3 percent on small cars didn't include the cost of our 5-and-50 warranty or the cost of our free automatic transmission offer on our subcompact and compact cars at $439 a pop. So anybody who says we're gouging in our pricing is just plain wrong.

Sure, consumers are buying a heftier mix of luxury cars, and automatic air conditioning and six-speaker stereos . . . and average purchase price has gone up from the recession period . . . but that's not Detroit's pricing, folks—that's the beloved free market at work! (I can't let the free traders work both sides of the street on me!)

Then there's profits. I used a chart at my last press conference—I call it the "Red Sea" chart, and I didn't part it, believe me, I just tried to swim through it. The chart is full of red ink, and it covers my five years at Chrysler. What it says is that even after the $700 million profit we turned in last year (a record), and the $706 million profit in the first quarter of this year (a real record!), I'm still in the hole $1.9 billion!

So, if we can keep flying high, by mid 1985, Chrysler will have managed to break even for the entire six-and-one-half year period of my peerless leadership!

Big deal . . . I saw Boone Pickens on TV, he raided an oil company, lost the take-over struggle, and came on the tube with his drawl and said, "I guess I lost." He made $700 million that night!

What will we use these "obscene" profits for? First, we've got to fund a UAW wage settlement of $1.1 billion over the next 18 months, as a payback, if you will, for some of the sacrifices our workers made. And I have to come up with $9 billion in capital investments in new products and facility modernization over the next five years—just to stay competitive, to retool for the highest quality products in the world.

And we'd like to pay our shareholders a modest dividend, for their patience over the past few years. I've always thought that's what you're supposed to do with profits in a free enterprise system . . . reinvest in the business, increase your productivity, improve your products and give the owners a return on their investment.

I'm not going to touch executive compensation with a ten-foot pole. But I have to wonder if the so-called auto moguls are at the top of the heap even in this town. A couple of years ago the Detroit Red Wings were bought for $10-12 million by a pizza king, and last year the Detroit Tigers were bought for $43 million . . . by another pizza king. And they ain't even Italian!

The truth is, we're walking on eggs. We don't know whether we're supposed to be proud, or ashamed, of the turnaround. We got clobbered when we lost money and we get clobbered when we make a profit. The other day I suggested that "maybe we should have a long range plan to break even . . . then nobody would get mad!"

But I'm not mad . . . I'm worried. I'm worried about the real issues. What are they: isn't the recession over?

Well, there are some ominous clouds on the horizon.

Interest rates, which brought the housing industry, the auto industry and the whole economy to its knees, are inching up again. If the prime goes past 13-14 percent, watch out!

The United Auto Workers are gearing up for the most critical labor negotiations this country has seen in many years. They'll hit GM and Ford this fall, at a time when the industry's profits are at record levels. If all sides forget the bitter lessons we're supposed to have learned over the last five years, watch out!

The twin badges of our economic shame . . . the budget deficit and the trade deficit . . . continue out of control. We're shipping our jobs overseas and hocking our kids' futures. And, in my opinion, we're chipping away at the Federal deficit boulder with a blunt chisel!

The truth is, our national deficit is our national scandal. We're heading for a trillion dollar deficit—give or take a few billion—in the next five years. We picked up a deficit that big once before. It took us a few years—1776 through the fall of 1981 (I looked it up).

Think of it. It took us 206 years—during eight wars, two depressions, a dozen recessions, two space programs, the opening of the West, and the terms of 39 Presidents!

And now we're going to duplicate that feat in (5) years, while we're at "peace" and during a period of so-called economic "recovery." And the Administration and the press are busy doing a war dance about car prices and auto bonuses! Talk about recognizing your priorities!

That trillion dollars comes to $15,000 in new debt for every one of America's 13 million working families. Every one of them could buy a pretty fancy new car for that . . . and at least they'd have the car! In my book, the boys in Washington—and I mean all of them—get an "F," a flunking grade, on the deficit. If they don't get serious about it and I mean right now—watch out!

And then there's the trade deficit. Did you know that America, in the 15 years from 1956 through 1970, accumulated a $60 billion trade surplus! People were buying American products, from American workers, around the world. It was a golden decade . . . and a half.

Well, last year we set a new kind of record. We achieved a $60 billion trade deficit—in one year! And now we're on the way, this year, to double that record . . . while "restraining" the Japanese to a measly two million cars!

And what are we doing about it? We're talking about turning them loose for another million or so cars in 1985, while we negotiate about a litte extra access to their protected markets! Talk about recognizing your priorities! Have we all gone crazy? Do we understand the price we pay for those kinds of imbalances?

Since 1974, we've lost 2½ million American jobs to foreign competition. If this year's trade deficit goes past $100 billion—and I guarantee it will; it's hitting $10 billion a month like clockwork—another million American jobs will bite the dust in one year. In April alone, the Japanese trade surplus was $3 billion with the United States—mostly from car and truck exports. And that's before the quotas get lifted and the Japanese really turn up the ratchet. If that happens . . . watch out! So the government gets another "F" or flunking grade for its trade policies.

I have to ask: what was all the suffering of the last (4) years all about? Not for just a one-or-two-year uptick (I hope) and then back to the same old habits of sky-high interest rates and double digit unemployment. Did we go through all the pain, all the misery, from 1979 to 1983 just to wind up starting out down the same road again . . . and continuing to lose our basic industries, and their jobs, to unfair foreign competition?

Let me be specific about that unfair competition in the car business. It's the result of industrial policy . . . somebody else's industrial policy. It amounts to $1600 per car on every Japanese car sold in this country.

That sixteen-hundred-dollar advantage is not because of greater Japanese efficiency. It's not Japanese workers doing calisthenics and then marching to the factory singing the national anthem. It's not even Japanese "cheap labor;" that's largely a myth anyway.

No. That sixteen-hundred-dollar advantage is just two things: currency . . . and taxes.

First: the Japanese yen is under-valued by at least 15 percent (any everybody agrees on that). That alone gives every Japanese car an automatic cost advantage of at least nine hundred dollars.

Second: when a Japanese car is put on a boat for the United States, the Japanese Government rebates the commodity tax to the manufacturer: that's about another seven-hundred-dollar advantage for every car. (That means a Tokyo housewife pays $700 more for her Toyota than the San Francisco housewife for the same car—its price drops like magic as soon as it hits the dock!)

Now, all of this adds up to a lot of money.

During the period of so-called restraints, the Japanese auto companies made $9 billion. By the way, the U.S. auto companies lost $6 billion during the same period, but forget that.

Do you know how much of that Japanese auto profit came from the U.S. market? Nine billion dollars—or 100 percent! Do you know how much of it came from the funny yen-dollar ratio and the commodity tax rebates? Nine point four billion dollars . . . more than 100 percent. Some "restraint," huh? Talk about picking a chicken clean!

Last month the Japanese Agriculture Minister said he could not expand U.S. beef and citrus exports to Japan. He said "the Japanese beef and citrus industry is vital to the country's food supply," (and, get this) "and vital to our national security."

If I got started on the subject of who's paying for their defense, I could go on all day. And that, by the way, is the root of the problem of the two countries' tax structure and the reason Japan can rebate their commodity taxes on automobiles.

Our forefathers, in Europe, play hard ball on this issue. England and Germany allow the Japanese 10 percent of their issue. England and Germany allow the Japanese 10 percent of their markets. France allows three percent. Italy—I love those Italians—says 2,000 per year, any kind you want to ship! Why? Because they think it's fair.

Now, I'm a realist: I know we can't go that far . . . and I know you're against the quotas. Let me tell you something that may surprise you—so am I. All I've said . . . all I've ever said . . . is get rid of the $1600 per car unfair Japanese advantage . . . what I call the unlevel playing field in Japanese American trade . . . and we'll play them straight up.

Now, that would be an Industrial Policy . . . to neutralize Japanese industrial policy. And it wouldn't be our first one. Anyone who's familiar with Washington knows that Washington is "Subsidy City." And each subsidy adds up to an "Industrial Policy." We've got hundreds of them.

Start with the Federal Loan Guarantees (I'm sort of expert in this area). We weren't the first; there were $409 billion in loans, guaranteed, before I went to Washington to ask for my measly billion-five guarantee. And now, under a conservative Republican, we're up to over $500 billion in guarantees (off the balance sheet) just four years later. That's an industrial policy.

Defense—the military. I used to be in this business. Military contractors are a 100 percent protected industry. (And they're the only ones left, by the way.) The Japanese can't play in this, by law; no bids from foreign countries accepted. Profits—lots of profits—even spare parts profits—guaranteed. Hell, I sold my protected battle tank business and kept cars. I should have sold the car business and kept the tanks . . . it was easier. That's an industrial policy. Eisenhower even warned us of that one. He called it the military-industrial complex—beware!

Then take agriculture—my favorite. Taxpayers pay $50 billion a year to help private farmers, many of whom are large, rich corporations. In the Thirties, United States agriculture was an unmitigated disaster. Now it's the marvel of the world. In fact we feed much of the world.

What made the difference? It wasn't just good climate and good soil and hard working farmers—we had all those in the Thirties and we still had Okies and dust bowls. No—it was the government's conscious decision to make agriculture a winner at whatever the cost.

It was rural electrification, and irrigation, and TVA's, and county agents, and agricultural schools, and land banks, and credit programs, and PIK payments—$10 billion last year just for that, to pay you not to plant. But man, did it work! (I mean woman, did it work!)

Now all our government policies have one thing in common: they daily affect the industrial life of America. But they are confusing. They are uncoordinated. And they're very often conflicting.

So let's be honest. We don't want to admit it but we do have industrial policies. We have them all over the map. We have them for farmers and bankers and defense and even for housing. But what we don't have is an industrial industrial policy.

As a result, we're moving too fast to write smokestack America off, without any conception of the human and social consequences. There are 155 thousand laid-off auto workers outside this building who haven't been called back, and probably won't be; and 60 thousand more rubber workers in towns like Akron and 266 thousand more steel workers in places like Lackawanna, New York, and Johnstown, Pennsylvania, in the same boat.

Their jobs, and their lives, have been ripped out from under them, and it's a cruel hoax to be talking to them about high-tech and service industries.

We cannot afford to become a nation of video arcades, drive-in banks and McDonald's hamburger stands . . . we can't just take in each other's laundry and sell microchips to the world. And, by the way, the biggest microchip customers of all are right here, in Detroit, in good old smokestack America.

Did you know that IBM's (3) biggest customers (ex-defense) are GM, Ford, and Chrysler? That we use more robots, (CAD-CAM) and computers than anybody else. There is an onboard computer on every car we build, and in our more exotic models there are (5) computers!

So you obviously can't sell silicon chips by the pound in your local supermarket. They're worthless unless you put them to work, to reduce emissions, or give you more miles per gallon, or give you precision and quality in the way you build a car.

So, you see, there is no such thing as high-tech versus low-tech, or winners versus losers.

I'm sorry, but I don't have much time for the economists and futurists sitting comfortably in some think-tank telling us about structural adjustments and readjustments. And I get damn mad when I hear them say that the whole industrial workforce has got to be retrained, because the country's got no choice but to let our basic industry and its jobs move offshore.

There has to be a better answer.

I've tried to use the Chrysler turnaround as a good, constructive example of an industrial policy that worked . . . that added to choice and competition in the marketplace and saved a few hundred thousand jobs. I thought it was a good example, because it worked; because it showed that when everybody got together and contributed something, a minor miracle could be pulled off.

There was what we called "equality of sacrifice" from all the constituencies—in this case, the government . . . labor . . . management . . . dealers . . . suppliers . . . banks—and because there was an objective, and a plan, and tough running rules, an apparently irreversible situation was reversed.

I still think it's a good example of sound industrial policy. And most of the audiences I've spoken to seemed to agree. But the bottom line is that it hasn't seemed to make any difference. The term "industrial policy" is still considered to be a dirty word—another phrase for socialism—by too many people who remain concerned about ideology, and not about results.

Well, I'd like to try again. I have a suggestion. I suggest that we draw from the Chrysler experience . . . from the lesson of equality of sacrifice . . . and we try to apply it on a broader scale.

I think the time has come for Mr. Brock, and the other trade and economic experts to call the domestic auto manufacturers and the UAW together for a little conference on whether we want to get this thing off dead center. We've had enough rhetoric and enough finger-pointing. It's time for some action!

To get some, I'm prepared to bring some specific proposals to the party. Let me tick them off for you. I'll start with prices and executive compensation, since Mr. Brock chose to make these the centerpiece of his industrial policy for the auto industry.

First, prices. I'll freeze Chrysler's U.S.-built small-car prices now, for as long as it takes, if the Administration will commit to leveling the playing field.

Second, compensation. That's not really an issue with me. We don't even have a bonus plan yet; in fact Chrysler management hasn't had a bonus in seven years. But if our stockholders do approve a plan, I'll commit to restraint. What's restraint? I don't know: maybe 50 percent, for top management, of what GM and Ford paid themselves. I think that's pretty responsible given the fact that our management worked to generate almost a billion dollars in operating profit last year.

Now, let me throw out a third—because it's not just consumers that need to be protected . . . but jobs. To compete, we're going to have to send them offshore like there's no tomorrow. I would say to our union: "if you'll show some restraint in your demands, I'll freeze the buying I do outside of North America—at the current level right now (and I'm using less than the others)."

In our business, that's called outsourcing. And a moratorium for a year or two would slow down the shipping of jobs overseas.

I would expect, in return, that UAW agree to modify some of its work rules that keep us from being more competitive. I would expect it to agree to tie wage increases to productivity and quality improvements. I would expect it to get serious about trimming medical costs that now are averaging about $600 a car. I'm not talking about concessions or roll-backs. I just want to know what labor will bring to the party.

And then comes the biggest challenge of all, and that one I make to our government. Are you willing to address the unfair playing field . . . yes or no? Are you willing to take on the $1,600 year/tax disadvantage as the price for eliminating quotas, moderating prices to the consumer and preserving American jobs?

I'd like to find out. I'd like to find out where the Administration, and the leaders of both parties, really stand on jobs and prices and fair trade. And where GM, Ford and the UAW stand—and what they're willing to contribute. Maybe we should all get together and talk it over. I'm ready, if you are.

This is not a protectionist proposal. This is a fix-the-fundamental-problems-that-got-us-into-the-soup-proposal.

I think the American people deserve to know where everybody stands. We're talking about 2 million jobs, and the people whose jobs are at stake really deserve to know.

Haven't we had enough talk? Haven't we had enough posturing? Haven't we had enough confusion? Don't we want something to happen?

I don't know what would happen . . . I don't know if everybody would come. But I'd like to find out who would, and who wouldn't. I'd like to either get the rhetoric toned down and get something underway, or really pin the tail on the right donkey, once and for all.

The League can help. You'll be sponsoring the Presidential debates this summer, for which I applaud you. I urge you to ask the President and the Democratic candidate, point blank, where they stand on the issue of automotive jobs and automotive-related jobs . . . and the Japanese trade situation and the tilted playing field.

If they're not ready to address these issues, let them say so now . . . so the voters of this country will know, before the election. We can't let them cop out, or say it's much too early—that we should wait till after the election. Baloney! That's what an election is for—to choose between alternative plans.

And let me add one more thing: if the candidates for this country's next Administration are not ready to stand up and say what they think on the subject—if they really believe that jobs are irrelevant—then the hell with it. Let the quotas come off, now—I'll compete.

Because I'm ready to compete. That's exactly what we've been doing at Chrysler for the last (3) years.

And, let me put the record straight on what we did do during those (3) years.

We paid off the loan guarantees seven years early, and we paid the government a profit of $311 million!

We called back 36 thousand workers, and we averted the possibility of 600 thousand more being put out to pasture permanently.

We led this industry's conversion to front-wheel-drive; as a result, we improved our average fuel economy to 27 miles per gallon. Today, we're the only one of the Big Three who's meeting the fuel economy standards, which are the law of the land.

We improved our quality by over 24 percent, and we offered the American consumer a 5-year, 50,000-mile warranty. No charge.

We improved our productivity; we used to build 10 cars per employee; now we build 19 cars per employee.

We cut our costs by $2 billion and cut our break-even point in half in the process. We got rid of our deficit!

We've been busy as beavers. So, I'd like to walk into the next Congressional leadership meeting and ask, "Hey, what have you guys been doing for the last (3) years?"

Have you cut your deficits? On April 1, 1981 (when voluntary restraints were started) your budget deficit was still $43 billion. Now, as of 1984, it's $177 billion. The trade deficit was $19 billion . . . now it's $93 billion.

Has the undervalued yen problem been fixed? No way. Today, the yen is at 230 to the dollar—in the spring of 1981 it was 226 to the dollar.

Has the Japanese commodity tax rebate problem been fixed? No, the issue isn't even being discussed.

In other words, gentleman, has Washington done a single damn thing to level the playing field and get rid of the $1600 per car unfair Japanese advantage—in (3) years? The answer is no!

I think I should turn to Mr. Brock and say, "Mr. Ambassador—I think we've been had!"

So, how much additional time does this Administration and Congress need to get its problems straightened out? I'm willing to give them some breathing room, just as they gave this industry some breathing room. How much do they need? A year? Three years? What's the plan? What is their position on jobs in smokestack America?

I'm tired of the ideological debate . . . of the abstractions . . . of the finger-pointing. I'm tired of disjoined, irrational, ad hoc industrial policy. Where does everybody stand? What are we waiting for?

I'm ready, Mr. Reagan and Mr. Brock. I'm ready, Mr. Bieber. I'm ready, Ford and GM. Let's get on with it.

REMARKS BY UAW PRESIDENT OWEN BIEBER, NATIONAL GM COUNCIL, PITTSBURGH, PA, MAY 30, 1984

Thank you, Don.

It's a real pleasure to be back with the General Motors Council—some territory that's pretty familiar to me.

I just want to take a moment to congratulate brother Ephlin on the fine job he's doing as director and to say how much I'm looking forward to working with him, with the top committee, and with all of you as we move through these coming negotiations.

You know, it's always a challenging round of talks when we go to GM and Ford. But this year, I believe, is going to be one of the toughest, most complex set of negotiations ever in the history of our union.

Because brothers and sisters, I believe the future of our bargaining power in the auto industry—and therefore the future of our union—are on the line this summer and fall. The fact is that the courses of action we choose during this round of talks will determine our fate for the next decade.

And if our job wasn't already tough enough, now we've got to contend with the almost unbelievable stupidity of top management in taking those outrageous salaries and bonuses and stock options. The unfortunate fact is that their arrogance and creed and short-sightedness are hurting us, because so many people group the union together with management and condemn the whole lot of us.

So just for the record today, I want to say what I've been saying over and over again for the past several weeks. The compensation deals the auto executives have cut for themselves are outrageous and irresponsible, and I condemn them along with every other thinking American.

But the really outrageous aspect of their actions is that by taking their obscene compensation packages, they are sending the entirely wrong message about the auto industry to Washington and the American public and, yes, the world.

The fact is that the reports of the huge profits and executive compensation are distracting attention from what is really happening in the industry. And they threaten to divert us from the most critical issue in this round of talks and that's job security.

I want to talk for a minute about why that's so and what's happening behind the headlines.

First of all, we still have more than 90-thousand workers on indefinite layoff from just the five major U.S. auto companies. Tens of thousands more have lost their recall rights and aren't counted in that number—including more than 44-thousand at general motors. Tens of thousands more of our members are still unemployed from the parts and supplier companies.

We've lost 170-thousand jobs in auto since 1978—a 23 percent decline.

And the fact of the matter is that all of the major U.S. auto companies are poised to take hundreds of thousands more jobs out of the U.S. in the next few years.

What's keeping them here now is the voluntary restraint agreement on Japanese imports that has been in place since 1981. The Restraint agreement currently holds the number of Japanese cars that can be imported into the U.S. to 1.85 million.

What most people don't know is that GM lobbied hard last year to have the restraint agreement lifted so that it could bring 200-thousand Isuzus and 100-thousand Suzukis from Japan. That wasn't some plan for far off in the distant future. GM wanted to bring those cars into this country this year.

As it is, even with the restraint agreement, GM will import 30-thousand Isuzus and 17-thousand Suzukis this year. In fact, the first of those Suzuki Sprints are being introduced in California this very day even as we meet here.

GM also has plans to import, up to 100-thousand small cars from its Korean affiliate, Daewoo. And it is going to import about 60-thousand El Caminos from Mexico.

As for Ford . . . it is moving to import 160-thousand cars from Europe and Mexico.

And Lee Iacocca has said that if GM and Ford take their small car production abroad, Chrysler will increase the number of its captive imports.

You really have to pause for a minute to realize the magnitude of this potential shift. Small cars presently account for 40 percent of the U.S. market. The U.S. companies have roughly half of that 40 percent—and they are planning to move virtually all of that production to foreign countries.

If they do—if we don't find a way to stop them—we're going to lose roughly 500-thousand U.S. jobs in the next two to five years.

And small cars are only part of it—all of the companies have plans for increased outsourcing of parts. And, my friends, the Japanese are poised to descend upon this market and scoop up an even greater market share for themselves if Reagan lifts the restraint agreement, and if the Republicans block the content bill in the Senate.

Yet all the flap about auto company profits and executive compensation is distracting attention from these facts. Most people—and I'm afraid a lot of our members—figure it must be back to those good old days in Detroit when there were plenty of jobs and there was nowhere to go but up.

But we can't let ourselves be distracted away from the issue of job security.

Based on all the resolutions we received for the collective bargaining convention, job security was certainly the key concern reflected in those resolutions.

At the same time, our members at Ford and GM deserve to make progress.

They haven't had a wage increase aside from COLA in nearly three years. The profits justify increases. Our productivity justifies increases—and we're going to get wage increases for our members.

Inflation has eroded pensions, and it's time to do something for our current and future retirees.

The profit sharing concept is in place, but we've got to improve the formula in this set of negotiations.

UAW members helped make the recent profits possible—the workers deserve a fair share—and we're going to get a fair share at the bargaining table this fall.

But the more important point that we have to be clear on here today is that if we go for money without finding a way to deal with job security, then we will have done only half the job for our members.

Sure Owen Bieber could be a hero for a short time—Don Ephlin could be a hero—all of us in this room could be heroes for a short time if we come back to the members with lots of money.

But if we do that—if we let the companies divert our attention from job security and the future of our union—we will have failed in our responsibility to our members and to the Nation.

It's not only small car jobs and parts jobs we're talking about. It's true, those jobs are at immediate risk. But once they've stripped us of those small car and parts jobs, the bigger cars and trucks and vans will be next.

The El Caminos GM plans to bring from Mexico are not small cars. Nissan has said publicly it's ready to ship enough big cars to this country to compete nationwide in that market segment, and the other Japanese manufacturers are not far behind.

The hard reality is that if we lose control over 40 or 50 or 60 percent of the market, none of us will be safe no matter what we're building, and our overall bargaining power will be weakened.

We've seen it happen in the shoe and clothing industry, TV and radio industry, and we are seeing it happen in steel and rubber.

And, our industry and our union are not immune from this fate either.

So sisters and brothers, I'm not exaggerating when I say that these negotiations are absolutely crucial to the future of vehicle production in the United States and all the jobs that flow from it, and the very existence and basic strength of our union.

But more than that, these negotiations are about the future of American industry and the American economy. Because nothing we do at the collective bargaining table takes place in a vacuum.

Right now there are forces at work in our Nation in Washington and in corporate America that would willingly export our industry and the jobs that go with it. They would move the work wholesale to Japan and Korea and Mexico in the name of cheaper prices for consumers, and to hell with the workers.

They forget that workers are consumers, too.

That's why we've got to be about the job of fighting for our industry and our jobs and the economic strength that flows into the U.S. economy from both.

Walter Reuther said many times—and I'm quoting—"we will make collective bargaining meaningful only as we relate it to the broader community and the central challenge we face in the whole of our community and society."

Walter's words were true when he spoke them 20 years ago, and they're true today.

And the challenge we as trade unionists face in 1984 is finding a way to maintain a strong industrial base for America, and to preserve the good jobs and the economic strength that goes with it.

So we've got to keep job security center stage, and our answers can take many forms. We discussed them at the special collective bargaining convention.

There are pension improvements to encourage retirements.

There's shorter worktime, higher premium pay and compensatory time off for overtime.

And we've simply got to step up to the excessive overtime issue—we've got too many members still unemployed to be working the huge number of overtime hours that the companies are scheduling.

Of course, our counterpart union, IG Metall, is on strike right now at a number of locations in Germany seeking shorter worktime. I've sent a message of support on behalf of our union to the workers there. And we must stand with them in our efforts to curb overtime and shorten worktime this year.

Those are steps we can take to increase the number of available jobs. But none of those will deal with the wholesale job loss we face if the restraint agreement is lifted and if Reagan and the Republicans kill the content bill in the Senate.

Because there will be no overtime and no shorter worktime for the hundreds of thousands of members who won't be working any more.

And significant pension improvements will be much harder to finance unless we keep the jobs.

So while those measures can help if we retain the production, they won't solve our problem of keeping the production here.

To do that, we've got to look at other solutions.

The letter we negotiated in 1982 prohibiting plant closings due to outsourcing was, I believe, a useful document. We must look for ways to strengthen and extend those prohibitions.

We can look at employment guarantees with reductions only through attrition.

We can impose greater costs on the companies for laying people off, which is the concept that underlies the G-I-S program.

Another way to go at it would be to negotiate content requirements into our agreements.

But make no mistake about it . . . the companies—and especially GM—will fight us tooth and nail on content language in our contract—and any other meaningful job security arrangements—because GM wants to bring those cars from abroad. They don't care who builds their cars or where they make their profits.

But we care, and I think the people of America care.

And all of this obviously relates back directly to what is happening in Washington on content and the restraint agreement.

Let me bring you up-to-date on content first. That bill is presently before the Senate Commerce Committee which of course is Republican controlled along with the rest of the Senate. I testified on the legislation along with Lane Kirkland two weeks ago today, and I've been in lots of meetings with Senators on both sides of the aisle.

I can tell you, that committee is not going to give us a favorable report on the bill. And if we can get it to the floor, the Reagan administration and the Republicans probably have the votes to beat us.

However, we need to go all out to bring that measure to a vote. I think we should at least make every Senator go on record with his or her vote so that the people will know where they stand before that election. After all, poll after poll shows that the public is with us on content.

Trade Ambassador Brock has said publicly the restraint agreement should be lifted, and others in the Reagan administration agree. They're looking for any reason to lift those restraints, and they could care less about the job loss.

And we should see Ambassador Brock's outburst over executive compensation for what it was. The Reagan administration has never complained about executive compensation in any other industry. Hell, their whole economic program is designed to increase the wealth of the already wealthy. And in any case, the horse was already out of the barn and on down the road.

No . . . that salvo was aimed at us . . . and at building pressure and public sentiment against us before our negotiations. It was a set up.

Now if I've painted a tough picture this morning, it's because that's where we are. Those are the facts that confront us, and I'm not going to stand up here and tell you everything is rosy and that these negotiations are going to be easy because it's not rosy and they won't be easy.

But neither is the picture totally bleak. And I've got confidence in the collective skill and intelligence in this room to find a way through this thicket.

So let me run a couple of scenarios by you, and since we're looking at hard realities, let's do what I believe would be the disaster scenario first.

Let's say we forget about job security and simply go for the money package. Let's assume GM, for example, could be forced to agree to a rich settlement that doesn't deal with job security. What would happen?

Well, we'd be the suckers . . . because we'd have played right into GM's hands. The American consuming public would turn against us, as would sentiment in Washington. The Reagan administration would condemn the greedy auto workers, and use that settlement to go full tilt to lift the restraint agreement, and to beat us on content once and for all.

Our members, the union, and our Nation would be losers all the way around.

GM would then be free to bring its Isuzus and Suzukis from Japan and we'd lose those jobs almost immediately. Ford and Chrysler would move to step up their captive imports, and those jobs would go. And the Japanese would seize the opportunity to increase their U.S. market share, and we will have decimated our jobs, our bargaining power and our union.

We will have been short-sighted suckers. GM would get what it wants. The Reagan administration would get what it wants. The Japanese would get what they want. And the American consumers will turn their backs on us.

And not only would the public blame us—our members would blame us—you, me, Don, the entire leadership.

And rightly so. Because we would have cast off the mantle of leadership they bestowed on us . . . we would have refused to deal with a future we can see so clearly.

Not a pretty picture.

But, let's consider for a moment a different scenario in which we play our cards smart.

Let's say we win an agreement that includes adequate and respectable increases that represent equity in wages and pensions and profit sharing. At the same time we force the companies to agree to content requirements or other specific restrictions on outsourcing, along with provisions that enhance the long term job security of our

members in other ways such as shorter worktime. Plus we fight for—and win—restraints on prices to the advantage of consumers in this country.

Suddenly you have quite a different picture. The Reagan administration and our opponents don't have the ammunition to use on us to kill the restraint agreement or to finally beat back content.

To the contrary, we have the ammunition to go to Washington and say we've been responsible to the American public and the American consumer, and to possibly win an extension of the restraint agreement and to continue the fight for content.

GM would be unable to import all those cars from Japan. The same would be true for Ford and Chrysler. And we'd keep those jobs.

In fighting for price restraint, we'd be fighting for the kind of America we as consumers all want to share in. And lower prices would mean more sales of the cars we build and more jobs for our members. We would also win the consumer support for the products we build.

Brothers and sisters, this last agenda is the right agenda. This is the agenda that will prove us to be leaders in this union because our members will make economic progress, but more importantly, we will have saved our jobs and our union, and we will have done the right thing for our Nation.

To carry out this agenda we have to be ready to fight as hard for meaningful job security as we are for economic equity.

Now I'm not going to go into bargaining looking for a fight. I hope and believe we can find a way to settle without a fight.

But either way, we've got to be ready to fight if we have to. And just as importantly, we've got to be ready to fight smart.

That means we have to look at all our fighting options to win this historic struggle if we can't reach an agreement by September 15. A corporate-wide strike is but one of the steps we should be prepared to take if the companies fail to address our basic needs at the bargaining table.

For instance, some of you will recall that we've used so-called hit-and-run strikes at GM in the past, and they've been successful.

But in the past several years, because of the difficult times and the pressures of high unemployment and Reagan's recession, workers across the country have been forced to adopt new strategies and tactics for defending themselves and winning.

There are examples in our own union where workers have found new ways to confront tough bargaining situations, and some of those struggles are going on right now.

But we should decide our strategy and our timing. We should be flexible and creative and smart.

Creative strategies and tactics and the kind of bargaining program we've got to pursue this year require strong leadership from all of us. They will require teamwork in the leadership and solidarity in the ranks as never before.

They will require each of us to go out and organize our members—to prepare them to fight if we have to, and to educate them about the forces at work against us.

All of us must show leadership and carry the message that money without job security will be a hollow victory. We may win a few more pennies in the short run, but we'll lose the jobs in the long run if we don't keep our focus where it belongs.

And there's another place we've got to keep our attention focused as we move through bargaining . . . and that's the political arena.

All of the hostile economic and political forces at work on us in these negotiations only make it more imperative that we go out and work harder than ever to defeat Ronald Reagan and to elect Walter Mondale.

Since taking office, Ronald Reagan has done everything in his power to weaken unions and to notch back the living standards of the workers of this Nation.

He's stacked the National Labor Relations Board with anti-union labor haters. The result has been a string of rulings that strike at the very heart of the collective bargaining process and worker rights under law.

He's undermined OSHA and workers are being injured and killed as a result.

He broke PATCO, and he's on the side of every employer who is out to bust a union.

But most of all, he has kept unemployment high enough to severely weaken workers and unions. It's a simple but powerful strategy.

Ronald Reagan and his Republican allies in Washington knew that if they drove unemployment high enough for long enough and kept the number of decent jobs few enough, they'd force people to cross picket lines and break strikes to provide for their families.

They've done it, and it's working. We still have almost nine million people looking for a job in this country—7.8 percent unemployment—and labor throughout the country is taking a beating as never before since the thirties.

Workers are being hurt in all industries from steel to trucking to aerospace, and especially in small plants where they can be most easily replaced by strike breakers.

The result is that our standard of living in this country is being eroded. And our response has to be we can't stand no more. Reagan must go in '84.

On the other hand, Fritz Mondale is with us. He supports content and he was instrumental in passing the Chrysler loans. He supports our fight to maintain our good jobs in basic industries. And he's with us on the whole range of issues that bear on our lives and the future for ourselves and our families.

I believe we can elect Walter Mondale if we really go all out this fall. I don't kid myself or you, it won't be an easy fight, but it can be won.

And it must be won. Because until we get rid of Reagan and retake Democratic control of the Senate, we're going to continue to face a hostile climate in Washington on both the restraint agreement and content.

Ronald Reagan and his Republican cronies don't care about our jobs or the future of our U.S. auto industry.

As far as they're concerned, when profits recover, the economy has recovered.

So we've got to keep our attention on politics as well as bargaining as we move through these negotiations. And we need to do our best to keep the public on our side as well.

That's why I've been talking about price restraint—and even price reductions—in view of the big profits. Those profits are big enough to give the workers—our members what they deserve and to hold the line on prices. Holding prices down will mean we can sell more cars, which means more jobs.

I think we've got to follow Walter Reuther's example and talk about the companies sharing with workers and consumers.

We've got to tell our side of the story to the public. And we're going to use TV and radio to do that.

We want to tell the public that in 1982, when this industry was down, UAW members sacrificed to return the industry to health and to keep jobs in America. Now the industry is profitable again, and it's only fair that UAW members share in the fruits of their sacrifices and labors.

But most importantly, we want to keep good jobs in the U.S. and Canada for U.S. and Canadian workers. And we know that we do that by building the highest quality cars that people can buy at affordable prices. We want to tell them that's what we're about in this union.

But brothers and sisters, I have no illusions. These will be the most difficult and complex negotiations we've engaged in for decades—maybe the most difficult ever.

None of this can succeed unless each of you do your job. Because it's out in the locals that we will win or lose.

You've got to carry the message on job security. You've got to explain that we can't let ourselves be suckered by the promise of a few more pieces of silver without winning more job security. You've got to educate and lead. You've got to organize.

We at the international will be working with you using our publications like solidarity and ammo. We'll carry our message to our members and the public with TV and radio. And I'll be speaking out at every opportunity.

Brothers and sisters, this UAW is the greatest union in the world because we're tough, we're smart and we know how to win.

We're not going to fall into their trap this year. We're going to be militant about job security . . . we're going to be creative and we're going to win.

This is not 1982. The situation is different in this year of 1984, and we're going to seize the initiative and set the agenda for our future.

That agenda is job security and a just economic settlement and together—by being creative and with hard work and dedication from each of us—we'll carry it out and we'll win in 1984.

Thank you.

IN SUPPORT OF THE SECOND CONGRESSIONAL FAST AND PRAYER VIGIL FOR SOVIET JEWRY

Mr. GLENN. Mr. President, the plight of Soviet Jewry demands the attention of all people who love liberty and justice and respect human rights.

In the U.S.S.R., anti-Semitism may be traced from the religious programs of the czars to Stalin's campaign to destroy Jewish culture to present Soviet policies of harassment. Today, Soviet Jews face a new crisis: Emigration is at a virtual standstill. In 1979, Jewish emigration reached a highpoint of 51,320. In 1982, the number plummeted to 2,688. From January until April of this year, only 303 Soviet Jews have been permitted to emigrate—an appalling denial of basic human rights.

As unsettling as these statistics are, it is even more disturbing to learn of the great hardships confronting Soviet Jews who merely apply for exit visas.

Their first step is to obtain an invitation from first degree relatives—immediate family members—residing outside the Soviet Union. But these contacts with hopeful relations are frequently made impossible by an inscrutable state system. Mail stops and telephone lines are severed. Visa applicants are frequently threatened and even dismissed from work. The families of prospective emigrants became outcasts and their children are tormented and assaulted in school. Many Soviet Jews are arrested, imprisoned, or exiled. Also, Soviet officials frequently fabricate charges as reasons for denying emigration applications. More recently, the Soviet Union has informed many Jews that they will not accept further applications—a flagrant violation of the Helsinki accords.

Mr. President, we must recognize the vicious turn that Soviet policy has taken. Severe constraints have been placed on the Soviet Jewish community's ability to worship and enjoy its rich cultural heritage.

I heartily support the second Congressional Fast and Prayer Vigil for Soviet Jewry on June 14 as a means of expressing our deep concern and solidarity with the continuing plight of millions of Soviet Jews. June 14 marks the anniversary of the infamous Leningrad Trials which saw the imprisonment of nine Jewish activists. Their only crime was the belief that Jewish identity and dignity must be consistently maintained. A system which systematically oppresses its Jewish community and nonviolent dissidents such as Andrei Sakharov justifiably deserves our contempt.

The shocking legacy of anti-Semitism in the Soviet Union must be ended once and for all. Persecution of the Jewish people must be extinguished not only in the Soviet Union, but throughout the world. As Americans, we must continue to stand up for the basic principles of human rights and religious freedom by which this Nation was created.

THOUGHTS ON SOVIET JEWRY

Mr. SARBANES. Mr. President, it is now 14 years since the great human drama of the Leningrad hijacking in June 1970, the event which first defined the Soviet Jewry movement and brought it to the attention of the world. At the time it happened, the event was little understood and indeed little was known about it. On June 22, 1970, the New York Times reported:

> Twenty persons were reported today to have been arrested in Leningrad in what the Soviet authorities have called an attempt to seize a Soviet airliner.
>
> Details of the arrests, which were said to have taken place last week, are still incomplete, and there are many rumors in Moscow concerning the events.

Six months later 11 defendants, 9 of them Jewish, were tried and found guilty of planning a hijacking. Two were actually sentenced to death, the others were given long prison terms. Throughout the free world protests erupted against the sentences, against the travesty of justice that the trials represented; in Moscow, Andrei Sakharov led a courageous citizens' protest movement. Confronted with such vigorous international condemnation, the Soviet court commuted the death sentences to 15 years in labor camps and shortened the original labor camp sentences.

The Leningrad incident, whose 14th anniversary we observe today, served as the starting point of the movement to ensure unrestricted emigration from the U.S.S.R. for Soviet Jewry. Looking back, we can see clearly the roots of that brave, desperate act. The men and women who participated in the hijacking were young—many just out of school. Many had been part of the early dissident movement, had already been in prison for candestine publishing activities, and in fact had first met one another in prison. The triumphant Six-Day War in 1967 inspired their pride in being Jewish, inspired them to learn or in some cases teach Hebrew, inspired them to practice their religion more openly. They were inspired to think of living freely as Jews, to dream of Israel. Finally, they were inspired to apply for exist visas.

The way out of the Soviet Union has never been easy for Soviet Jewry. Since 1970, emigration figures have risen and fallen in waves. The consequences of applying for an exit visa are many: Dismissal from employment, ostracism and harassment, the risk of punitive military service, the precarious existence to which refuseniks are condemned, the constant threat of arrest and imprisonment on trumped-up charges. But since 1979, the high water mark for Soviet Jewish emigration, these consequences have grown more severe. The "Anti-Zionist Committee of the Soviet Public" is only a thin disguise for the most virulent anti-semitism. International mail and telephone communications have been restricted; beginning August 1, prepaid parcels will no longer be accepted. At just the time when life for the refuseniks is being made ever more intolerable, emigration has dropped to the lowest levels ever recorded. If the current rate continues, fewer than 1,000 Soviet Jews will leave the U.S.S.R. in all of 1985.

Today, Mr. President, our thoughts dwell on the thousands upon thousands of Soviet Jews who are denied the right to practice their religion, to observe the traditions of Judaism, to emigrate: the Prisoners of Conscience, the refuseniks, the visa applicants and the would-be visa applicants. Many of them have names familiar to us—Slepak, Brailovskii, Nudel, Shcharansky, Begun; but many, many more are less well known. Whoever they are, wherever they may be, they share the indomitable courage, determination and faith that has marked the Soviet Jewry movement from the beginning. They are an inspiration to us. We will not forget them.

SECRETARY ELIZABETH DOLE CONGRATULATED ON AIRPORT POLICY

Mr. BAKER. Mr. President, it is an uncommon occurrence in this city for a solid member of our Federal establishment to voluntarily invoke the wrath of his or her colleagues on any given issue, much less one which is unusually near and dear to our hearts and minds. That is precisely what has transpired, however, regarding the continuing controversy about the proper roles of Dulles and National Airports in servicing our local community, and it is my sincere belief that Secretary of Transportation, Elizabeth Dole, is to be heartily congratulated on her courageous persistence in attempting to deal with what may be, at best, described as a prickly problem.

I'm sure I needn't recount the particulars of this issue for those who are listening. It should instead suffice to say that the facets of the dispute include every element common to airport management around the country along with a spoonful of federalism thrown in for measure. Secretary Dole's insistence that the Washington area's airports should mirror the management relationship to local governments which every other airport in the country enjoys is bound to be hugely popular in the neighborhoods of Washington, Virginia, and Maryland which border the flight paths of National. And it is sure to be as thoroughly unwelcome among the airlines and those members of the community who rely on the convenience available from a nearby urban airport.

But Mr. President, let me hasten to point out that no conclusions should be drawn from the Secretary's recommendation that future airport policy be derived from a cross section of the local community and governing bodies. Her suggestion is a sound one, legally, logistically, and politically. The 15-member Commission which she suggests is broadly based, including not only locally elected officials and airlines representatives, but also several members of the Federal community, to insure that the interests and needs of those who choose to serve are adequately protected. Thus, any legislation which may eventually emerge from the Commission's recommendations is certain to take into account all angles of each concern, be it safety, noise, parking, or any other of the

myriad which surrounds efficient airport management.

SENATOR WARNER APPOINTED COMMISSION MEMBER

Along that line Mr. President, I would like to take this opportunity to announce that my appointment to the Commission is Senator JOHN WARNER of Virginia whose suitability to the task and familiarity with the matters at hand is unrivaled among our Senate colleagues. Representing, as he does, a variety of the interests at issue, Senator WARNER is certain to bring an equanimity of perspective to the Commission which is not only useful but will prove to be, I believe, especially necessary in dealing with a topic which evokes strong feelings on all sides.

Again, Mr. President, let me congratulate Secretary Dole for her courage, foresight, and leadership in this area. Her guidance is to be admired, and her judgement is proper and correct. And I wish Senator WARNER the best in his efforts to resolve these issues.

(The following proceedings occurred later in the day and are printed at this point by unanimous consent.)

BOSTON CELTICS CONGRATULATED

Mr. KENNEDY. Mr. President, this is a matter that has been cleared by the majority leader and minority leader. I ask unanimous consent to temporarily lay aside the pending business, and I also ask unanimous consent that for a period not to exceed 2 minutes, with no amendments in order, the Senate proceed to the consideration of Senate Resolution 404 to honor the Boston Celtics.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Mr. President, I have to object until the Senator from California can come to the floor.

Mr. LEAHY. I do not think he wants to.

Mr. WARNER. Unless my distinguished colleague would allow the record to reflect that his remarks can be included at such a place as to appear as if he were present and had the opportunity to rebut the distinguished Senator.

Mr. KENNEDY. I would, of course, welcome some explanation by the Senator from California.

Mr. WARNER. Mr. President, I withdraw my objection.

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

The resolution will be stated by title.

The bill clerk read as follows:

A resolution (S. Res. 404) to join in the Celtics Pride by congratulating the Boston Celtics on winning the 1984 world championships of the National Basketball Association.

The Senate proceeded to consider the resolution.

Mr. KENNEDY. Mr. President, some people say that Boston Garden needs air conditioning, but all the fans of the Celtics know that the real problem with the Garden is finding enough room to hang all those championship banners. In my 22 years as Senator from Massachusetts, one of the regular activities which gives me the most pride and the most enjoyment is asking my colleagues, including the Senator from California, to honor the Boston Celtics. We congratulate Los Angeles for a brilliant season and for a series well played. If some of the Lakers are wont to say "Wait 'til next year," we reply, "We'll be there."

I am proud now to pay tribute to the 1984 world champion Boston Celtics and I urge the Senate to approve this resolution.

Mr. President, I ask unanimous consent to have printed in the RECORD editorials from the Boston Herald and the Boston Globe.

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

[From the Boston (MA) Herald, June 14, 1984]

CELTS' 15TH TITLE: HOW SWEET IT IS!

The heck with being humble—Let's Gloat!

The greatest, gutsiest basketball team in the world plays in our town, does it not? The stogie-smoking genius who put this team and its 14 championship forerunners together labors and lights up here, does he not? And the most fervent sports fans in all creation root for and support both of the above, do they not?

To all three questions the answer has to be a unanimous, joyous shout that yells "Yes!"—in capital letters, yet. That's why today's parade and civic celebration at City Hall Plaza deserves to be the biggest, happiest, Boston has ever seen—and that in no way gives short shrift to any of the ones held in years past for the Celts, Bruins and Red Sox in their championship seasons.

It's not just that our guys beat the Los Angeles Lakers, who happen to be a pretty fine team in their own right; it's the way it was done, by a club that had to out scramble, out-fight, out-shoot, and out-do a squad that some experts said had more skill than they did—and who got it done because they had more heart.

Jack Nicholson, a fine actor but a bummer at basketball games, probably won't agree with that, but no matter. Folks in this part of the east coast, who watch games in an arena draped with championship flags, are better judges of roundball excellence than a man who's had to be satisfied with second-best on the west coast.

Kareem Abdul-Jabbar, in no way a loser despite being on the short end of the seventh game score, best summed up what we've been trying to convey in all these paragraphs.

"They say in sports the best team usually wins," he declared in the Lakers' locker room. "They were better, give them credit. If they say (as many of the Celtics did) that we had more talent on paper. It doesn't matter now. They were the best."

He was right, so today—and as long as the spirit moves us—let's all do what those who back winners are entitled to do.

Let's gloat!

[From the Boston (MA) Globe, June 14, 1984]

THE FIFTEENTH FLAG

Aesthetes prattle about the game as if it were a ballet performed in sneakers—all those lean, sinewy forms flexing on the parquet floor and leaping to the frontiers of gravity.

There were certainly moments in the championship series when the L.A. Lakers choreographed fast-break passages that transformed basketball into an ethereal competition in grace. But the yeomen in green, the troupe that impresario Red Auerbach gathered together and the unflappable K.C. Jones directed, played the game a different way. They made it the dramatic equivalent of war.

From an album of unforgettable images, none was more telling than the picture of Kareem Abdul-Jabbar slumping on the losers bench for the ultimate time-out of the seventh game, when the Lakers' doom was already inscribed in the record books and the denizens of Birdland were dancing in the aisles. At that moment, the expressive giant looked as grim as an Iraqi prisoner of war in Iran.

The victorious warriors were hugging each other in exultation: Kevin McHale wrapping his endless arms around Dennis Johnson and lifting him off the floor; the irrepressible M.L. Carr whooping with joy and communing with all the true believers from courtside to the northern reaches of Maine. They acted, these winners, as if they were ready to hitch a few West Coast bodies to their chariots and drag them around the walls of Boston Garden.

The local heroes had fought from the opening tap to the giddy finale as if they were defending kith, kin and the ancestral gods. Connoisseurs of the hoop sport knew these Celtics could not match the laid-back Lakers for flash and figure. The turnaround jump shots of James Worthy gave the enemy superiority in the air. The precision passing of Magic Johnson would guide the Laker planes like high-tech radar. And Kareem's unstoppable sky hook would do the damage of an Exocet missile.

The Celtics overcame all those weapons with the athletic equivalent of a people's war. When they lost Game 3 by 33 points, Larry Bird said they played like sissies. The hick from French Lick had learned to think like Arnold Auerbach—like a street fighter. He and his buddies won two overtime games and a steambath brawl by jumping over fences and defending themselves with garbage-can covers.

They also had a coach they loved and respected and at the very end everybody could see that K.C. Jones, that quiet man who first came here in the Russell dynasty, had taught them to love and respect each other.

This was the only kind of war men should fight or follow.

● Mr. CHAFEE. Mr. President, on behalf of the citizens of the State of Rhode Island, I extend congratulations to Red Auerbach and the Boston Celtics on their unprecedented 15th NBA World Championship. Their 111 to 102 seventh-game defeat of the Los Angeles Lakers was an exciting culmination to one of the greatest series in

the history of professional basketball. The Celtics have now reestablished their reputation as one of the most successful franchises in professional sports.

Both the Celtics and their California counterparts proved themselves as the strongest backetball teams in the Nation. Kareem Abdul-Jabbar, the NBA's all-time leading scorer, and his Laker teammates deserve praise for what was a great season and a great final series.

The Celtics have faced the Lakers, the best-of-the-West, eight times for the world championship. Eight times they have emerged victorious. Each time that the final series has reached a seventh game, the Celtics have come out on top.

For Mr. Auerbach, the engineer of the Celtics dynasty, this win was particularly special. The former coach and current general manager will be relinquishing many of his responsibilities in Boston now that the season is over. Red, a Washington native, will remain as President but will be spending more of his time with his family. All of Rhode Island thanks Red Auerbach for the many exciting successes he has brought to the Celtics and New England in the last two decades.

We are proud of the 1984 World Champions, and we look forward to seeing them in the championship again next year.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 404) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 404

Whereas on June 12, 1984, the Boston Celtics prevailed in the seventh and final game of the 1984 championship series to win the National Basketball Association title;

Whereas since 1946, the Celtics have won fifteen world championships, three times as many as any other team in the history of the NBA;

Whereas the Celtics won the right to participate in the championship series this year by winning more games during the regular season than any other team in the NBA;

Whereas "Red" Auerbach, the "Soul" of the Celtics, their past coach and the winningest coach in professional basketball, is retiring this year as General Manager after yet another championship season;

Whereas K.C. Jones has demonstrated in his first season as Head Coach of the Celtics that he is destined to carry on the tradition of championship excellence and Celtic Pride: Now, therefore, be it

Resolved, That the Senate of the United States of America joins with basketball fans in Massachusetts and across the Nation in honoring the Boston Celtics players for winning the 1984 World Championship of Basketball.

MAYOR RAY FLYNN—THE POLITICS OF CIVILITY IN BOSTON

Mr. KENNEDY. Mr. President, the city of Boston has the Celtics to be proud—and a lot more besides. We also have an outstanding mayor, Ray Flynn, who understands the tensions of the times, and who knows that the divisive politics of racial and ethnic polarization will only make our urban problems worse for all the people of the city. Mayor Flynn's comfortable qualities of leadership are bringing Boston together in a new era of cooperation, healing, and understanding. The extraordinary successes he has had in his first few months in office are hopeful signs for a brighter Boston future.

Today's New York Times contains an eloquent column by Anthony Lewis that makes this point about Mayor Flynn and skillfully captures the essence of his appealing qualities of tolerance and positive leadership. Boston is proud of Ray Flynn, and I ask unanimous consent that Mr. Lewis' article may be printed in the RECORD.

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

POLITICS OF CIVILITY

(By Anthony Lewis)

BOSTON, June 13.—The Mayor of Boston, Raymond L. Flynn, keeps in shape by running. He was in Washington the other day for a meeting of the Democratic Platform Committee, of which he is a member, and at the end of the day he ran a few miles.

"I got into a poorer part of the city, mostly black," he said here the next day. "I saw these kids playing basketball, so I stopped and played with them. Then we talked, and I told them how I played basketball in high school—how I came from a poor family and went into politics.

"You could see that just that little bit of encouragement meant something to them. That's what we should all be doing, whatever we are: encouraging people."

In just about any other politician that story would be too good to be true—to be believable. A white Irish politician stopping to play basketball with black kids, and trying to make them feel better about their lives? But the people of Boston know by now that it is true of Ray Flynn. Here is another running incident he described.

"Sometimes my schedule is so tight I have to get up real early to do my training. One Saturday in February I got up at 4, and it was bitter cold. I ran to the Newton firehouse and back, about 22 miles.

"As I passed Kenmore Square I saw these two men from Public Works cleaning up from the student parties the night before, and on the way back I saw them again: two black men. I stopped and thanked them for the good job they were doing for the city. After I got back here and had a shower I found out their names and addresses. I got $5 gift certificates from MacDonald's and sent them with letters to their wives.

"One night I was in a neighborhood meeting in Roxbury. A woman came up and thanked me. I didn't really know what she meant, but I said, 'Thanks, I was glad to do it.' But she pulled on my shirt sleeve and told me she meant the letter and the McDonald's certificate. 'You know,' she said, 'this man gets to work 45 minutes early. He shows your letter everywhere. He's never felt so good in his life.'

"I tell you that because it's my belief that if you treat people with respect, it matters. We have a serious financial problem. We don't have the money to give people the services they deserve. But we are going to make people feel good about themselves."

The most striking thing about Ray Flynn's five months as Mayor is the attention he has devoted to the racial tensions that have disfigured Boston for years. His number one priority is obviously tolerance among the Irish and blacks and others who have their tight little neighborhoods in this highly ethnic city.

One of the first things he did was to see that the widow of a black hospital worker killed by the police years ago got the $800,000 she was due in a Federal civil rights judgment—a payment that the predecessor administration of Kevin White had refused to make. Mayor Flynn handed the check to her personally. When white youths harassed a black family, he rushed to the neighborhood. He has more prominent black appointees than any previous mayor of Boston.

All of that surprises people because Ray Flynn comes from South Boston, an Irish working-class area that bitterly resisted school busing. And he was part of that resistance as a state legislator and city councilor. Ten years after the Federal court order, he still thinks busing was wrong—"I didn't think it would improve education for black or white"—but he says it is time to move on.

How did his people in South Boston feel about what he was doing as Mayor? I asked.

"They disagree with different things I do," he said, "but they think I believe in what I'm doing. And it's hard to be angry at someone if you think he's honest.

"A lot of blacks in this city think whites are getting all the services because they're white. A lot of whites think blacks are getting all the services because they're black. I walked in here with the firm belief that neither was getting much of anything.

"If you convince them you're going to be fair and consistent—'Look, we have this much . . .' People think I am consistent, and that seems to be the key: equitable treatment for everybody."

Ray Flynn is a populist, but without the demagogic overtones that word often carries. Everything is low-key, unassuming, without ego. He never asks, "How'm I doin'?" He wants to know how you are doing. He never tries to get attention by provocation. His aim is civility and he has reestablished a tone of civility in Boston.

It is the politics of symbolism to a great extent so far, but symbols do matter. When he has gone to a racially troubled neighborhood, the trouble has stopped. For the people who have been touched by his modest presence, the symbol is reality.

THE 84TH BIRTHDAY OF FRED WARING

Mr. SPECTER. Mr. President, this week we celebrate the 84th birthday of one of America's greatest musicians.

On June 9, 1900, Fred Waring was born. For more than 50 years, Mr. Waring set a standard of excellence and innovation in music composition.

From his first appearances in his college days, Fred's music has delighted and excited music lovers across the country. His band, the Pennsylvanians, toured extensively, playing at colleges, vaudeville houses, and eventually in Hollywood as they starred in America's first musical motion picture, Syncopation.

Fred's unique work began a movement that caused popular music to become recognized as a distinctive American art form. Since then he has continued to revolutionize the music of our country with countless new styles and innovations. Today the "King of the Road" is still influencing the musical world as he both teaches in his choral music workshop and continues to find new talent. He is, as he has always been, an inspiration to musicians and audiences everywhere.

ASK ME ABOUT MIKE WARREN

Mr. BURDICK. Mr. President, on Memorial Day, May 28, 1984, a very touching article appeared on page A19 of the Washington Post. I would like to commit that article to the permanent RECORD of the Senate. The author, Dr. David Harrington, served as a Marine Corps infantry platoon commander with Echo Co., 2d Battalion, 26th Marine Regiment, during the so-called "Seige of Khe Sanh."

It was 16 years ago this month that the Khe Sanh Combat Base was razed and abandoned. The specter of Vietnam casts a long shadow. Perhaps Dr. Harrington has helped us accept that.

Mr. President, I ask unanimous consent that David S. Harrington's article, "Ask Me About Mike Warren * * * even if it hurts both of us." appear in the CONGRESSIONAL RECORD.

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

ASK ME ABOUT MIKE WARREN . . .

On Memorial Day, I remember Michael Jay Warren. We met on a chilly, rainy morning in November 1967 in Phu Bai, Vietnam. The day before, my first in country, had been difficult. No matter how hard I had tried to "look cool, act cool, be cool," I failed miserably.

A second lieutenant in Stateside fatigues, unarmed, confused and carrying a too-full duffle bag just did not blend in well. Like a tow truck approaching a stranded motorist, Mike greeted me with a firm handshake, a friendly "welcome aboard" and a warm smile.

He understood my discomfort immediately. Later, he was to kid me often: had I been in a firefight or on a binge on my way from the airport? As he walked with me to requisition combat equipment, I found myself relaxing. At each stop, he'd introduce me, state my need (boots, fatigues, canteens, etc.) and make sure I was given the best available. His command presence, his experience and his ease with others all impressed me. Could I measure up? Would we be friends?

At lunch that same day, Mike and I shared more about ourselves: his upbringing of Presbyterian stock in Moline, Ill., and mine Irish Catholic in Dorchester, Mass. The Marine Corps was definitely not a career for either of us; more to the point, the status of Marine Corps officer gave us each a chance to go places far beyond the confines of our youths. Vietnam was a hurdle we needed to overcome. How high a hurdle? Mike worried. He'd had a close call. The idea of his death struck me as ridiculous. I was the one to worry. Mike had done well in combat and would be transferred in a while to a safer staff job.

Our time together was all too brief. I remember a day, in mid-January 1968, when our company had been sent out to secure an area in front of Khe Sanh. My platoon was to establish a defensive position—in eight-foot elephant grass along a deep ravine! I was furious, cursing out stupid staff officers who constantly endangered us with unreasonable assignments.

Mike walked into my platoon command post just as I was finishing my last string of epithets. He held up the latest issue of Stars and Stripes for me to read the headline: "Paris Peace Talks Stalled; Debate Shape of Table." Mike analogized diplomats, tables and Paris to staff officers, ravines and Khe Sanh. He laughed at the irony. From there, we were off talking about France and Europe, even planning to drive around Europe together.

Our last conversation took place while sitting in elephant grass outside Khe Sanh. The night was dark, chilly and damp: typical of the monsoon season in that part of Vietnam. Mike recalled the fun times at Coe College yet fretted about a career direction. He was fond of a young woman back in Moline, but worried that he was too young and inexperienced for marriage. He was happy to be leaving our infantry company, but wondered whether we would keep in touch.

Mike was committed to our friendship. Several times, he managed to send us socks, beer, extra whatevers. He had a sixth sense for the shortage of the week and knew several helicopter pilots who were willing to make an extra trip for him. I got a couple of notes: he was fine but missed the excitement and the friendships. Seven weeks after Mike's transfer, the morning helicopter let off a Marine returning from the rear with a note for me from the company first sergeant. "Lt. Harrington", he wrote, "I regret to inform you that Lt. Warren was killed last night in a helicopter crash. Top." Just like that Mike was gone.

His parents, Clarence and Ruth Warren, wrote. "Lt. Harrington, Mike did not write often. We have him home with us. But we know so little of what his life was like those last few months. Could you tell us something more?" I involved the whole company in this project: we collected pictures of Mike, and many of us wrote notes. We mailed our large manila love letter to the Warrens. A few weeks later, they wrote back, "Thank you all so much for your kind words and pictures. It will always be so important to us that Mike had so many friends."

In mid-January 1969, while I was on my way back to Vietnam for a second tour, my plane landed at Quad Cities Airport. Clarence and Ruth met the plane: Mike had his dad's physique and his mom's warmth and ease. Each of us worked hard to keep our emotions in check. As I set down my bag, a small one this trip, in Mike's room, his mementos blurred through my tear-filled eyes.

Ruth came up to the room to suggest plans for the evening: "David, there's a high school basketball game tonight. It's Mike's old high school team. We've been ticketholders for years. We'll have dinner afterwards. Would you mind wearing your uniform? Are you hungry enough for a hot dog now?"

Was I impressed! In Boston, the public high schools had old uniforms, small gyms and poor attendance. Here in Moline, the gymnasium was bright and large, the crowd filled every seat; the band played as cheerleaders pranced. Spectators, mostly family friends, came over to say hello; Clarence and Ruth swallowed their pain and smiled. "We are delighted David could be here with us," Ruth said over and over.

Suddenly, as if one, the crowd hushed, stood and faced one end of the gym where, as the building darkened, a single spotlight shone on the American flag. Everyone sang. Immediately afterward, as we all sat down, the spotlight glared in my eyes; the announcer's voice boomed in my ears: "Lieutenant David Harrington, would you please stand? Ladies and gentlemen, Lieutenant Harrington, a friend of Mike Warren, is visiting with Clarence and Ruth. Would you give him a warm round of applause?"

I don't know who won the game, even though I pay attention to such things. I do know dinner the next night was rough. Clarence took out maps, pictures and letters and wanted me to retrace Mike's footsteps. Clarence and I left the room several times. Only Ruth persevered.

A year and a half later, I stood in the receiving line at my wedding in another Midwestern city. As my attention drifted momentarily, my gaze moved down the line and fell on Clarence and Ruth. Suddenly, I was overcome with unimaginable pain. Only the tears in Ruth's eyes and her gritty smile helped me pull myself together.

The legacy of what Mike and I had in Vietnam is unfulfilled if left only to Mike's name etched in gold letters on a black granite slab of the Vietnam Memorial and to my moving on with my life. However, Memorial Days since Mike died have only served to sharpen the personal pain of the memory and the loss.

Somehow, I cannot lump Mike's death into a memory of our war dead. War's cost must remain personal, painfully so, to deter us from it. This year's dedication of the Tomb of the Unknown Vietnam Soldier is more threatening. Will this serve to make more distance between us and those who died in Vietnam, between Vietnam and the wars of the '80s?

Mike and I cannot let go of each other. Nor do we want to. However, the effort to maintain our friendship strains me. I'm alive. Mike's realities cannot develop and change alongside mine.

Is our dilemma that of all Americans after Vietnam: either forget about it or be damned to wallow in it? I would prefer to understand and accept what happened as well as to learn and to grow from the experience. To do that, I realize, means I must share my experience as fully as I can with you and invite your interest and questions. Ask me about Mike Warren, even if it hurts both of us. Beyond that, we must work through the implications, both personal and societal, of the Vietnam experience. I cannot understand and accept Grenada, Lebanon and El Salvador. My reasons go far beyond what happened to Mike Warren. But that is a start.

This Memorial Day, as on all since 1968, a picture of Mike and me, well worn by now, sits on my dresser. As on the day we first

met, his helmet and flak jacket are on straight and buttoned; I'm unshaven, without a helmet, and my flak jacket is open. This year, as last, I will visit with him at the Vietnam Memorial. But I can't call Mike long distance and tell him how I feel: how all of us have lost something in the aftermath of Vietnam and the divisiveness of the '60s. Perhaps it was the capacity to care for each other in a special way. This Memorial Day, Mike and I thought that our friendship might do for you what it did for us: we were enriched with a deep understanding of the value of human life and I with an understanding of the absolute cost of its loss in wars of any kind.●

TOXICS THREATEN GREAT LAKES

Mr. KASTEN. Mr. President, one of the most pressing problems associated with the Great Lakes is toxic pollution. Yesterday I introduced legislation which will provide for comprehensive environmental management of the Great Lakes. Today I will focus the Senate's attention on one of the greatest threats to the Great Lakes. It is also one of the least understood. That is the pollution of the lakes with toxic materials.

All too often, fishermen are reeling in fish whose bodies are contorted and full of gross and protruding tumors. Wildlife managers have documented a dramatic increase in deformities of fish-eating birds as well. These deformities are caused by toxic chemicals which are concentrated in the bodies of these species.

Man is directly threatened by toxic pollution of the Great Lakes. By being at the top of the food chain, man receives the highest dosage of toxic materials when he eats contaminated species. In fact, less than 1 month ago the Food and Drug Administration [FDA] proposed regulations that would prevent human consumption of up to half of the fish caught in the Great Lakes.

The Lake Michigan sports fishing industry in Wisconsin alone is estimated to contribute over $10 million to the local economy. Yet the most valued sports fish, trout and salmon, are the most contaminated. The proposed FDA regulations would prohibit eating lake trout and large salmon. In addition, any woman who hopes to bear children is advised not to eat small salmon or whitefish, rainbow trout and walleyes.

One of the problems associated with cleaning up the toxic contamination of the Great Lakes is that we do not fully understand how these toxic materials reach the lakes. Some chemicals, such as dioxin and PCB's, entered the lakes from industrial discharge. It is now believed, however, that the greatest source of toxic pollution of the Great Lakes is deposition or fallout from toxic air pollution. Identifying the source of problems, such as this, is one of the greatest management problems facing the Great Lakes.

Legislation I introduced yesterday will provide a comprehensive framework to manage problems such as this. Today I highlighted only a single problem facing the Great Lakes. There are many more which need our immediate attention. The Great Lakes are the most valuable water resource of our Nation. We must act now to assure their protection.

A recent article published by the National Wildlife Federation highlights the problem of toxic contamination of the Great Lakes. Mr. President, I ask unanimous consent that a copy of "Toxic Chemicals Contaminate Great Lakes Fish" be printed in the RECORD.

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

TOXIC CHEMICALS CONTAMINATE GREAT LAKES FISH

(By Laurie Baker Walden)

Bill Bale eats fish 365 days a year. Whether Lake Michigan brown trout or Kalamazoo River walleye, fish has been the backbone of his diet for years. Bale is a lifelong Michigan resident and a sport fisherman. At 22, he is also owner of Bale's Sporting Goods, a Douglas, Mich., a store that specializes in fishing tackle.

He is well aware that the state health department has warned against the consumption of more than one meal per week of Lake Michigan trout, carp, catfish and salmon. Bale also knows the state has recommended that many Kalamazoo River fish should never be eaten. Fish from these waters have been contaminated with polychlorinated biphenyls (PCB), a suspected human carcinogen.

Bale, however, ignores the warnings. "I've eaten fish every day and it doesn't bother me," he said. "I know that chemical contamination of fish is a problem, but I just don't know if it is as extreme a problem as people say it is."

Throughout the Great Lakes, anglers like Bale are wondering if the latest scourge of the lakes—toxic chemical contamination—is a legitimate threat or simply the object of public hysteria.

The National Wildlife Federation (NWF), its Great Lakes affiliates and the NWF Great Lakes Natural Resources Center in Ann Arbor, Mich., are trying to convince anglers that consuming contaminated fish could indeed cause health problems. They are also working to stop the flood of chemicals entering these vast lakes which hold 95 percent of the nation's surface freshwaters.

NWF and its affililates cite many causes for concern:

—Dioxin levels as high as 695 parts per trillion (ppt) have been found in the Tittabawasee and Saginaw Rivers, tributaries to Lake Huron's Saginaw Bay. The federal Food and Drug Administration (FDA) has advised against consuming fish containing more than 50 ppt.

—As much as 10,000 pounds of the industrial chemical PCB may be entering Lake Michigan annually.

—Current programs designed to clean up the 18 most polluted Great Lakes "hot spots" are inadequate according to the Water Quality Board of the International Joint Commission (IJC), the U.S.-Canadian panel that advises both governments on water pollution issues.

None of the five Great Lakes is immune to toxic contamination, here caused primarily by municipal and industrial discharges, waste disposal sites, atmospheric deposition, combined sewer overflows and urban and agricultural land runoff. Some of the lakes, however, are in better shape than others.

Superior, Huron and Michigan, the largest lakes, are cleaner than lakes Erie and Ontario because their huge volume makes them capable of diluting chemical contaminants. In addition, they generally drain less populated and more rural regions.

Lake Superior is the largest and cleanest, and the only Great Lake without toxic hot spots identified by the IJC.

On the other hand, Lake Ontario is severely polluted by its tributaries, the Niagara and Buffalo Rivers. High levels of PCBs and mirex have been found in American eel and coho salmon in the lower Niagara River.

Sections of Lakes Michigan and Huron, contaminated by certain outfalls, have been designated toxic hot spots by the IJC. Two of these hotspots, Lake Huron's Saginaw Bay and Lake Michigan's southern Green Bay, support fish containing PCBs that routinely exceed FDA limits. Another source of contamination of Saginaw Bay has been dioxin, allegedly originating from Dow Chemical Company, in Midland, Mich.

In 1960 Lake Erie was written off as the "dead" Great Lake. Its "demise" was caused by eutrophication. An overabundance of nutrients, such as phosphorous, spurred the rapid growth of algae and starved lake fish of oxygen. But controls on the flow of harmful nutrients caused a dramatic comeback. Now the lake's prime curse is chemical contamination, especially from mercury in the St. Clair and Detroit Rivers.

Although many contaminants found in the Great Lakes have been banned or restricted in the United States, they are still turning up in fish. Congress ordered an end to the production of PCBs in 1976, but many sources of PCBs, such as electrical transformers, are still in use and "bleed" the chemical in the environment. Dieldrin, another stable substance, has not diminished in concentration since its ban in 1974.

NWF and its affiliates see these conditions as frightening testimony to the persistence of dangerous chemicals. Some federal and state fisheries experts, however, are more optimistic and point to the overall improvement in Great Lakes water quality.

For instance, DDT levels in fish dropped at the rate of 25 percent per year within a year after several Great Lakes states banned the pesticide in the late 1960s. The national ban came in 1972. According to some estimates, the DDT levels in fish have now dropped by 95 percent. And PCB levels, although not showing as rapid of a decline, still have decreased from 60 to 70 percent.

"I think the lakes astounded everyone in their ability to recover," said Wayne Willford, section chief for physiology and contaminant chemistry for the U.S. Fish and Wildlife Service's (FWS) Great Lakes Fishery Laboratory in Ann Arbor. "These lakes tend to cleanse themselves much more rapidly than people believe."

What is the effect of these toxic chemicals on the roughly three million anglers that annually fish the Great Lakes and the 37 million residents in the region?

The risk posed from eating contaminated fish is far greater than from drinking contaminated water since these contaminants are more concentrated in fish. A human would have to drink water from the Great Lakes for 1,000 years to equal the amount of

PCBs consumed in a single one-pound serving of fish contaminated with PCBs at 5 ppm, according to John Black of Roswell Park Memorial Institute in Buffalo, N.Y.

Even though there have been no scientifically documented human deaths from consumption of contaminated fish or major fish kills in the Great Lakes region, NWF contends the potential health effects are enormous.

The toxicity of PCBs has been known since 1968 when thousands of Japanese consumed rice oil contaminated with high levels of the chemical. Five people died and others exhibited symptoms including spontaneous abortion, hair loss, smaller infant birth weights and skin color changes.

The effect of DDT on human health is not clear, but the pesticide has been linked to population declines in bald eagles and other raptors. By disrupting the birds' calcium producing mechanism, DDT causes them to lay thin-shelled eggs which often break prematurely.

Dioxins have been known to cause severe liver damage and skin cancer in rats. However, the impact on humans is not as well defined. A 1976 industrial explosion in Seveso, Italy, which released a cloud of dioxin, left hundreds of dead birds and small animals. Nearby residents complained of nausea and skin ailments.

Scientific evidence indicates that toxic substances may also have a detrimental effect on fish populations. High tumor rates have been documented in all of the Great Lakes except Lake Superior, according to Richard Smith, the U.S. Fish and Wildlife Service's associate director for research and development. Skin tumors have appeared in white suckers, brown bullheads and freshwater drum while liver tumors have been found in brown bullheads. "We know that true carcinomas [malignant tumors] shorten lifespans, but we don't know how much nor what the ultimate effect is on reproduction," he said, testifying at a September Congressional hearing on cancerous fish.

In addition, Canadian scientists have found goiters in nearly all of Lake Erie's coho salmon, reports John C. Harshbarger, director of the Smithsonian Institution's Registry of Tumors in Lower Animals. Because 75 percent of the embryo die, he said, the fish cannot maintain their population and must be repeatedly stocked.

Despite these ominous signs, the overall Great Lakes sport fishing industry is thriving. What was a fledgling industry 20 years ago is now a billion dollar business.

Besides there being more fish, more anglers than ever are joining today's Great Lakes fishing boom because of the cleaner-looking water. "The appearance of the water makes people think it has improved, even though toxic pollution is invisible," said Carl Reinke, chairman of the Saginaw Bay Advisory Council, a Michigan United Conservation Club (MUCC) affiliate that advises the public on water quality matters.

Ten years ago, he said, the bay waters were covered with algae and dead fish—the result of eutrophication. With that problem now under control, the water has become deceptively clearer.

Many Great Lakes states have imposed health advisories warning against the consumption of certain contaminated fish. A spokesman from the Indiana Department of Natural Resources said he's noticed that charter fishing boat reservations are often cancelled during the few days after a state public health advisory is issued. Soon, afterwards, however, the public's fear ebbs and the charter business returns to normal.

"The advisories are based on test of laboratory animals," Bale said. "And I just don't think I consume as much proportionately as those rats and mice that were tested."

NWF and its Great Lakes affiliates have been trying to convince anglers to pay attention to state health advisories and to the toxic contamination problem in the Great Lakes. While the lakes are now in better condition than two decades ago, NWF insists there is still a long way to go.

"The lakes are recovering in terms of the more well-known pollutants such as phosphorus," said Mark Van Putten, "but a much greater commitment is required to research and solve the problems of toxic contamination."

"We're faced with the age-old question of 'how clean is clean?'"

Now, anglers like Bill Bale must decide if they are willing to change their ways, and the public at large must decide just how clean it wants the Great Lakes to be.

NATHANIEL OWINGS

Mr. MOYNIHAN. Mr. President, Nathaniel Owings, one of the country's great architects, and great spirits, died yesterday. I first knew Nat Owings in 1962 when he was selected by President Kennedy as chief architect of the plan to redevelop Pennsylvania Avenue. He became and remained a dear friend and great teacher.

Nathaniel Alexander Owings leaves his own monuments. They speak more eloquently than words of his talent and his great energies. I ask unanimous consent, nonetheless, that obituaries appearing in today's New York Times and Washington Post be inserted in the RECORD at this point.

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

[From the New York Times, June 14, 1984]

NATHANIEL OWINGS, 81, DIES; EARLY SKYSCRAPER ADVOCATE

(By James Barron)

Nathaniel A Owings, a founder of the architectural firm of Skidmore, Owings & Merrill, died yesterday at his home in Santa Fe, N.M. He was 81 years old.

Mr. Owings considered the skyscrapers that were his firm's specialty a natural celebration of American grandeur. His reputation did not rest on his ability as a designer or urban planner, but on his ability to be what he called "the catalyst," the person in his firm who ironed out differences among clients, contractors and planning commissions.

Mr. Owings also claimed credit for the idea of placing a skyscraper on a small part of a downtown lot, as the firm did with Lever House and Chase Manhattan Plaza, both in Manhattan.

He presided over more than $3 billion worth of construction in his career, from beaverboard pavilions at Chicago World's Fair that led to the John Hancock tower in Chicago, the Crown Zellerbach building in San Francisco and Lever House in Manhattan. He also headed the team that drew plans for the redevelopment of Pennsylvania Avenue in Washington.

But while his firm produced buildings that the general public considered stark and modern, his own design philosophy was traditional.

"I feel that the hope for the future lies in going back to the roots of man, where we do not depend on systems or formulas but on a corps of myth, fable and miracle," Mr. Owings said. "We can do this through living in harmony with the laws of nature, not the contrived plastic ones of man."

As a young architect he idolized Raymond Hood, who designed the RCA Building in Rockefeller Center. More than 50 years later, Mr. Owings recalled the thrill of his first glimpse of the 70-story skyscraper: "You have this tall tree, this knife edge, presenting its narrow dimension to Fifth Avenue. It is breathtaking."

On Mr. Hood's recommendation Mr. Owings was hired to design the concession stands at the 1933 Century of Progress Exposition in Chicago. But the Depression forced deep cuts in the construction budget, and Mr. Owings was paired with another young architect, Louis Skidmore. They were told to build pavilions for more than 500 exhibits at minimum cost using lightweight, mass-produced materials.

"Skid and I took the fair over," Mr. Owings said in 1968. "We had to devise solutions, use the simplest materials—we built the pavilions out of beaverboard."

The two young architects got along, and in 1936 they formed their own partnership. "We would build only in the vernacular of our own age," they declared. The architectural engineer John O. Merrill joined the firm as a limited partner in 1939. The firm's operations were decentralized, with Mr. Owings' initial responsibilities centering on the Chicago office.

The firm's first commissions included buildings at the New York World's Fair in 1939, a hospital in Petoskey, Mich., and a paper mill for the Kimberley-Clark Corporation in Neenah, Wis.

But the partnership's big break came in World War II, when they were hired to build a secret town for 75,000 residents—Oak Ridge, Tenn., where the atomic bomb was developed.

That project led to others for the Government, including a $152.5 million commission in 1954 for the Air Force Academy near Colorado Springs. There, Mr. Owings and his associates supervised 40 general contractors on a 17,900-acre site. Mr. Owings' principal role in the project was to mediate differences between members of a Senate appropriations subcommittee and Air Force officers, some of whom had misgivings about what they thought were the firm's unacceptably modern designs.

Mr. Owings said that one of the most significant assignments was Temporary Commission on Pennsylvania Avenue in Washington. Appointed by President Kennedy in 1962 and reappointed by later administrations, Mr. Owings drew the master plan for remodeling Pennsylvania Avenue from the White House to the Capitol. His idea was to turn it into the ceremonial boulevard that the French designer Pierre L'Enfant had intended when he laid out Washington in the 18th century.

Mr. Owings won the American Institute of Architects' Gold Medal, the group's highest award, in 1983 for "most distinguished service to the architectural profession and to the institute." He was a fellow of the Institute and an honorary life member of the Sierra Club.

Mr. Owings wrote two books—"The American Aesthetic," in 1969, and "The Spaces in Between: An Architect's Journey," in 1973.

He is survived by his wife, Margaret; a son, Nathaniel, of Bozeman, Montana, and

three daughters, Jennifer Dewey of Santa Fe, Natalie Prael of Los Alamos, N.M., and Emile Caposi of Novato, Calif.

[From the Washington Post, June 14, 1984]

N.A. OWINGS, FORCE IN CITY'S DESIGN, DIES

Nathaniel Alexander Owings, 81, a founder of one of the nation's most prestigious architectural firms and a leading force in the design of Washington over the last two decades, died yesterday at his home in Jacona, N.M. The cause of death was not immediately disclosed.

In addition, Mr. Owings took part in the design of, among other structures, the Sears Tower and John Hancock Center in Chicago, the Union Carbide Building and Lever House in New York, the Hartford Insurance Building in San Francisco, the Air Force Academy in Colorado and the Maj Terminal at King Abdul Aziz International Airport in Jeddah, Saudi Arabia.

A cofounder in 1936 of the architectural and engineering firm of Skidmore, Owings & Merrill, Mr. Owings developed special ties to Washington after he was selected by President Kennedy in 1962 to head a special Advisory Council on Pennsylvania Avenue. He played a major role in devising the first plan to rejuvenate "the nation's first street."

Mr. Owings also headed the President's Temporary Commission on Pennsylvania Avenue, formed by Lyndon Johnson in 1965, and until two years ago was vice chairman of the Pennsylvania Avenue Development Corp. (PADC), established by Congress in 1972 with wide-ranging powers to carry out a revised Avenue plan. He resigned his position with PADC in January 1982 in a policy dispute with Max N. Berry, chairman of the corporation.

Mr. Owings told a reporter at the time that he resigned because he foresaw "the Avenue . . . becoming a super development; it's going to become another Rosslyn."

"We're not looking at it any longer as the main street for the nation between the president's house and the Congress," Mr. Owings said. "We're looking at it as an immediate economic situation."

He also was closely connected to the plans for refurbishing the Mall that began to take shape in the mid-1960s. These plans eventually led to the closing of Washington and Adams drives along the Mall and to the construction of Constitution Gardens, the informal park along Constitution Avenue between the Washington Monument and the Lincoln Memorial that replaced the "temporary" buildings that had occupied the site since World War I.

Among achievements here he considered most significant, he listed the reflecting pool at the east end of the Mall, completed in 1972, "because it looks good there and it solved an urban problem."

Mr. Owings said once of Washington that he considered it "the most beautiful city in the United States," but added quickly that he had no favorites, because "each has its own fascinating beauty. No two are alike."

"As I get older things get clearer for me," Mr. Owings said in a recent interview. "The things I'm proudest of are two—The Avenue in Washington and the 72 miles [of California's Big Sur coastline] which are now in pristine condition." In the early 1960s, he headed a successful fight to prohibit a multilane freeway along that coast, where he also had maintained a home for many years.

Born in Indianapolis, Mr. Owings received a bachelor of science degree from the Cornell University College of Architecture in 1927, and after a number of early commissions, he became involved in the planning for "A Century of Progress," the 1933 Chicago World's Fair.

He went through a radical change of mind late in his career, disavowing the skyscraper concept the fair had featured, and making what he called "a one hundred percent change" in his attitudes concerning the early plan for Pennsylvania Avenue. This had called for widespread demolition of existing buildings along the Avenue, including, among many others, the Washington and Willard hotels.

"I feel like a reformed hunter," he quipped at a public meeting on the District's height limitation in 1971. "We should create a nonbuilding program for all of our cities," he said, "and open up our spaces, get rid of the automobile in our downtown centers and encourage human activities . . . . If the future is going to be anything like what we're doing today, then I'm glad I'm 70 years old." He was 68 at the time.

For most of the last 30 years, Mr. Owings had divided his time between the cliffside house he designed for himself at Big Sur and his adobe home at Jacona.

An admirer of northern New Mexico's architecture, he did not favor preservation for preservation's sake.

In the mid-1970s, he oversaw creation of a downtown master plan for the Museum of New Mexico in Santa Fe, which included the razing of the 19th century Hewett house to make way for a state museum of Indian arts. The plan triggered a conflict in which he was pitted against preservationists, who eventually won.

"I feel that the hope for the future lies into going back to the roots of man—where we do not depend on systems or formulas but on a corpus of myth, fable and miracle," he once said. "We can do this through living in harmony with the laws of nature—not the contrived, plastic ones of man."

Mr. Owings is survived by his second wife, Margaret, and four children.

Mr. STENNIS. 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.

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from the State of Arizona, asks unanimous consent that the order for the quorum call be rescinded.

Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

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

OMNIBUS DEFENSE AUTHORIZATION, 1985

The PRESIDING OFFICER. The hour of 11:30 a.m. having arrived, the Senate will return to the business of the Department of Defense authorization bill.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

H.R. 4616—CHILD RESTRAINT SYSTEMS IN MOTOR VEHICLES

Mr. BAKER. Mr. President, I have consulted with the manager of the bill on this side—and I am referring to the Department of Defense authorization bill—and with certain Senators who are interested in trying to get to the drunk driving bill, so-called, which is H.R. 4616, and a time agreement.

I wish to report, Mr. President, that at this point we cannot do that. However, I do not believe that the problems are insuperable. I think we can, before this day is out, in all likelihood get to that bill on some sort of limited time basis and pass it, and I favor that.

But, rather than chew up time now on trying to negotiate away the differences and get a final clearance, I recommend to the managers that they go on with debate on the Department of Defense bill while we negotiate on the other matter, and then at some time around 1 p.m. we will canvass the situation again and see if we can get the bill up at that time.

Mr. BYRD. Will the distinguished majority leader yield?

Mr. BAKER. Yes, I yield.

Mr. BYRD. Mr. President, I am sure the distinguished majority leader is doing the best he can. I will state again that we on our side are ready to enter into an agreement that would limit time on the bill itself to 10 minutes, 20 minutes, 30 minutes, whatever, and agree that there will be only one amendment with 10 minutes, 20 minutes, or 30 minutes on that amendment. When the majority leader is ready to put the request, I will be happy to join with him.

Mr. BAKER. I thank the minority leader.

Mr. WEICKER. Will the majority leader yield?

Mr. BAKER. Yes.

Mr. WEICKER. So it is fully understood as to what is causing the delay, I do not want anybody to feel that there is objection to the matter that is proposed to be brought before the Senate. Rather, it is that this Senator feels that action required of the States should be even further strengthened by other recommendations in the Presidential report, that is, mandatory sentencing or mandatory loss of license for drunk drivers.

Let us understand why the delay—not to defeat this measure, but indeed to make it even stronger in its application against the drunk driver.

Having said that, I feel that Senator LAUTENBERG, Senator DANFORTH, and myself can sit down and arrive at an agreement. This matter can be disposed of very rapidly.

Mr. BAKER. Mr. President, I thank the Senator from Connecticut.

It appears clear to me that there is a very strong sentiment in support of this matter, and that we are likely to get a limited time agreement as the minority leader has described.

I wish to at this point express my thanks to the minority leader for clearing this matter. I am grateful for that. I hope we will be able to do the same thing on this side in the next few minutes.

Mr. QUAYLE. Mr. President, I want to thank the majority leader in behalf of Mr. TOWER. I am sure we can get the unanimous-consent agreement worked out later today in a short period of time. It is absolutely essential that we get on with the DOD bill. We have to finish that bill today. So I think it is prudent.

I thank the majority leader, and hopefully we can get on with the DOD bill now.

Mr. MATHIAS. Mr. President, would the majority leader yield for a brief request?

Mr. BAKER. Yes.

Mr. MATHIAS. When you approach the question of the time agreement on the drunk driving bill, I hope we allot enough time for amendments which will broaden the scope of the bill. It is not fair to dump all of the blame on the kids. They have their share. They ought to bear that share. But drunk driving is spread all across the whole spectrum of debate.

Mr. BAKER. Mr. President, I thank the Senator, and I observe that the remarks of the Senator from Maryland seem to meet with smiling approval from some of our more senior pages.

Mr. President, I yield now to the Senator from Missouri.

Mr. DANFORTH. Mr. President, I appreciate the help of the majority leader, and I would hope that he might be open to further participation in these negotiations. We thought we had the package pretty well put together last night. We came very, very close to getting unanimous consent for a very short time. I am aware of the fact that we do have the defense authorization bill on the floor, and that any setting aside of that for whatever amount of time sometimes is not desired by the Senator from Texas. We seem to have a kind of avalanche of possible amendments coming on. I hope that we can check it.

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

Mr. President, I thank all Senators.

I now yield to the Senator from New Jersey.

Mr. LAUTENBERG. I thank the majority leader.

I, too, would like very much to try to resolve the issues. It is an important piece of legislation on the matter of drunk driving with all its aspects. I invite the comments of the Senator from Connecticut, and the Senator from Maryland.

I think we should work very hard to get this passed quickly. We have a bill that is coming over from the House that is complete in its form, and I urge my colleagues to get together, try to resolve our differences so that we can come here, and very quickly dispose of this important piece of legislation.

I thank the majority leader.

Mr. BAKER. Mr. President, I thank the Senator from New Jersey. I hope sincerely that we can work this out in short order.

Mr. President, I would urge the managers of the bill to go forward.

OMNIBUS DEFENSE AUTHORIZATION, 1985

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

The bill clerk read as follows:

A bill (S. 2723) to authorize appropriations for the military functions of the Department of Defense, and for other purposes.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. QUAYLE. Mr. President, am I correct that the pending business is the Department of Defense authorization?

The PRESIDING OFFICER. The Department of Defense authorization bill is the pending business.

Mr. QUAYLE. Is there any pending unanimous-consent request?

The PRESIDING OFFICER. None has been laid down that the Chair knows of.

Mr. QUAYLE. Is there any pending amendment?

The PRESIDING OFFICER. None.

Mr. QUAYLE. Mr. President, it is my understanding that the Senator from Illinois will be offering a motion to recommit. We will debate that. Then after that, it is our hope, and perhaps our anticipation that we will be able to get on with MX amendments. These are the two major amendments that we have to deal with today. There are other amendments. I encourage Senators. It is now 5 minutes until 12. It is going to be a long day, and a long night. But we are going to finish this bill.

Chairman TOWER, I believe the ranking member, and everyone else is on board to finish this bill. I encourage Senators to start bringing their amendments over. After we dispose of the Dixon amendment, hopefully we will be on with the MX amendments.

I thank the Chair. I thank the Senator from Illinois.

I yield the floor.

The PRESIDING OFFICER [Mrs. KASSEBAUM]. The Senator from Illinois is recognized.

MOTION TO RECOMMIT

Mr. DIXON. Madam President, I want to thank my distinguished friend from Indiana.

At this time, Madam President, along with Senators KENNEDY and FORD, I move to recommit the bill, S. 2723, to the Committee on Armed Services with instructions that the committee report the bill back to the Senate within 5 days, not counting any days on which the Senate is not in session, after the day on which this motion is agreed to, with such changes as may be necessary to authorize a total new budget authority for defense-related programs for fiscal year 1985 of not more than $293.7 billion.

Madam President, I ask to be heard on the motion.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Madam President, I offer this motion to reduce the effective growth rate in defense spending to 5 percent in the defense authorization bill.

The dollar effect of this motion, Madam President, will be to reduce our outlay for defense from $299 to $293.7 billion.

This approach is consistent with my earlier efforts, along with those by some of my colleagues, to contain defense spending. Several of us tried to convince the Armed Services Committee that a 5-percent increase in defense spending is entirely adequate to meet our national defense needs. Unfortunately, we did not succeed.

Now, I realize the distinguished chairman, and some other members of the committee, will argue that this bill has been carefully considered by the Armed Services Committee. I am a member of that committee, and we have given this bill an extensive hearing. In my view, however, the final price tag—$299 billion—still is too high, despite our efforts in the committee.

The full Senate is the final arbiter on everything which takes place in this Chamber. For that reason, I feel that my colleagues should have the opportunity to indicate, through my proposed motion, whether they favor limiting the growth rate for defense to 5 percent. Such a position will bring the figure for defense spending down to $293.7 billion—a bottom line figure that others and I supported in committee.

Madam President, I support a strong national defense—a defense second to none. I campaigned in 1980 for a strong defense, and I have been supportive of programs and projects to strengthen our defense since coming to the Senate.

However, we must be prudent. We must balance our defense needs against other needs in this country. We must pay careful attention to our human needs.

Above all else, Madam President, we must remember that our vote on the defense authorization bill will not be cast in isolation. It is but one of many important votes on authorizations and appropriations we make this year.

As I said on February 1 of this year, we are dealing with administration proposals that substantially increase spending for defense, while cutting domestic programs of great importance to Illinois and numerous other States.

Although we are dealing here today with defense spending, we must all be cognizant of cuts in education, cuts in nutrition programs, cuts in health plans, and cuts generally across the spectrum of social programs. I have seen firsthand, in my State, the negative effects of hunger upon our unemployed, our senior citizens, and our children.

These reductions are especially harmful to Illinois, Madam President, where we still have an unemployment rate of 9.1 percent—well above the national average; 92 of our 102 counties exceed the national unemployment rate. Among the most adversely affected are: Gallatin County, with 24.5 percent; Calhoun County, with 23.9 percent; Alexander County, with 23.1 percent; Pope County, with 22.8 percent; and Pulaski County, with 20.9 percent. In East St. Louis, in my home county of St. Clair, it has been estimated that more than half of the people are unemployed or underemployed. None of us in good conscience, Madam President, can condone 50-percent unemployment anywhere in this great land of ours.

In offering this motion, Madam President, I am saying that we must balance our obligations to a strong defense against our obligations to our citizens generally.

An increase in defense spending of 5 percent seems reasonable to me. Such an increase would allow us to maintain the current defense effort, and then some. It would also allow us to continue some of the vital domestic programs endangered by the administration's budget.

Madam President, how do we trim the authorization bill back from $299 to $293.7 billion? My motion is designed to answer that question by placing the matter back before the experts in this field—the Armed Services Committee.

Adoption of this motion will notify our country that the Senate of the United States is willing to balance both our national defense interests and our domestic programs.

In short, Madam President, $293.7 billion is an adequate level at which to fund the national defense. It is an equitable allocation, in view of the budgetary constraints imposed upon us at this time.

Without doubt, Madam President, all of us in this body desire to discharge our responsibility to provide funds for a strong defense. We must, however, attain that objective in an evenhanded manner within the constraints of our overall economic situation. I am firmly convinced that the Armed Services Committee can achieve the goal targeted in my motion, which I now ask my colleagues to consider.

Madam President, every time we talk about our national defense, somebody says, "But we have to keep up with the Russians."

I do not trust the Russians. Nobody here trusts the Russians. Everybody here agrees that we have to compete with, and have a national defense equal or superior to, the Soviet Union, the other great superpower.

I would like to call the attention of my colleagues in the Senate to the Washington Post of this morning, Thursday, June 14, 1984, entitled "Soviets Sped Rate of Military Spending in '83, Pentagon Says."

It is not some liberal group in the country, not some fuzzy-headed person in some university. It is the Pentagon. And what does the Pentagon say? "Unfinished DIA Study Cites Growth of 3 or 4 Percent a Year." Three or four percent a year.

I want to read from that for you, Madam President.

And I ask unanimous consent that the article to which I am referring be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. DIXON. Madam President, the article states:

> The Defense Department yesterday released preliminary results of an unfinished study showing that the Soviet Union increased military spending at a greater rate last year than during the previous 6 years.

Just think, last year they spent more than during the previous 6 years.

> According to the Defense Intelligence Agency's preliminary estimate, the Soviet defense budget grew at a rate of 3 or 4 percent from 1982 to 1983.

Then listen to this:

> Between 1976 and 1982, such budgets grew about 2 percent each year, U.S. intelligence officials have said.

Again, this is not some fuzzy-headed liberal someplace, but the intelligence officials of the defense apparatus of the United States of America saying that over a 6-year period, the Soviet Government has increased its expenditures for its own national defense 2 percent most of the time and 3 or 4 percent the rest of the time.

Now listen to this:

> Defense Secretary Caspar Weinberger directed DIA to release their estimates after hearing their preliminary report several weeks ago, a senior Defense official said.
>
> Asked whether the release was timed to coincide with this week's Senate debate on the U.S. defense budget request for fiscal 1985, the official said, "It's hard to find a time during the year these days" when the military budget is not being debated.

How true.

But, again referring to the article, we are spending more, if this evidence is true, on our national defense than the Soviet Union every year.

This administration asked for 13 percent originally—13 percent while they are cutting every domestic program in America. The "rose garden accord" cut it to $299 billion. I say to my friends, the best estimate is that this represents 7.5-percent growth—7.5-percent growth while educational programs are dying, while nutritional programs have been abandoned, while the hungry are still hungry in the major cities of America, while the farmer is failing on the American farm, while unemployment in my State is 9.1 percent and 509,000 Illinoisans who want to work cannot find jobs. And they want 7.5 percent, more than three times what the Russians are spending.

Madam President, I say 5 percent is very generous. I say to my colleagues that 5 percent is enough to take care of the obligations of a strong national defense.

Madam President, this morning, I went to a hearing of the Banking Committee. We heard Chairman Volcker continue to talk about high interest rates. Why? Because the deficit is too high and growing. He continued to talk about our trade deficit problems. Why? Because our deficit is growing.

Here is the one single opportunity every lady and gentleman of this Chamber will have, the one single opportunity in this session of the U.S. Senate that every Senator will have to, in one fell swoop, save $5.3 billion while not hurting a thing—$5.3 billion, Madam President, while still keeping a strong national defense; national defense growing at the rate of inflation plus 5 percent. This is twice what the Soviet Union will spend this year; growing at the rate of 5 percent, hundreds of times more than most other nations of the world are spending.

I know that the votes are probably not here to do this, but I want to say this for the record: I was raised in a family where my father taught me that the truth will fit anyplace. And the truth is that when the Senate of the United States, in short moments now, defeats this motion, the Senate of the United States will have, by that vote, gone on record as saying we Senators support a no-growth or cut policy for every domestic program and we support increasing our national de-

fense commitment at the expense of every American, at a rate of more than twice the growth of the other competitive superpower, the Soviet Union.

Madam President, I suggest that with any thinking American, that will be a very, very difficult position to embrace.

I say this in conclusion: I support a strong national defense. I am prepared to go back to the Committee on Armed Services as the newest kid on the block and vote to cut $5.3 billion out of a $299 billion program, which we can well afford, and bring us back with a national defense superior to the Soviet Union's, while ensuring to Americans generally the consciousness of this Congress of our deficit problems, our high interest rate problems, and our obligations to American taxpayers generally to do the responsible things.

Biting the bullet is not just biting the bullet on a program you do not like. Biting the bullet is biting the bullet on all programs—not just on the Food Stamp Program you do not care for. It counts as a similar dollar when they cut it out of a program you love. This program demands cutting. This program reeks with excesses against the rest of the budget. It screams out to the country our disregard for the obligation we took when we came to this place.

I say to my colleagues, this motion may be defeated, but the day will come when we shall all see that continuing this policy is absolutely destructive of the kind of thing that is best for this great Nation.

I thank the Chair and my colleagues and renew my motion.

EXHIBIT 1

[From the Washington Post, June 14, 1984]

SOVIETS SPED RATE OF MILITARY SPENDING IN 1983, PENTAGON SAYS

(By Fred Hiatt)

The Defense Department yesterday released preliminary results of an unfinished study showing that the Soviet Union increased military spending at a greater rate last year than during the previous six years.

According to the Defense Intelligence Agency's preliminary estimate, the Soviet defense budget grew at a rate of 3 or 4 percent from 1982 to 1983. Between 1976 and 1982, such budgets grew about 2 percent each year, U.S. intelligence officials have said.

Defense Secretary Caspar W. Weinberger directed DIA officials to release their estimates after hearing their preliminary report several weeks ago, a senior defense official said.

Asked whether the release was timed to coincide with this week's Senate debate on the U.S. defense budget request for fiscal 1985, the official said, "It's hard to find a time during the year these days" when the military budget is not being debated.

The Reagan administration asked Congress for a 13 percent increase in defense spending for fiscal 1985, adjusted for inflation. Under congressional pressure, that request was reduced to 8 percent and is being debated on Capitol Hill. Estimates of Soviet military spending, always uncertain because little information is officially released in Moscow, have been controversial for two years since a CIA estimate that Soviet military spending had leveled off since 1976.

Critics of the Reagan administration's military buildup cited such estimates, but Weinberger maintained that Soviet military spending has not slackened and said the dispute between the CIA and DIA about the rate of growth is merely of academic interest.

In fact, the DIA last year estimated that Soviet spending had grown considerably faster than the CIA estimate of 2 percent. The CIA has not completed its assessment of Soviet spending in 1983 and did not participate in the Pentagon briefing for reporters.

During the briefing, defense officials who asked not to be identified said increases in Soviet spending during 1983 were mostly in procurement.

They said the increase was due more to the complexity and cost of weaponry than to increased production.

They said that in about 40 instances in which Soviet weapons were surveyed, production increased in 16 areas, decreased in 10 and remained about the same in the other 14 classes of weapons.

But, while the Soviets produced few jet fighters, for instance, those they did produce—including MiG31 Foxhounds and MiG29 Fulcrums—were, like advanced U.S. jets, more capable and more expensive than previous models. As a result, procurement costs probably increased about 5 to 10 percent, the official said, noting that the estimate is based on an examination of only half of the Soviet procurement budget.

"The complete workup of dollar and ruble costs will not be finished for several months," a senior official said. "We do have full confidence in these preliminary figures, but they are not final."

U.S. weapons procurement increased from $79.7 billion in fiscal 1983 to about $86 billion this fiscal year, or about 8 percent. For fiscal 1985, the administration is seeking an increase to $107.6 billion, or about 25 percent, and, for fiscal 1986, it anticipates spending about $124 billion for weaponry.

Mr. QUAYLE and Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. QUAYLE. Madam President, I ask for the yeas and nays on the motion.

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

The yeas and nays were ordered.

Mr. QUAYLE. Madam President, I shall respond very briefly to my good friend from Illinois on a couple of points. One, as far as biting the bullet, I know my good friend knows there has already been a reduction in defense spending from the $313 billion originally proposed down to the $299.5 billion that is presently before the Senate. So there has been a reduction and there has been a cutback. As the Secretary of Defense said, these cutbacks are done at risk. So I do not think there is any suggestion around here that defense spending has not, in fact, been cut back. It has.

This idea that there is some sort of outrageous excessiveness within the defense budget—perhaps the Senator from Illinois or others can go ahead and maybe we shall get into this debate and pinpoint specific programs that will reduce it this $5 billion. But we have already been through this charade of whether we are going to have 8 percent or 10 percent or 7 percent or 5 percent or 4 percent of defense spending. We have gone through that. The Senate has voted in the budget process on a number of occasions that the Senate is going to stay at the figure of $299.5 billion. We have voted on that.

This amendment is just a rehash of the whole budget debate that we have had. It does not specify what programs are going to be cut. It does not specify where these reductions are going to be done. It is going to take it back to the committee, where the Senator from Illinois comes from and this Senator and other Senators on the Armed Services Committee, to go through and come up with these reductions. I suggest to the Senator that we have already done that. We have already gone through this. We have had a number of hearings.

I would like to point out to my friend that there is some sort of implication that we are going to resolve the interest rates and the deficit problem by going from 7.5 percent down to 5 or 5.5 percent defense budget, save $5 billion that is really a very small fraction of the budget deficit. Where we are going to resolve that budget deficit is not going to be in the Defense Department or national security, but through the budget process, the deficit reduction package. That is where that issue takes place.

There may be some point—although I am not suggesting that perhaps we are going to balance the budget as such just by cutting defense, or that we are going to have economic recovery, although defense spending and national security certainly provides jobs—whether or not in our respective States—that it is going to provide economic expansion just by reducing the defense budget. I think it is important that we understand the perspective and the totality of where we have been in the last two decades as regards national defense. As a percentage of gross national product in the years 1955 to 1960, we spent on national defense about 9 to 10 percent. We spent on entitlement programs at that time about 5 or 6 percent. Take the time period from 1955 to 1960 to 1984 and with this, as the Senator from Illinois says, excessive defense budget as a percentage of GNP, we are spending 6.5 percent.

In other words, over the last couple decades as a percentage of the gross national product, defense spending has been reduced—some would reduce it even further—but entitlement pro-

grams have gone from the 4 or 5 percent range up to about 12 percent of the gross national product. So I suggest to those who are really serious about this deficit reduction package or the deficits that I am concerned about that you are not going to do it by gutting the national defense bill. We have done that for a couple decades and that is the reason we have to have an unusual period where we spend more for defense than perhaps many would like.

I think that former Secretary of Defense Harold Brown said it best when the Senator from Illinois talks about the Russians only spending only 3 or 4 percent. The problem is as he put very aptly, "When we build, they build; when we stop, they build." That is what has happened and that is where we are. If we think we are going to cure any kind of economic problem by going back to 5 percent, I think that is simply misleading. This Senate has voted on it. This is a budget debate. On a budget debate we just pick numbers out of the air, 5 percent, 10 percent, you name it, here we go, flip a coin. And that is what we are doing on this amendment. We have voted on it time and time again and this Senate has stood fast at $299.5 billion. I hope it does the same again today by defeating the motion to recommit by the Senator from Illinois.

Mr. GOLDWATER. Will the Senator yield?

Mr. QUAYLE. I yield to the Senator from Arizona.

Mr. GOLDWATER. Madam President, we are going through the same political poppycock that we go through every year. Every year since I have been here somebody has gotten up and suggested a meat-ax approach to a budget that has been studied and studied and studied. I do not know how many man-hours the Armed Services Committee has put on this bill. I cannot even relate the number of meetings my Tactical Warfare Subcommittee has had, the number of hours that the military men have spent away from their jobs on Capitol Hill.

Now, the Senator from Illinois talks about the Russians. I do not give a hoot what the Russians spend. The man that is going to tell me what is proper military spending for this country is a man who wears a uniform or is employed in the Pentagon who knows something about this subject. I do not care if the Russians spend five times as little. I think if we are smart we can avoid war all over this world, and we have not been too smart if we keep up the approach the Senator from Illinois is suggesting. This is nothing but a political play. Madam President, what is the Senator going to suggest? The B-1 has 65,000 people working on it. Does he want to cut them out of work? Talk about unemployment in Illinois. You start cutting this and you do not know what unemployment is. Does the Senator want to cut out those OA-37's that we so generously gave to the Air National Guard in Illinois? We can save a little money if we do that. Oh, we can save money if you get close to home—about 5,000 employees I would judge are employed on just three fighter planes each, the F-16, the F-15, and the F-18.

This kind of an approach, Madam. President, has been tried and tried and tried. I want to hear specifics. I would like to get up and debate the B-1 or the MX or some other weapon system that some Senator takes exception to, but to stand up and say we can save 5 percent, the Senator himself voted for this amount of money. Why did he not sound off in the committee and say, "Oh, that is too much money. I am not going to vote for it." The Senator voted for it. And he is not even running for reelection this year. I do not know what political advantage there can be to him offering this kind of an approach. Now, if a fellow is up for reelection, it makes, I guess, a little horse sense back home to say, "Oh, I voted to cut this thing $5.9 billion."

Madam President, we have been through this. The Constitution charges us to defend our country, and that is the No. 1 job we have. We have invented welfare. We are a welfare state now. And from what I hear around here, everybody's money is going to go to the support of welfare, the hell with defending this country.

I do not like that attitude, Madam President. When I came to the Senate, I held my hand up and I swore to defend the Constitution of the United States against all enemies, foreign and domestic. Now, I have done a little bit of work against the foreigners but I do not like to get to war domestically to protect our Constitution.

Madam President, this kind of an approach to our budget just does not make sense. For example, 60 percent of all the money the Senator is talking about goes to pay the troops, goes to feed the troops, goes to buy their uniforms. And we are going to suggest a little increase in pay. Now, if the Senator from Illinois would like it known back home that he is opposed to paying the troops anything, he is opposed to feeding them, he is opposed to putting them in the proper uniform, that is up to him.

Madam President, this is a very, very, very bad motion and I think the Senate should support its earlier decision. I do not think we should deviate now from its stated position on defense as reflected in the first concurrent budget resolution.

Let me end by adding one figure that is of great interest. The Senator cited the percentage figures of the money spent on national defense at 6.7. That is about the same as George Washington spent on the Revolution. Now, we are getting in a bad fix when we want to go back and compare ourselves with the armies that had to fight the British. I do not know how long we are going to have to put up with this stuff. I wish we could get through with all this headline hunting, political grabbing, and let us get on with the job of defending our country. Let us not send a bill back to the Armed Services Committee that has been heard and heard and heard up and down and around the brook.

Madam President, this is a bad approach and I am going to vote against it. I hope everybody in this Chamber makes it very plain to those people who want to take this kind of a meat-ax approach that you are not going to get away with it.

Mr. KENNEDY and Mr. BOSCHWITZ addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Madam President, first of all, I welcome the opportunity to cosponsor this motion with my colleague on the Armed Services Committee, Senator DIXON. I had offered a similar amendment in the Armed Services Committee during the consideration of this bill.

Madam President, at the outset I reject the argument that has been presented in opposition to the motion of the Senator from Illinois that suggests if you are for a 5-percent real growth, you are not interested in the national security of this country. Nonsense, Madam President, nonsense.

Are those who oppose the motion we are offering today trying to suggest we are not concerned about out national security or national defense? I reject that on its face. The House of Representatives, Madam President, in its budget resolution has 3.5 percent real growth for defense. Are they less interested in the security of the United States? Do the Members of the House of Representatives not know as much about national security as Members of the U.S. Senate who are resisting the motion? Are they less interested in the security of this country?

Madam President, on its face that kind of argument really has no place in this debate. I hope we are going to get away from citing the percentages of what we were doing in the 1950's and 1960's—I am familiar with them—on national security and national defense. We did not have a medicare program in the 1950's and early 1960's. We did not have nutrition programs in the 1950's and early 1960's. To use the budgets of the 1950's and early 1960's as a measuring device to talk about the amount to be devoted to our national security and national defense is basically meaningless, unless those same individuals are going to offer an

amendment to repeal medicare, nutrition programs, all of the health programs. If you want to do that, then come in on this debate but otherwise let us get away from those old slogans and old arguments.

The motion of the Senator from Illinois has as its basis a more meaningful purpose than has been recognized by those who have opposed it.

The purpose of this amendment is to try to build a national consensus for spending for national security over a period of time so that those who are charged with responsibility in this area can have a sense of predictability and certainty concerning the amount of resources we are going to spend for the security of our country. I prefer a figure lower than 5 percent. Others here prefer a higher figure.

Would it not be wonderful, for a change, to be able to agree on a figure for a period of years, recognizing the long leadtime it takes to develop weapons systems and so many other programs that are essential for our security, and say that within these parameters of 5-percent real growth, we will be able to make balanced and considered judgments that are really in the interests of our national security?

Madam President, this is a responsible amendment. What we are proposing is that the bill be recommitted to the Armed Services Committee and revised to provide 5-percent real growth and that the subcommittees—including the subcommittee which the Senator from Arizona chairs and on which I serve as the ranking minority member, the Tactical Warfare Subcommittee—be permitted to make judgments as to what is essential and necessary if we are going to have a 5-percent real growth in this military budget. That is a responsible way of dealing with it.

When those of us who offer various amendments on the MX or on the Star Wars Program or other defense programs debate those issues, as we have debated them on the floor, we hear: "Well, you don't really understand the total context of these particular weapons systems within our security and defense needs."

What we are trying to say is this: Go back to the committee that has the knowledge, has the know-how, has the understanding of these particular issues. Have them make a judgment and then report back, meeting this 5-percent real growth.

Madam President, the House Armed Services Committee in the House of Representatives recommended about 5.8-percent real growth. The House of Representatives in its budget resolution has 3.5 percent. If we accept the amendment that is being offered today, at 5 percent, it should be pointed out that we will have actually doubled, since 1980, the resources we are expending on national security and national defense. It has gone from $145 billion in 1980 to $294 billion with this amendment, double, over the last 5 years.

Let no one think that if this motion is not accepted, we have not doubled the amount of resources we have committed. Let everyone understand that if we accept this motion, we will still be adding some $30 billion over what was expended last year—$30 billion even with the acceptance of this motion.

So, Madam President, I strongly support this motion. Having been in the Senate for some 20 years I have seen dramatic increases in defense expenditures one year, significant reductions in another year, with a dramatic roller-coaster effect, depending virtually upon the whim of the moment. I do not think that is a sound approach to allocating resources for this Nation in meeting our national security needs; and I do not think that thoughtful men and women within the Defense Establishment or those who have been outside of it and who have the benefit of hindsight would think so, either.

The purpose of this amendment is to begin to establish some benchmark by which this Congress, this Senate, and this administration can begin to set in motion a figure which has the support of the country, Republican and Democrat alike, which can be agreed upon with the House of Representatives, and to be the figure which we can set for the future, to meet the most important national security needs of this country.

The bill before us authorized $299 billion for defense spending—7-percent real growth using CBO's nonpartisan economic projections.

Under the President's more optimistic assumptions, this bill represents 8.3-percent real growth.

The level of spending authorized by the committee is not necessary to assure our national security.

Unrealistically high defense budgets threaten to bankrupt our economy and ensure continuation of $200 billion deficits far into the future.

This increase is also unjustified in light of the dramatic real reductions in spending for vital domestic needs—health, education, the environment and basic human services.

Our motion would continue a steady level of predictable growth, rather than perpetuate the roller coaster of high spending followed by sharp cut backs.

The 5-percent real growth is what we envisioned in last year's budget resolution and is higher than the real growth of less than 4 percent actually appropriated last year.

We can achieve 5-percent real growth without sacrificing the readiness of our forces.

We spend a lot of time talking about percents of real growth—4 percent, 5 percent, 7 percent. It's important to recognize the magnitude of our increase.

Even at 5 percent, as our motion proposes, defense spending will have more than doubled since 1980—an increase of $148 billion. Our motion would allow an increase of nearly $30 billion over last year's appropriation—ample funds for orderly modernization and increased readiness.

At a time when we are actually cutting back other important programs, surely it is reasonable to hold defense to a $30 billion increase.

The committee would be free to make its own, informed judgments as to where the cuts should come.

O&M has already been reduced considerably—to 6.7-percent real growth. In contrast, this bill provides 15-percent real growth for RDT&E, 9.9-percent real growth for DOE weapons programs, and 9.1-percent real growth in procurement.

Programs that follow under our strategic committee were cut only about 4.4 percent, while conventional tactical and seapower programs were cut from 7.5 percent to 8 percent below the President's budget request.

We could make substantial reductions in costly and unneeded strategic programs—like the Star Wars Program which experiences more than 50-percent real growth in this bill.

Opponents of this motion may argue that the committee has already made substantial reductions. But the reductions were made from the President's wildly over-inflated proposal for 13-percent real growth.

Many of the reductions made thus far are simply bookkeeping changes—almost one-third fall into this category.

Twenty-one percent of the so-called cuts are merely financing changes as the result of more up-to-date cost estimates.

Another 11 percent undistributed reductions—where the committee has not made any specific proposals for cuts.

Each of us can identify promising areas for savings. For example the Navy will be procuring no less than nine different types of new and used aircraft—some at quantities as few as six. The Air Force has eight aircraft lines open.

I think we all know that, when all is said and done, the level of real growth in defense spending will not exceed 5 percent. The time is now to make these realistic reductions, rather than force some across-the-board cuts in a continuing resolution.

Madam President, I hope that the motion of the Senator from Illinois is agreed to.

SEVERAL SENATORS addressed the Chair.

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

Mr. EAST. Madam President, I should like to take a few minutes to speak in opposition to the amendment offered by the very able Senator from Illinois. I wish to associate myself with the remarks that have been made by the Senator from Arizona [Mr. GOLDWATER], and I should like to take a moment or two of the time allotted to me to put into perspective what I think is being lost, perhaps, by not seeing the forest for the trees.

The President of the United States, the Chief Executive, who is responsible for the national security of this country, originally suggested a budget of $313.4 billion. That was reduced to $299 billion. Now they seek to reduce it to $293.7 billion—from 7 to 5 percent.

As Senator GOLDWATER has pointed out, the prime responsibility of the Federal Government is national defense. There is no other level of government in the American federal system that has that responsibility. State and local governments do have the responsibility in other areas, be it welfare, education, roads, whatever; and to some degree we can share that responsibility. But the fact remains that the prime responsibility of national defense rests with the U.S. Congress and the Federal Government here in Washington; and if we do not provide it, it will not be done.

I do not agree with the notion that you can put national defense on a constitutional par with your so-called social programs or other types of programs. That simply will not wash constitutionally; because, if you look at article I, section 8, we are given the responsibility of providing national defense.

In 1960, we spent 49 percent of the Federal budget on national defense. Today, we spend 28 percent. The deficit has not been caused by expansion of military spending but by spending in other areas; namely, of the type the Senator from Illinois mentioned, the entitlement programs, the uncontrollables. They account for 65 percent of the Federal budget. It is those programs, with all due respect to them, that are the principal cause of the deficit. It has not been the growth of defense spending, which has declined dramatically.

In 1960, we spent 12 percent of the gross national product on national defense. Today, we spend 6 percent. Is the threat any less in the world today than it was then? No. It is greater. That is the unyielding reality of international relations today in terms of the growth of Soviet power in the world, whether it is recognized by the distinguished Senator from Illinois or not.

The Secretary of Defense, Mr. Weinberger, has said that the threat is genuine, it is real. The Chairman of the Joint Chiefs of Staff, General Vessey, has said that if the current trends continue, there is no question that the Soviet Union will eclipse the United States in strategic and conventional capability.

And that will represent instability in the world and be the greatest encouragement to Soviet adventurism through its surrogates, be it Cuba in Central America, or in Africa, or in Asia or the Middle East, or wherever it is. A weak America is the single greatest contribution to instability and the potential for war in our time of anything that I can think of.

An America that is perceived and does in fact have the preeminent first rate military capability strategically and conventionally will be the single greatest contribution to peace, freedom, and security in the world. It is our responsibility to provide that.

We are all familiar with the old statement that Santayana made that if you do not learn from history, you are bound to repeat it. I think we are repeating it today. This debate reminds me, if you will go back to the 1930's, of the debate in the U.S. Senate. It reminds me of Winston Churchill's statement about the gathering storm. In the 1920's and 1930's, the United States took on a posture of really allowing itself to degenerate into a third-rate military power in terms of defense capability. It took the posture of isolationism. And did that bring us peace and stability and freedom in our time? No. It brought us the greatest war we have ever known in our history at a great cost of human life, not only to our own people, but to peoples throughout the world.

The other day in Normandy when they celebrated the landing at Normandy and the enormous price we paid in young American blood, I do not know of a more dramatic illustration of the fact that if we in the 1980's retreat into a shell of military weakness and isolationism, we invite the same disaster in this decade that that Congress, that was naive and lacking perception, stumbled into in the 1930's.

I am not questioning anyone's loyalty to national defense. I am not questioning anyone's loyalty to this country. But I am questioning their judgment about the imperative need for this country to maintain and to restore the imbalance that has been allowed to occur over recent decades in our defense capability, our defense credibility, as it is perceived in the world. And the Senator from Illinois, with all due respect to him, will be contributing, if this amendment passes, to that perception in the world of a weak and impotent America that is unwilling and unable to assume its leadership as the prime and key leader in the free world.

I wish to disassociate myself with any effort in the Senate to repeat the folly and the error of the 1930's because as the young British did in that time who fought for isolationism in the great Oxford debate when they said, "The proposition was we will not fight for king or country," they did end up fighting for king and country, and they paid a heavy, bloody price for it because they refused to confront the great totalitarian menace at that time which was fascism and nazism and the great totalitarian threat to the free societies in our time is communism. It is in the Soviet Union and her surrogates that we face a real and genuine challenge, and I hope this Congress and I hope the American people will not repeat the follies of the twenties and thirties, and I commend the President of the United States for perceiving that, and as Chief Executive he is trying to provide the leadership to restore the defense credibility of the United States and our perception of strength and vision and will and leadership in the world.

And that more than any other single factor will give us the very thing we all seek, namely peace, freedom, and stability, but you will not get it through self-enforced weakness, isolationism and, in effect, the path I think we are now following of unilateral disarmament, or at least we are stumbling into it piecemeal by continuing to reduce our defense budget.

Defense today is not cheap. As Senator GOLDWATER noted the other night, you do not fight or head off or prevent the next war with the technology of the last war, and we live in a highly technological age and I regret that it is expensive. But you must have the MX missile, you must have the B-1 bomber, you must have the Trident submarine, you must have that triad as a strategic deterrent to Soviet nuclear capability. Then you must have your conventional forces and they must be effective and paid well and have a striking capability. That does not come cheap.

But then freedom has never come cheap, and I keep coming back to the same point I made at the outset of our remarks. It is the prime responsibility, as Senator GOLDWATER has rightly said, under the U.S. Constitution that we and we alone in the American federal system, this Senate, this House, provide for the national defense, and we have not been doing it in recent decades, and the President is correct. We must now restore that imbalance, and the proposal by the Armed Services Committee is an effort to try to do that.

I regret that the Senator from Illinois, for whom I have the profoundest respect, would be a part of an effort to

watch this continued deterioration; and I think unwittingly, unwittingly, not intentionally, he will be contributing to, and those who support this amendment, the foolishness, to the folly, to the naivete of the twenties and the thirties, and the price we shall pay for it will be enormous in terms of the blood of our youth, I fear.

So I want to make the record as clear as I could, Madam President. I am strongly opposed to this amendment and I hope our colleagues will reject it not only by a majority vote, but by an overwhelming majority vote so that the message will go out to the land and through the world that this country is not abdicating its leadership in terms of defense, strength, vision, and understanding of the kind of great threat that we face in our time.

I close on this remark: In the 20th century, the two great threats to the democratic heritage and tradition that all of us on both sides of the aisle love, cherish, and respect, the two greatest threats to it have come from totalitarianism of the right, fascists and Nazis, and today it comes from totalitarianism of the left in the nature of communism. They share the same goals. They share the same ends. They merely have differing rationales. But they shall be judged by their fruit, and their fruit is Dachau, Auschwitz, and Buchenwald in the case of the Nazis; and it is Gulag in the case of the Soviet Union, and that is a legacy I do not care to leave to my children or my grandchildren, let alone to the rest of those in the world who cherish human freedom and human dignity.

And the linchpin in preventing that from occurring is a strong national defense in this country and a country of will and vision, and the current defense budget is the minimal that we can make in contributing to that perception.

Again I beg my colleagues to vote against the amendment of the very able Senator from Illinois.

I thank you, Madam President.

Mr. BOSCHWITZ addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. BOSCHWITZ. Madam President, I yield to the Senator from Kentucky.

Mr. FORD. Madam President, I appreciate the Senator from Minnesota yielding. I ask unanimous consent that he may yield to me on the basis that he would regain the floor when I finish my remarks.

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

Mr. FORD. I thank the Chair and I thank my friend from Minnesota.

I would like to make two quick points. We have heard loud voices today about the percentage of GNP now going to defense. It is like 10 percent of a dime and 5 percent of a dollar. That is exactly what the GNP was when they referred to it and what the GNP is today.

Second, we hear a great deal that if we do not vote for $299-plus billion for defense, we become isolationists. Well, those who call us isolationists are the very ones that are trying to exclude imports into this country. They are becoming isolationists. They do not want other countries to sell and they do not want fair or free trade. But then they begin to call those who would like to reduce the expenditure of the Federal budget isolationists, and I resent it.

I am not one who wants to weaken this country as it relates to defense. The thing that disturbs me most is that we are locking ourselves into the largest expenditure in the history of the world. And when we do that, it is like a vee. It starts out little, but it gets big.

I think that those who cry so loud today, that in a few short years the burden of financial expenditure in this area will cause a rebellion by the taxpayers and then you will vote and I will vote as our constituency tells us or we will not be here to exercise our constitutional rights.

So, Madam President, this Nation is faced with a deficit. We have lots of problems. This will not solve any one, but it certainly will help if we put it on a sound foundation. We do not need it on sand.

Madam President, this Nation is faced with a $200 billion Federal deficit—a staggering and, indeed, sobering figure. As representatives of the American people, we in the Congress must take strong steps to curb Government spending and balance the budget.

Over the last 3½ years, the only real cuts made in the budget have been aimed at the least vocal, the most vulnerable segment of the population—those in need. Fully 50 percent of the Federal spending cuts have been directed at that 10 percent of the budget going toward means-tested benefit programs. Perhaps many of those cuts were necessary, but we should not loudly beat our breasts about cutting Government spending while entitlements, interest and defense costs continue to soar.

As a percentage of GNP, social security and medicare are the only major domestic spending programs which have increased over the past 3 years. Yet, in spite of those increases, overall spending on domestic programs has declined as a percentage of GNP and will continue to decline in the years ahead. In contrast, defense and net interest payments continue to eat up greater and greater amounts of our gross national product.

So far defense spending has escaped the budget cutters' knife. To the contrary, it has increased 43 percent.

The figure in the Department of Defense authorization bill before us is $299 billion which allows a real growth of 7 percent. In the name of fiscal responsibility, this figure can and must be reduced. The motion before us to recommit the bill would permit just that. By asking for a 5-percent real growth rate, it would reduce our budget authority for defense from $299 billion to $293.7 billion, a savings of $5.3 billion which can be returned to the Treasury as a deficit reduction.

The committee report on S. 2723 states that the net impact of the bill is a reduction of $14.4 billion from the President's $313.4 billion request for national defense. This self-congratulation is a false one, however, for it is not even based on the "rose garden" figures and I think anyone in the Budget Committee will tell you that they will not be the final budget figures for fiscal year 1985. After all, the House-passed DOD authorization bill is approximately $292 billion.

It is my understanding that several of our colleagues on the Armed Services Committee itself, men who are far better versed on the subject of defense spending than myself, are advocates of a 5-percent real growth rate. No one in this Chamber, least of all those who support the pending motion, wishes to weaken our national defense. But it is our firm opinion that defense spending can be cut by $5.3 billion without jeopardizing our defense posture; $293.7 billion is certainly sufficient to sustain our strategic programs while strengthening our conventional defense. We simply must be more prudent about selecting candidates for our increasingly tight defense dollars.

Who can make these choices better than those experts who are members of the Armed Services Committee, the body to which this legislation would be referred for revision?

Let us face facts. The real growth rate for defense spending is going to be lower than the 7 percent in the bill before us. And the correct place to make them is at the authorizing level.

Madam President, everyone wants a strong national defense, and few would argue that defense spending must not rise. But we cannot pay for a national defense that we cannot afford, one that will, in the long run, bankrupt our economy and rob this Nation of its resources.

I urge my colleagues to support the motion to recommit.

Mr. TOWER. Will the Senator yield, with the permission of the Senator from Minnesota?

Mr. FORD. Yes.

Mr. TOWER. I just want to set the record straight on one thing. I happen to be a very staunch advocate of doing what is necessary and spending what is necessary to fund our requirements

for national defense. But I am certainly not a protectionist.

I believe the Senator from Kentucky suggested that some of us suggested that reducing defense spending is a new isolationism or is pursuing the isolationist course. But the fact is I am certainly not a protectionist. I certainly believe in free trade.

I am one of those who has always advocated that we must buy more military hardware from our allies, because they buy about eight or nine times as much military hardware from us as we buy from them. And we have to establish a two-way street for the cohesion of NATO, for rationality and cooperation in our forces.

I do not know who the Senator from Kentucky was talking about when he suggested that those of us who are strong defense advocates or advocating high spending for defense are protectionists. I certainly am not.

I happen to be a Southerner. My great grandfather was in the gray line—what they were fighting for was free trade. They were not wealthy, so they did not worry about the slave trade, that did not matter. But they did believe in free trade. They sold cotton. They did not want to have to buy Yankee manufactured goods for the price the Yankees wanted to stick them for it. So I come from a long line of free traders, I would assure the Senator from Kentucky.

Mr. FORD. I do appreciate the distinguished Senator from Texas making those remarks. It is obvious the shoe does not fit. But it is also obvious that he has not been listening very well to the debate in this Chamber because those who condemn those of us who might want to reduce it some are accusing us of being isolationists.

I am very pleased that the distinguished Senator from Texas is not of that mold and I thank him for making that statement public.

I yield the floor.

Mr. BOSCHWITZ addressed the Chair.

The PRESIDING OFFICER [Mr. HUMPHREY]. The Senator from Minnesota.

Mr. BOSCHWITZ. Mr. President, I had no idea when I yielded that we would refight the course of the Civil War and also become involved in trade issues. We all have different opinions. I know my friend from Kentucky is a great advocate of importing tobacco, so things vary from issue to issue.

However, I would like to talk with my friend from Illinois about some of the statistics of the defense budget because sometimes it is hard to tell whether or not we have spent enough for defense or not.

I recently wrote an article that appeared in the Wall Street Journal. I ask unanimous consent that it be printed in the RECORD at this point.

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

WOULD WE BE CUTTING THE CARTER DEFENSE BUDGET?

(By Rudy Boschwitz)

Everybody knows that Ronald Reagan is far more hawkish that the Carter-Mondale team. Why, just look at those defense budgets! Is there doubt left in anyone's mind that President Reagan is spending much more than Carter-Mondale ever asked for? Or that every year that he's been in office Mr. Reagan has asked for more than the year before?

Think again.

In January 1981—just before he left office—President Carter gave us his 1982-1986 budget proposal (five-year planning spans are used). In the following table, we see what Mr. Carter asked for in defense, what was actually spent by Mr. Reagan in 1982 and 1983, and what Mr. Reagan most recently (after some negotiation) asked for in 1984, 1985 and 1986.

(All the figures in this article are "outlays"—the amounts actually spent or to be spent—and are "nominal" because no inflation adjustment [nor any other kind of adjustment] has been made.)

DEFENSE OUTLAY REQUEST

[In billions]

	1982	1983	1984	1985	1986	5-year total
Carter	184	210	238	268	299	1,199
Reagan	187	210	238	266	295	1,196

Believe it or not, Ronald Reagan's defense requests are less than Jimmy Carter's. But to be fair we should really compare those defense requests Mr. Carter made in January 1981 with Mr. Reagan's requests made just two months later in March 1981. That comparison would look like this:

DEFENSE OUTLAY REQUEST

[In billions]

	1982	1983	1984	1985	1986	5-year total
Carter (January 1981)	184	210	238	268	299	1,199
Reagan (March 1981)	189	226	256	304	343	1,318

It should also be noted that for most of the five years, Mr. Carter projected a higher rate of inflation than did Mr. Reagan in his initial estimate. That is to say, the Carter numbers would be a shade higher for the same amount of defense and this should be scaled back a bit for a direct comparison with the Reagan numbers.

Even calculating it this way—more objectively, perhaps—Ronald Reagan initially asked for only 10% to 15% more for defense than Jimmy Carter did. That's hardly the common perception.

Here's another popular notion: Each year President Reagan has asked for more for defense than he did the year before. In fact, each year President Reagan has asked for less. To some degree this reflects downward estimates for inflation but the fact remains: Comparing similar years, in each year that he has been in office, President Reagan has lowered the amount he requested to outlay for defense. The following are the five-year defense requests Mr. Reagan has made at the outset of each budget year:

AMOUNT OF REQUEST

[In billions]

Year budget request made	1982	1983	1984	1985	1986	1987	1988	1989
1981	189	224	254	304	343			
1982	[1] 187	221	253	292	332	364		
1983		[1] 210	245	265	323	254	386	
1984			238	264	295	330	[2] 363	[2] 395

[1] Actually spent.
[2] Our estimate.

As the table shows, for a similar year President Reagan has never increased a defense outlay request from one year to the next. Take 1986. In 1981 he requested $343 billion for 1986. In 1982 he reduced that request to $332 billion. In 1983 he requested $323 billion and more recently the 1986 request became $295 billion. As you look from top to bottom of this chart, every figure goes down.

Why did both presidents want to spend more on defense? Both were obviously concerned about the external threats to our nation. I also believe both recognized that defense spending had languished. The following chart traces defense outlays for the 16-year period from 1968 through 1983.

You'll notice, of course, that defense spending stood almost absolutely still for seven years beginning in 1968. Those were the years of Vietnam. The money was being spent there—not on research, development and a more modern defense establishment.

Indeed if defense expenditures had kept pace with defense inflation, in 1976 we would have spent $137 billion, not $89 billion as we actually did.

And despite the pickup in defense spending in the last few years, if the defense inflation index had been applied we would have spent $241 billion in 1983, not $210 billion. So even spending $210 billion in 1983 has not kept up with inflation.

Most startling of all is the additional amount that would have been spent during those 16 years (from 1968 through 1983) if in each year the figure spent had been adjusted upward just to cover inflation. While I don't suggest that would have been advisable over those 16 years, an additional $5-18 billion would have been spent on defense.

That's what I believe both Jimmy Carter and Ronald Reagan had in mind as they both made the defense-spending requests of recent years. Both were cautious and believed the freedoms of our country need to be protected to be preserved.

Mr. BOSCHWITZ. That article compared the spending that President Carter proposed in the 1982, 1983, 1984, 1985, and 1986 budgets and that which President Reagan has either spent or proposes to spend at this time.

As you know, Mr. President, we operate here on fiscal year that begins on the 1st of October and that the President always gives us 5 years' worth of figures at the very beginning of the calendar year. So President Carter, as he was leaving office in early 1981, gave us the 1982, 1983, 1984, 1985, and 1986 budget requests for defense and everything else.

It is interesting to note that President Carter's requests exceed the actual spending by this President, President Reagan, or the requests he

has made. That is certainly not the impression that one would get if one read the press. But it is interesting to note that President Carter asked for larger defense numbers than either President Reagan has spent in 1982 and 1983 or than he has asked for in 1984, 1985, and 1986.

Now it is quite true that President Reagan has assumed lower interest rates of inflation in making his request, so that the numbers have been lowered somewhat because of the lower inflation assumption.

So let us go back and take a look at what President Reagan requested in March of 1981, approximately 1½ months after President Carter left office. There you see that indeed President Reagan asked for more than President Carter did, but by exactly 10 percent. And that is the high point that President Reagan has had in his defense request, exactly 10 percent over President Carter.

I make these points because, during the course of the debate as I have listened to it, there has been a good deal of talk about the growth rate, twice the growth rate of the Soviet Union. The distinguished Senator from Massachusetts said that we should have a 5-percent real growth rate in an ongoing way. I remind my friend from Massachusetts that when we have had votes on that proposal in the Senate, he has voted against it.

I am not sure that one can make a comparison between the United States and the Soviet Union. During the course of this debate, the senior Senator from Arizona pointed out that about 60 percent of our defense budget goes to the feeding, clothing, housing, and paying of the people in the services. When you look at the defense budget of the Soviet Union, you really have difficulty making a comparison of how much they spend because all of their personnel are not recruits in a volunteer army but rather theirs are draftees, often almost pressed into the service. As a result they spend about 20 to 22 percent of their entire defense budget on the clothing, housing, paying, and feeding of their people in the service.

So, in any case, to make the comparision and to put things in proper perspective it is important to note that this President, President Reagan, despite what one reads in the press, has asked for less for defense than his predecessor, President Carter.

There is another popular notion, Mr. President; that is, that each year President Reagan has been in office he has asked for more for defense than he did the year before. If we were to ask our colleagues, and if we were to ask the public, if President Reagan in each year asked for more for defense than he did the year before, almost unanimously it would be stated yes, the President has asked for more for defense each year that he has been in office.

In point of fact, in each year that President Reagan has been in office, he has asked for less. In January of each year a President makes a 5-year request. If you look at the request made by President Reagan in early 1981, in early 1982, 1983, and 1984, you will find that the request for any given year has gone down. That, too, should be taken into account when one is making an assessment of what this President is spending for defense.

For instance, in 1981 the President, President Reagan, asked for $343 billion to be spent in 1986. His latest request for 1986 is $295 billion. In each year the number came down. To some degree that is a reflection of inflation coming down as well. But the fact remains that in each year that the President has been in office he has asked for less for outlays for defense for any given year.

It is also important, I say to my friend from Illinois, to look at defense figures over a period of years. Much has been said about the percentages of the gross national product spent on defense by ourselves and the Russians. To the best of our knowledge, they are spending 14 or 15 percent of their gross national product on defense. We, as has been mentioned, are spending about 6.7 percent of our gross national product. Of course, our gross national product is a good deal larger; I believe 2½ times as large as theirs. On the other hand, their spending is mostly directed to equipment, research and development while our spending is mostly directed to the personnel involved. Also it is interesting to note the trends. Without confusing figures by introducing too many, if you look at the 1950's, you will see that we spent just a little over 11 percent of our gross national product on defense. To some degree that was a result of the Korean conflict. But also it was the last time that there really was a consensus in this country to spend money on defense. That was back in the 1950's during the Presidency of Eisenhower, and to no small degree dependent upon General Eisenhower, President Eisenhower, and the trust people had in him.

So in the fifties we spent about 11 percent of our gross national product on defense. In the sixties the average was 8.6 percent of our gross national product on defense. Then it began to trail down until it got to 4.9 percent in the middle or late seventies, and then a reversal took place once again—a reversal, Mr. President, that began not in this administration, but in the last half of the Carter administration.

It is interesting to note, Mr. President, that there is not often a consensus in a democracy to spend money on defense. It would be wonderful if we could do as the Senator from Massachusetts has suggested, that we plan for defense, that we put it onto a regular track, that we give it a 5-percent real growth, and we allow it to grow at 5-percent real for a number of years. But there is simply nothing in the history of a democracy that would suggest that there would be such an ongoing consensus. My friend from Massachusetts would be on the floor next year suggesting that we reduce it once again. If we could get an ongoing formula type approach to the defense budget of 5-percent real growth for a period of years and lock that in, indeed that might be a very acceptable approach to the problem of defense. However, the reality of it is that in a democracy the consensus to spend money for defense comes and goes, and in my judgment, is probably now in the process of waning once again.

As the distinguished Senator from North Carolina pointed out, in the twenties and thirties there was not a consensus in this democracy or in the democracies of Europe to spend money for defense. What happened in the Second World War was that 75 million, perhaps 85 million, people were lost during that period. People did not listen, as the Senator from North Carolina pointed out, to Winston Churchill and to others. They did not listen to President Roosevelt who tried to reemphasize the necessity of defense, as the thirties came to an end. The consensus that existed for defense, during the Second World War, faded immediately after the Second World War and then returned to some degree with the Berlin blockade. Of course, during our police action in Korea, it continued during the fifties, perhaps because of the presence of President Eisenhower.

Then the consensus for defense just tailed off further and further and continued to do so for about 15 years in this country. There was a great deemphasis on defense. That trend could not be reversed. The consensus to spend money on defense did not return until approximately the middle of President Carter's term. It returned with a vengeance after the invasion of Afghanistan. Indeed, President Carter stepped up his requests for defense very markedly after that event in the last two budget proposals that he made.

When there is a consensus to spend money on defense, Mr. President, when that consensus exists in a democracy, you must do it because that consensus comes and goes, and when it exists, if that democracy is to sustain the defenses that are needed to exist in a turbulent world, that money must be spent.

It is not a desire to be foolish with respect to defense spending. It is just a desire to be cautious in a turbulent, risky, dangerous type of world.

One final set of numbers, Mr. President, since I see my friend and colleague from Virginia has risen and also wishes to speak. I direct this also to my friend from Illinois. If you make a study of these defense outlays, and start in 1968, you will find that even today at the rate we are spending we are not keeping up with inflation. For many years there was absolutely no adjustment to defense spending at all. In 1968, defense outlays were $79 billion; 7 years later in 1974, they were still $79 billion, with no adjustment for inflation whatsoever.

If we had adjusted for inflation we would have spent in 1983, $241 billion, not $210 billion as we did in defense outlays. Indeed, during that 16-year period from 1968 through 1983, if we had just adjusted the defense spending figure each year for inflation, had just gone up for inflation during that 16-year period, we would have spent $548 billion more than we did.

I am not suggesting we go back and spend that additional money. I do not think that there would be a consensus in this body or in the Congress to do so. But, nevertheless, we have not kept up with inflation in this body or in this country on defense spending.

But more than anything else, Mr. President, it is not often in a democratic country that the consensus to spend money on defense comes together. When that consensus does come together, it is important to spend the money, to defend the democracy, to defend the freedom that is so worth defending before that consensus wanes. I see that consensus waning.

So I will oppose my good friend from Illinois, whom I really treasure as a friend and whom has voted for certain defense systems that are necessary for this Nation, and whom I so admire.

Mr. President, the defense of our democracy is the issue. We spend money on defense, and we must continue to do it. We have freedoms worth preserving. That is why I will oppose the distinguished Senator from Illinois.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I did not have an opportunity to have a colloquy with my distinguished friend from Massachusetts, but I would like to have a colloquy with the distinguished Senator from Illinois.

It seems to me we are losing sight of the central question. I will put a question to my colleague from Illinois.

Given the fact that in the 1960's we spent somewhere between roughly 40 and 50 percent of our GNP on defense and now in the eighties the budget is roughly 28 percent, is the world today more secure than it was in the 1960's to justify a reduction in defense that we have seen? What is it that has occurred since the 1960's into the 1980's in terms of the global strategic balance of power that justifies a reduction in defense?

Mr. DIXON. I do not think the world is more secure. I think we have great problems out there. We have a responsibility to have a good, strong national defense. But I do not think that is a fair analysis, to take the GNP then and GNP now and rationalize it. There is now a much greater GNP compared to what it was in the 1960's.

I have some figures that will shock you about how we spent compared with other periods in the national experience. For the information of my warm friend from Virginia, whom I greatly admire, and who makes a great contribution to this Nation in his service on the Armed Services Committee, I will say we are spending more money now than we have spent at any time in our national experience except for the Civil War, which my friend referred to when he talked about his grandfather standing in the long gray line. I have those figures, and I will supply them.

Mr. WARNER. The simple question is, is the world safer today than in the 1960's?

Mr. DIXON. I said I was concerned about it. I believe the motion I have suggested, and the final number suggested, $293.7 billion, is adequate to meet those responsibilities.

Mr. WARNER. The question, for the third time, is, is the world more secure today than in the 1960's?

Mr. DIXON. It certainly is not more secure. I think we have problems today as we had then. We need a strong national defense and this Senator supports it. The characterization by some that I do not, I reject out of hand. My voting record shows that I do.

Mr. WARNER. Given the response of the distinguished Senator from Illinois that the world today is less secure than it was in the 1960's, comparably speaking, I ask the Senator, did not the United States in the 1960's have a more superior military force—naval, sea, and air—than did the Soviet Union?

Mr. DIXON. Well, I think the United States still does. I think we had then, and I think we have now. I think we spend more, comparably, than they do now, as we did then. I would support meeting those requirements for our national security purposes.

Mr. WARNER. The Senator has answered the question. We did have a more secure growth in the Military Establishments in the 1960's than we do today. Given the fact that the world is less secure, with less Military Establishments in the 1980's than in the 1960's, what is it that justifies accepting such cuts as proposed by the Senator from Illinois?

Mr. DIXON. I think the fact is that the amount of growth that I have suggested to my friend from Virginia and other colleagues is adequate for this year. It is a 5-percent increase. It is $30 billion more than last year. And it is greater than the Soviet investment at this time and for the past several years in their own national defense. I would argue it is adequate.

The Senator from Virginia, whom I greatly admire, could make just as passionate an argument that we ought to be spending twice what we spend when we spend $299 billion. That logic would follow.

Mr. WARNER. Mr. President, the Senator from Illinois does diligent work on the Armed Services Committee. I must say that the defense budget is put together not by politicians but by thousands and thousands of civil servants, who each year sit down and assess the security interests of the United States and those of our allies and put together a composite program, which program is recommended to the President of the United States who, in turn, comes to the Congress for the funds that he deems are necessary in that particular fiscal year.

I ask the Senator from Illinois, what is it the Soviets have done in the last 12 years that gives him a feeling of a sense of security that we can now back off of the estimate of this nonpolitical bureaucracy that has established the necessity for this particular budget?

Mr. DIXON. The Soviets have not done anything that makes me not think we should have a strong national defense. But I am suggesting one at $293.7 billion. Those fine people that my friend talks about, the services that bring their budgets to the President, brought one in higher than the $313 billion that he finally suggested. The $313 billion he saw would not float, it was much too high. He cut it to $299 billion. You still have not cut it enough. If those fine people had set the defense figure, even the Senator from Virginia would not have voted for that defense figure that they sent to the President of the United States, and I think my friend knows that.

Mr. WARNER. In conclusion, I acknowledge and appreciate the Senator from Illinois making two strong points: first, this Nation had a stronger military in the 1960's than it does today; that the world indeed was more secure in the 1960's than it is today. I fail to follow the logic of my distinguished colleague from Illinois of any justification whatsoever, given the trend line, that we should take a further cut in defense at this time.

Mr. DIXON. May I say to my friend that the services brought to the President a sum of money more than the first sum that he recommended. Does my friend know? Of course, he knows. Just as does the distinguished chairman from Texas. The first suggestion by the President was $321 billion with no cuts, but that was lower than the

services wanted. Then he cut it to $313 billion. Cap Weinberger said, "You have cut my heart out at $313 billion."

But in the Rose Garden, they cut it to $299 billion.

I am only saying there is no magic figure. Maybe my $293.7 billion is not the magic figure, but every one of these figures is a substantial growth in the investment in our national security interest over last year, and greater than what the Soviet Union has done in the past 6 years.

Mr. WARNER. Mr. President, I thank my friend.

Mr. TOWER addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. TOWER. Mr. President, I simply want to remind my colleagues that if this motion is agreed to it will vitiate everything we have already done, and we have had amendments on the floor for 5 days. If we go back to committee and start from square one, then, in fact, every subcommittee of the full committee would be allocated certain reductions which they would be beholden to incorporate into their subcommittee recommendations to the full committee.

There was very spirited debate in the committee over which systems should be cut, which systems should be produced in greater numbers, and, of course, even those who advocated reduced spending were debating the relative merits of where the cuts should come. The fact is, I think everybody was right. We should not have had to make reductions in any areas, in my view. We were in the business of picking and choosing between and among validated military requirements.

The Senator from Michigan wanted to cut strategic systems and fund more M1 tanks. An M1 tank is a fine system. I wish we could fund them at a rate of 840 a year. But given budgetary constraints, we cannot.

I wish we could, because we would modernize our conventional forces earlier. But the fact is when you have to choose between validated military requirements, you have to make some tough decisions.

Many argue that we spend too much on strategic and not enough on conventional. Some say we fund military hardware at the expense of operation and maintenance and readiness. The fact is, if we were not operating under these budgetary constraints, everybody's concerns about what our military needs are could be satisfied. There is nothing magic about the number 299 except that it is probably as low as we could go and, in the words of the President, fund the military without taking unacceptable risk. We take some risks, but we call them acceptable risks.

The Rose Garden compromise has been referred to. I was one of the participants in those deliberations. I urged the President to accept reduction from $313 billion to the figure that was finally arrived at. I can tell my colleagues the President was enormously reluctant to come down to that figure because he feels very strongly his responsibility for the security of the United States of America. As a matter of fact, I think he feels that more strongly than any other of his responsibilities. I think it is proper that the President should be the man in this country who worries most about adequate security for the people of the United States of America. He is the only one who is elected to represent all of us. The rest of us represent select constituents.

The fact is that $299 billion is not an unreasonable amount when you consider that, last year, in the budget resolution adopted by the Senate, believe me, there were many who wanted to go to a higher figure than that. A very large minority—almost a majority—wanted to go to a higher figure than the budgeted projection of $297 billion as to what our requirement would be for this year. When you consider the fact that we underfunded last year's budgeted amount, which is $269 billion, by over $4 billion, you can say, well, what we should have done this year is take the $297 that is projected for this year and add the $4 billion that we docked defense last year under the budget sequence. That would take us to $301 billion. Two hundred and ninety-nine billion dollars is not an unreasonable figure.

What we have to understand, Mr. President, is that a great deal of money is spent on military pay, on other personnel costs, personnel activities. A great deal is spent on day-to-day operations and training. Military hardware is not, standing alone, the biggest portion of the military budget. The attitude generally seems to be that if we would just not fund some of these expensive systems, we would make enormous savings on defense.

I think that people are deluded into believing that we could really save far more than we can. The fact is if we did not fund any of the programs authorized in this bill, the outlay savings would be—this might surprise a lot of people. The outlay savings would be only $8 billion; $8 billion, that is all, in outlay savings.

I know that perhaps the average citizen thinks we spend far more on defense than we actually do. Some people think we spend 50 percent of our budget on defense. In fact, if we fully funded everything, we would spend less than 30 percent—around 28 or 29 percent of our budget. In percentage of GNP, it is under 7 percent, much lower than it was during the Kennedy administration.

The fact is that, during the decade of the 1970's, defense was underfunded by the magnitude of about 20 percent, a decrease in real terms, while nondefense spending got up over 100 percent. It is nondefense spending that has been driving the deficit.

I think everybody who looks at the budget would understand that even if we made substantial cuts in defense, if entitlements go unchecked, eventually, the escalation of entitlement costs in national budget would overtake whatever savings we make in defense.

I remind my colleagues that a dollar spent for defense is the only dollar the Federal Government spends that benefits every citizen equally from the standpoint of the product it produces. That product is his security against his external enemies.

I know we are all concerned about the budget. We are all concerned about cost overruns and waste in the Defense Department, and we should be concerned about it. As chairman of this committee, in the few months remaining to me, I can assure everybody that I am going to do everything I can to get a handle on cost overruns in any aspect of defense, and devote my attention to trying to devise more efficient ways of doing things so we can save money on defense. I do not believe in waste, either.

I do recall a remark made by Mr. McIntyre, who was Director of the Office of Management and Budget during the administration of Jimmy Carter, when he said that he decided he would grade all the Federal spending agencies on the efficiency and the economy with which they spent their money. He said that he gave the Department of Defense a "C." He flunked all of the other spending agencies.

Back in the days when we were underfunding defense, nobody paid much attention to how the defense dollar was being spent. We were underfunding it and nobody was concerned about high defense spending. If fact, we developed some wasteful spending practices in those days. Now that the real increases are coming into view, the public is concerned about it.

I would have to say I do not believe the press overall does a balanced job of covering defense. When there is a failure of a weapons system, a defense failure, a cost overrun, it gets big headlines, big stories with all the gory details. When a system performs perfectly, is under cost and ahead of schedule in terms of initial operating capability, little or nothing is said about it. So the American people do not really get a balanced presentation.

The M-1 tank that my friend from Michigan advocates so ably was pilloried by the press in story after story. I do not think there has yet been a fair story written by the press on the M1 tank, outside perhaps of the military journals or trade journals, but not in

the regular newspapers. What the press says now about the M1 is that while it might probably have been correct that there were some problems with it, it did not really condemn the system because its pluses were greater than its minuses. And it does add a new dimension to our capability for waging conventional warfare.

I hope my colleagues will not vote for directing what is tantamount to a meat-ax cut. It is not quite as bad, and I must commend the Senator from Illinois for this, because he did not offer an amendment that simply calls for a reduction of $5.4 billion in the defense bill. That is a meat-ax cut. That is irresponsible. He did take the responsible course of moving to return it to the committee so the committee can decide specifically where those cuts would come from and eventually, the Members of this body would have to vote on it.

If you included the base closure in somebody's State, he would vote for that base closure with great trepidation. He would probably be somebody's lameduck like me if he did because that is a very difficult thing to do. I remember what RUSSELL LONG often says when we are considering tax measures. RUSS is wont to say, when people advocate tax increases:

What they really mean is don't tax you, don't tax me, tax that fellow behind the tree.

That is about the way it is with defense cuts—do not cut the things in my State, in my constituency, but, boy, there is a bunch of fat out there in the other 49 States that is just waiting to be lopped off of the defense budget.

I implore my colleagues not to force this bill back to committee, force us to reconsider what has already been carefully considered, and force us to still make further difficult and draconian decisions regarding validated military requirements.

I yield to my distinguished colleague from Nebraska.

Mr. EXON. I thank the chairman of the committee. I am going to be very brief and to the point because I would note that we were in session until midnight last night, started I think at shortly after 10 o'clock today, and we have not accomplished a great deal. I hope we can get moving so we can leave before 3 or 4 o'clock in the morning.

I appreciate the fact and generally agree with the distinguished Senator from Illinois as to what he is trying to do, but I am going to oppose, and I hope that my colleagues will oppose, the motion that he has offered as much as I think it is in good faith for this reason. Simply stated, let us look at the fact. If we refer this back to committee as has been suggested, we are 5 more days down the pipe from getting this bill completed. We all know that we only have a limited number of legislative days left as presently scheduled. Therefore, I think the move which has been recommended by the Senator from Illinois would be one that would not bear fruit and I wish we would get on with the proposition at hand.

The Senate should know that this Senator from Nebraska tried to make additional cuts in the committee but the committee worked its will. I have more argument with the way the money is being spent at the 7½-percent level of increase after inflation than I do on the total. But I have simply said from the beginning that this Senator at least supports a real increase of defense in the 5- to 6-percent area now.

Where are we and what is the realistic situation on which we are about to vote? The House of Representatives has recommended a real increase of between 3 and 4 percent on defense. The House Armed Services Committee is around a 5-percent real increase and we are in the Senate at about 7.5 percent.

What that means, Mr. President, is let us go on and make some additional reductions in specific items—and we will have a chance to do that on some other amendments that I understand are going to be brought before our body—but if we go in at 7.5 percent and if the House is somewhere between 3 and 5 percent, it is very clear to me that the compromise is going to be somewhere around a 5- to 6-percent real increase in defense. I believe we need that bargaining room in conference.

While the chairman of the committee, my distinguished friend from Texas, might not agree, I would be very surprised if we came back with much more than a 6-percent real increase as a maximum after conference with the House of Representatives, which in the end would get us back very close to the 5 or 6 percent which I think my friend from Illinois, and certainly this Senator from Nebraska, feels is necessary given the situation that we face with the continued adventurism and expansionism of the Soviet Union. Therefore, I hope we can vote very soon to reject this motion.

Mr. DECONCINI. Mr. President, I support the motion of my distinguished colleague from Illinois to recommit the Defense Authorization Act to the Armed Services Committee with instructions to reduce the outlay for defense to equal a 5-percent real growth rate in defense expenditures. I have supported and always will support a strong national defense. However, there is a point at which limits must be placed on the growth of any budget. A judgment must be made to determine how much money is really needed for the security of our Nation. It is up to the Congress and the President to make the judgment.

It is my view that the bill as reported by the Armed Services Committee exceeds the level of expenditure required for our Nation's security. We have spent many years now, going back to the Carter administration, in rebuilding our Nation to a position of strength. We have succeeded to a substantial degree in accomplishing that rebuilding. I do not endorse an end to this growth. I do not believe that we can once again neglect our Armed Forces. I do believe that the $293.7 billion that would be authorized as a result of the passage of the motion to recommit is an appropriate allocation of our Nation's resource toward the maintenance of our national defense.

Our Nation's budget faces many demands, domestic and international. A 5-percent growth rate in defense spending will result in significant improvements in our national security. Furthermore, the $5.3 billion in savings that such a growth rate represents will be another big step toward stabilizing our country's serious economic condition. A judgment must be made on all spending levels, limits must be imposed. I urge my colleagues to support the motion to recommit.

Mr. DIXON. Mr. President, I am ready to close if everybody has had their opportunity.

The PRESIDING OFFICER. Is there further discussion?

Mr. THURMOND addressed the Chair.

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

Mr. THURMOND. Mr. President, I rise in strong opposition to the motion to recommit the defense authorization bill. The purpose of this motion is to further reduce the defense budget by $5.3 billion. This motion is unnecessary and unwise. We have already cut $14 billion from the defense budget.

Mr. President, the Committee on Armed Services has spent several months reviewing the defense budget request and the bill that we have reported to the Senate calls for only about 3-percent increase over what President Carter recommended for fiscal year 1985.

If this motion passes we will spend only about 1 percent more on our national defense in fiscal year 1985 than President Carter would spend had he been reelected.

Mr. President, I would like to make a few comments about recent Soviet actions that I feel mitigate against further reductions:

Increased power projection exercises in the Caribbean;

A strategic nuclear war fighting exercise with coordinated multiple launches of interncontinental ballistic missiles, intermediate range ballistic

missiles and submarine launched ballistic missiles;

A large-scale naval exercise, the scope of which surprised our intelligence community;

Amphibious warfare fighting exercises in Southeast Asia;

Elevation of the violence in Afghanistan with new terror bombing of the civilian population plus new variants of lethal chemical weapons;

Increased military support for Nicaragua, and

Wholesale cheating on arms control agreements.

If anything, these actions are an argument for further increases in defense spending. If we cut the budget further, are we also going to name which defense commitments we will forsake?

Mr. President, if we really want to save defense dollars, we should remove Davis-Bacon restrictions from military construction projects, close unnecessary military bases here in the United States, and pursue other avenues which will not weaken our fighting strength. I urge all my colleagues to oppose this motion to recommit the bill.

The PRESIDING OFFICER. Is there further debate?

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DIXON. May I say in closing in connection with my motion that I know it is never necessary for a Senator to say he has the highest regard for all those who have opposed him in connection with an undertaking on the floor, but I agree that every one of the Members who has opposed my position is a Member who in good faith is disposed to support another position with which he or she has the same devotion that I have to my position. It has been suggested that some of us who want to cut defense are not ready to do the responsible things in other places. Mr. President, I did not just come to the floor to cut the defense budget. This motion would refer it back to committee where the final figure would be $293.7 billion, a cut under the Rose Garden figure of $5.3 billion but a real increase after inflation this year of 5 percent.

Some have talked about entitlements. This Senator supported the Hollings freeze. This Senator voted for the Kassebaum-Biden freeze and for other attempts to save money that did in fact make substantial impact on entitlement programs. Senators ought to understand that some of us have done difficult things like voting to reduce food stamps, voting to reduce housing commitments, and voting to do a great many other things which are painful to us but necessary when there are substantial budgetry constraints.

I supported my friend, the distinguished chairman of the Armed Services Committee, yesterday in connection with the question on the GI bill, not because I am not for a GI bill, I am, but because I thought the price was too high given our budgetary problems.

I want to make two points in closing. It is not just the Senator from Illinois who feels this way. It is not just people on this side of the aisle who feel this way.

Mr. President, about 2 weeks ago, a great many representatives of chambers of commerce groups in my State came to Washington, as I am sure they do from every other State, and they met with me and discussed their serious concerns about our budgetary deficit.

I want to particularly mention the fact that when the chamber of commerce group from Jacksonville, in central Illinois, came to see me, one man, speaking for the Chamber, said:

Senator, I want you to understand this. Almost every person in this group that is here visiting with you is a Republican. Almost every person in this room visiting with you is a committed fiscal conservative. And every one of us wants you to know that we think the defense expenditures requested by the administration here, in the context of what has taken place up to this time on the floor of the Senate and in the Congress generally, is much too high.

So I say to my colleagues on the other side, and throughout this hall, that it is my profound belief that the point of view being expressed here by this Senator is the point of view supported in the country by a great, great, great many people of deep conservative fiscal persuasion who believe that the cuts should come.

I want to close by referring to the March 1984 edition of "Business and National Security Trendline." I will place it in the RECORD. I want to read some statements on page 7 of that publication and place in the RECORD a list of outstanding businessmen in the country, many of whom are members of the Fortune 500, who support this magazine. They support the point of view of this magazine, which supports the point of view of the Senator from Illinois.

I read four short quotations:

Defense, plus interest on the federal debt, will consume over 80% of general revenues from 1983 to 1989.

At the current rate of growth, defense spending will total one-half trillion annually by 1992.

In constant dollars, this year's defense budget outlays now exceed all defense budgets since World War II, including even the peak defense budgets outlays of the Korean and Vietnam Wars.

The projected FY '89 defense budget will exceed even World War II defense budgets, in constant dollars, becoming the largest since the Civil War.

This is a shocking circumstance that I think requires the careful consideration of the Senate.

Mr. President, I ask unanimous consent to have this material printed in the RECORD.

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

[From Business & National Security Trendline, March 1984]

"STAR WARS" PROPOSALS BEGINNING TO TAKE SHAPE

Outer space weaponry is no longer simply a vague notion: two recent events have moved the United States closer to a weapons race with the Soviets in space. The Air Force has now completed an initial test of a prototype anti-satellite (ASAT) weapon, the first milestone in the Administration's vast scenario for creating an armada of such space weapons.

In a related development, the recently unveiled FY 1985 defense budget requests $1.8 billion for "strategic defense initiatives," the formal designation for Star Wars. That $1.8 billion figure is expected to rise to $25 billion by FY 1989. And Defense Undersecretary Richard DeLauer has characterized the long run costs as "in the trillions."

In addition to ASAT, the Star Wars plans also envision a high technology ballistic missile defense (BMD), which supporters believe would protect the country from nuclear attack. BMD is said to be a feasible method for reducing the likelihood of a Soviet first strike: with an impenetrable shield surrounding our nation, nuclear-tipped missiles would be useless. The U.S. and the U.S.S.R. would then have the incentive to eliminate their offensive nuclear missiles, BMD supporters maintain.

Others note that although the idea of a purely defensive strategy has a certain initial appeal, it is unsound and would be massively expensive. In the first place, the idea of a Soviet first strike is coming under increasing criticism from scientists and experts who say it is operationally and technically impossible. (An article by scientists Matthew Bunn and Kosta Tsipis in the November 1983 *Scientific American* summarized a wide range of scientific objections to the "first strike" concept.) Other respected scientists have reported that the Star Wars weapons concepts themselves are technologically unsound, even if there were a first strike threat. Hans Bethe, a Nobel Laureate and an expert on missile defenses, testified before Congress that "the technologies required for a defense of our population against nuclear armed ballistic missiles are far beyond the state of the art, and in most instances, are unlikely ever to work effectively. In contrast to this, countermeasures [against missile defenses] that are cheap and already known to work exist in abundance." In addition, developing Star Wars would involve surmounting at least eight major scientific problems, *each* of them "equivalent to or greater than the Manhattan project," according to Defense Undersecretary DeLauer. Even then, the Star Wars defense would offer little protection from low-flying cruise missiles and bombs placed aboard commercial shipping and aircraft.

In the unlikely event that ASAT's and BMD did ever work, they would undoubtedly provoke the Soviets into deploying counter measures. Star Wars skeptics note the parallels between BMD and a previous weapons concept, multiple warheads on missiles, which was supposed to have been the big defensive breakthrough during the

1970s. Then, in response to a perceived Soviet missile threat, the U.S. added "multiple independently targeted re-entry vehicle" (MIRVs), i.e., multiple warheads, to its missiles. The Soviets simply followed suit. Both sides soon found themselves less secure after spending billions. Former Secretary of State Henry Kissinger, once an ardent backer of multiple warheads, regretted the go-ahead decision in his memoirs. "I wish we had thought through more carefully the consequences of MIRVing," he lamented.

Like MIRVing, embarking on the Star Wars weaponry may well produce unforeseen consequences. One likely consequence: an anti-satellite weapons race that would threaten the communications satellites vital to modern civilian and military activities in all advanced nations. Anti-satellite weapons would ultimately give both the US and the USSR the capability to destroy each other's satellites in a crisis, which would disrupt communications and could easily escalate into all-out war. The most reasonable, cost-effective way to secure these vital satellites is to negotiate verifiable limits on the weapons that threaten them. Ironically, the development of the BMD portion of Star Wars would almost certainly violate the 1972 Anti-Ballistic Missile Treaty, a keystone of the existing arms control framework between the US and USSR.

The controversy over Star Wars spending is heating up in Congress. An amendment to last year's defense authorization bill, sponsored by Senator Paul Tsongas (D-MA), bans the testing of ASAT's against targets unless the President certifies that such tests are necessary to prevent "irreparable damage" to national security, and also certifies that the US is negotiating in good faith to produce a treaty banning ASAT's. But this year's defense budget asks for more ASAT funding—shifting back to Congress a key responsibility in deciding the fate of the Star Wars program.

Air Force Promotes Competition in Engine Purchase

The Air Force set a major precedent in February by deciding to split a multi-billion dollar engine contract between two competing manufacturers, and to renegotiate the contract annually based on contractor performance. General Electric was awarded an Air Force contract to build 120 engines for the F-15 fighter aircraft; competitor Pratt & Whitney, a division of United Technologies, will build 40 engines for the plane. The overall Air Force buy of the engines will total an estimated $17 billion over the replacement cycle. Like other branches of the service, the Air Force has tended to rely on noncompetitive, "sole source" contracts in the past. The new, more competitive approach will give the Air Force important leverage over quality control and cost containment throughout the multi-year purchasing cycle, promising significant budget savings. Exact percentages of the contractor split will be re-negotiated next year, and again in future years, the announcement added.

The Air Force said that GE won the lion's share of the initial contract because—

The GE engine "was assessed to be lower in overall support costs;"

GE offered an "outstanding" plan to permit other companies to compete for spare parts contracts; and

GE offered "an excellent warranty."

The Air Force decision comes as a blow to Pratt & Whitney, long the principal supplier of engines for Air Force fighters. Previous models of Pratt & Whitney F-15 engines had developed severe problems, however.

The Pratt & Whitney engines are produced in Connecticut, and the Air Force announcement drew sharp reactions from members of the Connecticut Congressional delegation, several of whom vowed to overturn the decision and force the Air Force to buy the Pratt & Whitney engines on a sole-source basis. In a letter to Air Force Secretary Verne Orr, BENS President Stanley Weiss commended the Air Force for applying sound business principles to the engine purchase. BENS will oppose any Congressional efforts to overturn this important precedent.

Of Milk and Battleships

Air Force attempts to save the taxpayers some money on milk purchases have hit a snag. The problem: the short-sighted habit of many members of Congress of thinking more about defense contracts for their constituents than about America's genuine defense needs. The current example comes from Senator Ted Stevens (R-AK). Learning that the Air Force's Alaska Command had found a way to save $200,000 by buying milk in Seattle rather than in Alaska itself, Stevens, Chairman of the Senate Defense Appropriations Subcommittee, cancelled hearings on the Air Force budget. "If the Air Force wants support." Stevens told defense officials, "let them go to Dan Evans and Slade Gorton." (Evans and Gorton, both Republicans, are the two Senators from Washington state.)

The episode recalled a similar one last year by House Defense Appropriation Subcommittee chairman Joseph Addabbo (D-NY). Addabbo "postponed" hearings on the Navy budget while the Navy decided whether to berth a battleship group near his district. The Navy chose the New York site.

These situations are particularly unfortunate because they involve chairmen of defense-related subcommittees, who should be setting an example for the rest of Congress of putting national defense needs above parochial concerns.

Aegis Means Shield in Greek

At the Department of Defense, Aegis means a shipboard radar and missile defense system. Caspar Weinberger, the Secretary of Defense, calls Aegis the "centerpiece" of the Navy's defense against cruise missiles and aircraft attacks. Aegis will be mounted aboard two classes of Navy ships:

CG 47 (USS Ticonderoga) class cruiser. Of the 26 planned, 1 has been delivered, 12 are under construction, and 13 are anticipated for FY 85-89. The estimated total acquisition cost is $28 billion.

DDG 51 (USS Arleigh Burke) class destroyer. Of the 60 planned, 1 is budgeted for FY 85, with a price-tag of $1.3 billion. The estimated total acquisition cost is $49 billion.

These two classes of ships will be the bulk of the future surface combatant Navy well into the next century. At $77 billion, they will absorb much of the Navy's resources. So, much is riding on Aegis.

The question is: Does Aegis work? Is it a good investment? Operational testing, to see how well the system works under real-life conditions, only began on the Ticonderoga in April, 1983. The results were classified. By the time of the next tests in September 1983, the Navy had already gotten a go-ahead for the construction of 8 more CG 47 type ships. The September test results were also classified. Instead, the Navy extolled Aegis' earlier *developmental* tests, done under controlled, laboratory-like conditions, which Aegis passed. But Representative Denny Smith (R-OR), a former business executive and a fighter pilot in Vietnam, wanted to know what happened when Aegis was moved "out of the laboratory," away from the scientists and into the real world of Naval officers, fog, and salt spray.

After much prodding by Smith, the Navy coughed up the results of the two classified operational tests. Smith kept the secrets but let it be known that the ship couldn't do what the Navy said it could.

From sources other than Smith, the press was able to extract the test results. These results have not been denied by the Navy. Here they are—

The first test, held in April: 16 targets presented, 4 shot down; at low altitude (where an Exocet-type missile would attack), 4 presented and 0 shot down.

For five months, the project managers worked to correct the system's deficiencies. Then came the second test, held in September: 6 targets presented, 2 shot down; at low altitude, 3 presented and only one shot down.

It should be noted that in neither test was Ticonderoga placed in the realistic combat situation of having *several* low flying missiles attacking simultaneously.

In other words, multi-billion dollar Aegis-equipped Navy ships would not be safe from the Argentine Air Force, or for that matter, from anyone with a relatively inexpensive Exocet missile.

(Aside: before the results became public, Secretary of the Navy John Lehman bragged about the Aegis/Ticonderoga combination that ". . . all operational requirements have been met or exceeded . . . the Ticonderoga establishes an entirely new level of sea-borne anti-air warfare capability . . . *further production is entirely justified by the ship's performance*" [emphasis added].)

The taxpayers have paid a high price so far for Aegis, and more than $70 billion more is at stake. Yet unless the problems are ironed out and the ships demonstrate that they can do the job, a higher—and much more terrible—price may be paid by the sailors who will depend on these ships.

BENS commends Rep. Denny Smith for his tenacity in exposing this problem before it is too late to stop. BENS will support legislation that Smith intends to propose halting further funding ($4.4 billion this year) for Aegis ships pending demonstrated success in rigorous, extensive operational testing. BENS members should write their Senators and Representatives urging them to contact Rep. Denny Smith (R-OR) and support his measure to get real defense value for our tax dollars.

Denver Hosts BENS/BRONS Event

Nearly 100 business leaders turned out on February 7 for a speech by BENS President Stanley A. Weiss before Denver's Business Roundtable on National Security. Weiss' call for business executives to take an active role inpromoting an effective, affordable defense and reducing the risks of nuclear war drew considerable attention in the Denver business press, and generated dozens of new members for BENS and BRONS. Denver-area business executives interested in taking part in BRONS should contact John Barton at (303) 773-3737 or John Kness at (303) 329-4818.

Officer Inflation

In 1945, as World War II was drawing to a close, the Navy had one Admiral for each 130 ships, while the Army Air Force (forerunner of the Air Force) had one General for each 244 aircraft. By 1981, there was an Admiral for every 2 ships and a General for every 21 aircraft. That's one of the findings of *The Officer Inflation Report*, a recent study by the Washington-based Project on Military Procurement. The Pentagon's total of 1,073 top military officers has remained stable, even as the number of soldiers has declined, and more military personnel have been shifted to such functions as purchasing equipment, public relations, and lobbying. At the same time, layers of senior officers have accumulated in the field, and the military's reaction cycle has been slowed by an order of magnitude, the study charges. Commenting on these trends, analyst Edward Luttwak noted:

"The military has become civilianized in the sense of emulating at higher cost the things that civilians can do better—but not concentrating on the things civilians cannot do, which are to train combat leaders to study tactics, and prepare strategies."

The cost impact of this can be substantial. In the first place, top military officers are highly paid. Congressional Budget Office auditors found that when various allowances and compensations are included, Air Force Generals are making substantially more than the U.S. Secretary of State, and Army Lt. Colonels are making substantially more than the Secretary of the Army or a U.S. Congressman. Another key cost factor is that top officers are entitled to uniformed support staff. This has implications not only for salary and pension costs, but for the number of military personnel who are drawn away from field activities.

The study recommends that the services return to earlier, more manageable ratios of flag-rank officers to enlisted personnel. Such a goal could encourage the retention of officers more concerned with battlefield strategy than bureaucratic strategy.

Budget Update

The federal budget, a document of several thousand pages, cannot be easily summarized in a single article. Stories based on the budget, particularly the defense budget, appear throughout this issue of Trendline. Here are some key facts about the budget and its accompanying five-year projections.

From 1984 to 1989, Social Security and Medicare will actually be subsidizing the rest of the budget. This is because both programs will be taking in more revenue than they are disbursing in outlays, and the law requires the funds to be invested in governmental securities.

Defense, plus interest on the federal debt, will consume over 80% of general revenues from 1983 to 1989.

Defense outlays will increase from $210.5 billion in 1983 (53.8% of general revenues) to $409.1 billion in 1989 (61% of general revenues). Defense outlays will increase 94% over the 5-year period.

At the current rate of growth, defense spending will total one-half trillion annually by 1992.

The magnitude of the proposed defense budgets can best be understood in historical context:

In constant dollars, this year's defense budget outlays now exceed all defense budgets since World War II, including even the peak defense budgets outlays of the Korean and Vietnam Wars.

The projected FY '89 defense budget will exceed even World War II defense budgets, in constant dollars, becoming the largest since the Civil War.

There are growing indications that the disarray in the DOD budget is deeply systemic. Briefing the House Budget Committee, DOD's own famed budget analyst Franklin Spinney warned that:

DOD plans for future outlays are based on assumptions about future budget growth for which there are no historic parallels;

Operating budgets are chronically underestimated:

An unrealistic proportion of future budget growth is being allotted to procurement;

Procurement planning itself is based on excessively optimistic assumptions about falling prices;

Neither Congress nor the Pentagon responds to budget shortfalls by cancelling programs with ballooning costs; and

DOD has been diverting funds from planned budget growth in existing programs to new program starts.

The effects of such poor budget planning with such colossal dollar amounts involved, Spinney and others believe, will be a budget crunch in the late '80's which shakes the foundations of the economy—unless there is an overhaul soon in the way defense funds are budgeted and spent.

LESS BANG FOR THE BUCK

Systems	Years	Units purchased	Unit costs (millions)
Aircraft (fixed wing) [1]	1976	516	$15.9
	1984	688	27.1
Missiles (air & ground launched conventional) [2]	1976	61,678	$.04
	1984	74,084	.12
Tracked combat vehicles (tanks, armored personnel carriers etc.) [3]	1976	2,055	$.6
	1984	2,643	1.5

[1] Units up 33%. Unit prices up 70% (on average).
[2] Units up 20%. Unit prices up 300% (on average).
[3] Units up 28%. Unit prices up 150% (on average).

Stuart Speaks Out on the Deficit

The Feburary issue of *Enterprise*, the flagship publication of the National Association of Manufacturers [NAM], was devoted to the federal deficit. NAM requested that BENS submit an article on defense spending and the deficit. Responding for BENS was Robert Stuart, a NAM member who is Chairman of the Finance Committee (and former GEO and Chairman) of National Can Corporation in Chicago. Stuart raised a number of important issues, among them:

"I'm not an expert on strategy, but common sense tells me that we can't try to be all things to all people militarily and still remain credible and solvent. We have to begin talking about strategic priorities and linking them to spending priorities.

Copies of the article are available from the NAM Communications Department, 1776 F Street, NW; Washington, DC 20006, or from BENS.

Squeeze Play on Warranties

As reported in the December *Trendline*, Congress passed a law late last year requiring DOD to get warranties on the equipment it buys. BENS has supported this common-sensical, business like approach to military procurement. And shortly after the law was signed, Air Force Secretary Verne Orr noted proudly how a warranty was saving the Air Force $3 billion on an engine contract.

But sometimes a law doesn't quite seem to be a law. Less than two months after the warranty law was signed, DOD inserted some fine print into the back of a request for supplemental military construction funds (a program area unrelated to warranties) which would repeal the entire warranty law. After a Capitol Hill outcry, DOD backpedaled. Defense Secretary Caspar Weinberger testified before the House Budget Committee that he "absolutely" supported the warranty law and hopes to make it work. Next, DOD sent Congress its proposed FY 85 budget; once again, a provision repealing the warranty law was buried in the back pages.

The law's chief Senate sponsor, Senator Mark Andrews (R-ND), passed DOD for clarification. In a highly-charged session before the Senate Armed Services committee, dozens of defense contractor lobbyists appeared in opposition to the warranty law. One DOD witness, Admiral Steven White, chief of Naval Materiel, said the law was appropriate and could work. (White's views are believed to reflect those of Navy Secretary John Lehman.) But all other DOD witnesses attacked the law and demanded that it be gutted.

Since that hearing, high-level defense officials have been calling on Congressmen, trying to build support for repeal. Defense contractors and subcontractors have been flooding Capitol Hill with mail, asserting that they would be unable to provide DOD with the same warranties they provide for private sector customers. (In one spectacular example, a subcontractor who manufactures fuel rods for nuclear reactors aboard submarines wrote his Congressman that he would be unable to warranty the rods.) It bears repeating that warranties will help surface true procurement costs in advance; give DOD leverage to force contractors to back up their promise; eliminate the practice of botching the job the first time and coming back later for "get well" money (as for example with Lockheed's C-5 transport plane); improve the quality of competition, as contractors strive to offer better warranty provisions (as recently occurred with the Air Force's F-15 engine contract—see page 1); save the taxpayers countless billions (former Deputy Secretary of Defense Paul Thayer said that re-doing poorly performing equipment has been driving costs up 30%); and assure that our soldiers, sailors, and pilots possess the best, most reliable equipment possible.

Congress is deciding this issue now, and BENS members should speak out on behalf of that vast majority of the business community which wants an effective, affordable defense. Leading the fight to protect warranties are Senator Mark Andrews (R-ND) in the Senate, and Representative Mel Levine (D-CA) in the House. Tell your Senators and Congressman you oppose the gutting or repeal of Section 794 of the Department of Defense Appropriation Act of 1984 (the technical title of the warranty law).

Congress May Move To Halt Transfers of Nuclear Materials

Legislation scheduled to come before Congress would tighten Congressional control over nuclear proliferation. A central issue is which countries may reprocess spent nuclear fuel. Such reprocessing produces high quality plutonium which can be used to make nuclear weapons. The world-wide growth in reprocessing is increasing the chances that terrorists could steal plutoni-

um and make nuclear weapons, or that nations now without nuclear weapons could build them.

The focus of the current debate is the pending transfer of 200kg of reprocessed US-origin plutonium from France to Switzerland. Never before has the US permitted such weapons-grade material to be transferred to a non-nuclear weapons state. Opponents of the transfer see it as an ominous precedent and warn of future pressure for similar transfers from countries like South Korea and Taiwan. While the State Department appears ready to allow at least this first transfer, Congress will apparently try to head off the move though through legislation that would give the United States greater say over the use and handling of the nuclear materials it provides to other countries. BENS will support amendments tightening those controls.

NUCLEAR ANTI-AIRCRAFT WEAPONS?

In testimony before Congress last year, Rear Admiral W. J. Holland, director of Strategic and Theater Nuclear Warfare for the Chief of Naval Operations, disclosed that despite five years of R&D funding, the Navy had not yet "come to grips" with how to use the nuclear version of the SM2 anti-aircraft missile. A major part of the problem is that it would be impossible to secure the Presidential approval necessary to use a nuclear weapon in the short decision time available to fire an anti-aircraft missile. Congress refused to fund the weapon last year. But this year the nuclear SM2 is back in the budget. The Navy's new rationale is that the anti-aircraft missile might be able to destroy planes bearing nuclear-armed cruise missiles or the missiles themselves. Critics note that such planes could be destroyed with conventional weapons, and that there would be no way to know whether any cruise missiles aboard them were nuclear or conventional. Still, the Navy continues to push for the weapon.

Thus, it appears that the Navy has worked 5 years on a weapon which lacks a plausible scenario for use, and which would actually preclude Presidential involvement in a decision regarding use of nuclear weapons. It's a classic example of the overheated procurement process pushing aside strategic considerations.

BENS will vigorously oppose restoration of funding for this weapon.

SHORT TAKES

The proposed FY 1985 Defense Department budget calls for spending $400 million a year on 400 civilian employees to "get the DOD message across." Capitol Hill sources point out that these 400 civilians are used principally to defend the size of the defense budget, with hundreds of relevant military officers "on call' to them.

American soldiers returning from Grenada have been complaining that the new standard issue Army fatigue uniform is too hot, too heavy, too easily wrinkled, too slow to dry, and generally too sloppy-looking. Complaints about the uniform originally began cropping up two years ago, and the Army said then it was developing a new light weight fatigue uniform for warmer climates. Nevertheless, current Army contracts call for spending another $227 million on the heavier uniforms. The total cost, including money already spent, would then come to $432 million. So the Army will acquire 13.5 million of the hot, sloppy uniforms—9 sets for every soldier.

At the insistence of Congress, the Army recently tested six anti-armor weapons against one another. The winner was a Swedish entry, the AT-4. (See *Trendline*, December, 1983, p. 4) Finishing last in the field of six was a 1960's vintage Army weapon called the LAW, or light anti-tank weapon. This year's Army budget calls for $37 million for unspecified anti-armor weapons. Pentagon rumors are that the Army wants to spend the $37 million to try to "fix" the LAW. If so, it would in all probability continue a decades-long practice of equipping the American infantry with expensive, ineffective antiarmor weapons—which was the concern that gave rise to the competitive tests in the first place.

Sentiment in Congress is shifting toward a so-called stretch-out of the Defense Department budget. Stretch-out simply means spreading out purchases over more years to lower annual costs. Stretch-outs ignore whether programs should be cancelled or spending procedures reformed. They merely cut short-run costs. There are two major drawbacks to the "stretch-out" approach: (1) stretch-outs invariably increase total program costs, often by 50% or more, since overhead and fixed costs are spread over a smaller number of units per year; (2) stretch-outs don't really address key problems like choice of equipment and procurement waste. Deficit worries are finally getting legislators to focus on defense spending in a serious way, but stretch-outs simply postpone DOD's adoption of clear strategy choices and improved procurement practices.

Seen any 5% loan money lately? If you could borrow at 5%, you could make money, right? The United States "loans money at 5% to foreign governments wishing to buy weapons.

BOOK EXAMINES IMPACT OF MILITARY SPENDING ON U.S. ECONOMIC PERFORMANCE

Arguments about the impact of military spending on the U.S. domestic economy have raged through government reports, the business press, and academic research for years. Someone has finally gone through all this material and presented it in a readable way. That someone is economist Robert W. DeGrasse, Jr. in his valuable new book *Military Expansion, Economic Decline* (M. E. Sharpe, 247 pp., $25h, $11.95p).[1] As the book's title suggests, DeGrasse has a point of view, which is that large military build-ups harm the civilian economy. He is, however, scrupulously fair in acknowledging opposing views, and his tempered prose never strays far from what he can fully document.

Documented the book is, with literally hundreds of references cited, dozens of interesting tables, and sixty-three pages of less interesting statistical appendices.

DeGrasse's main concern is the "opportunity cost" of current and projected levels of military spending. The book weighs the costs and benefits for civilian innovation, productivity, and economic growth of such spending. DeGrasse's data suggests that those opportunity costs may be very large. For example, the percentage of highly skilled employees required to fulfill military contracts is way above the civilian average. At the same, there is a shortage of engineering graduates. Military contractors holding "cost-plus" agreements with the Pentagon can pay whatever is necessary to hire engineers. DeGrasse sees this as a hidden factor behind both wage inflation and skill shortages in civilian engineering.

In a comparison of 17 western industrial democracies, the U.S. ranked *first* in defense spending as a percentage of Gross Domestic Product (GDP), last in productivity growth in manufacturing industries, last in fixed investment as a share of GDP, and last in capital growth in manufacturing. DeGrasse believes there is a relationship between this poor growth record and factors like the engineering "brain drain" into the defense industries. Summing up the data from a series of comparisons between the U.S. and other nations, he writes:

"A nation which spends a larger share of GDP on weapons and soldiers than other nations is likely to experience less investment and productivity growth."

Conclusion: "The competitiveness of a nation's manufactured goods may be eroded by a heavy military burden."

The economic benefits that defense spending does generate are highly specialized, DeGrasse maintains. In 1979, ten manufacturing industries accounted for a 65% of all military purchases. Even in the depths of recent recession, capacity utilization and order backlogs remained very high in those defense-impacted industries, well above national averages.

One of the most absorbing parts of DeGrasse's book is his lengthy case study of military investments in the semiconductor industry. Among the conclusions:

"The end-product developed for military use have had few commercial applications. Those that have usually were significantly redesigned for the commercial market."

"The military's role as a 'first-user' has become increasingly irrelevant, given the rapid application of commercial applications for semiconductor technology."

"Military research has not often supported projects that led to significant innovation."

The moral of the semiconductor industry study is ultimately the same as the moral of the book: Military spending is a common sacrifice. It ought to be justified solely on the basis of defense needs, not on the basis of supposed economic benefits.

LIST OF BENS SUPPORTERS[1]

Ben Alexander, Chief Executive Officer, DA&S Oil Well Servicing, Inc., Hobbs, New Mexico.

J. Sinclair Armstrong, Former Chairman, U.S. Securities and Exchange Commission and former Assistant Secretary of the Navy, New York, New York.

David B. Arnold, Jr., Chairman, Emerson Hospital, Concord, Massachusetts.

John Barton, Vice President, Neidiger Tucker Bruner, Inc., Englewood, Colorado.

Edward R. Bedrosian, Treasurer, Polaroid Corporation, Cambridge, Massachusetts.

Wesley Bilson, President, Delano Regional Medicial Center, Marina del Rey, California.

Robert J. Block, Chairman, National Securities Corp., Seattle, Washington.

J. C. Brenton, Executive Vice President & Treasurer, Brenton Banks, Inc., Des Moines, Iowa.

Jack E. Brown, Senior Attorney, Brown & Bain, P.A., Phoenix, Arizona.

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[1] The book is an expansion and updating of a report DeGrasse previously published for the Council of Economic Priorities.

[1] Partial List of Members, April, 1984. Corporate Affiliation Provided for Identification Purposes Only

Donald W. Carlson, Co-Chairman, The Consolidated Capital Cos., Emeryville, California.

David L. Coffin, Chairman & Chief Executive Officer, Dexter Corporation, Windsor Locks, Connecticut.

Robert M. Collins, President, Cobe Laboratories, Inc., Lakewood, Colorado.

Robert S. Colodzin, Vice President, Champion International Corp., Stamford, Connecticut.

James R. Compton, President, J. R. Compton Development Company, Los Gatos, California.

Thomas E. Congdon, President, St. Mary's Parish Land Co., Denver, Colorado.

Mary Dent Crisp, Consultant, former Co-Chairman, Republican National Committee, Washington, D.C.

Henry S. Dakin, President, H. S. Dakin Co., San Francisco, California.

Maxwell Dane, Founder (retired), Doyle Dane Bernbach Inc., New York, New York.

Richard Dennis, President, Richard Dennis & Company, Chicago, Illinois.

Leo A. Drey, Owner, Pioneer Forest, St. Louis, Missouri.

William L. Dunfey, Director & Vice President, Dunfey Hotels, Hampton, New Hampshire.

Charles Dyson, Chairman, Dyson Kissner Moran Corp., New York, New York.

Stanley S. Fine, Senior Vice President, United-Guardian, Inc., Smithtown, New York, Rear Admiral, USN (retired).

David Finn, Chairman & Chief Executive Officer, Ruder Finn & Rotman, Inc., New York, New York.

William Fishman, Chairman, ARA Services, Inc., Philadelphia, Pennsylvania.

Carolyn Agger Fortas, Partner, Arnold & Porter, Washington, D.C.

Howard G. Freeman, President & Chief Executive Officer, Jamesbury Corporation, Worcester, Massachusetts.

Samuel Gary, Oil Producer, Englewood, Colorado.

Kenneth Germeshausen, Founder (retired), E G & G, Inc., Wellesley, Massachusetts.

Bernard A. Goldhirsh, Chairman & Chief Executive, Officer, Inc. Publishing Corporation, Boston, Massachusetts.

John G. Guffey, Jr., President, The Calvert Group, Bethesda, Maryland.

John C. Haas, Vice Chairman, Rohm & Haas Co., Philadelphia, Pennsylvania.

Anne Halsted, Vice President, United States Leasing International, Inc., San Francisco, California.

T. Walter Hardy, Jr., Chairman, Hardy Salt Co., St. Louis, Missouri.

Sidney Harman, Chairman, Harman International Industries, Inc., former Undersecretary of Commerce, Washington, D.C.

John W. Hechinger, President, Hechinger Company, Landover, Maryland.

Clarence E. Heller, Partner, Quinn-River-Sonora Company, San Francisco, California.

Earl H. Hess, President, Lancaster Laboratories, Inc., Lancaster, Pennsylvania.

Arnold Hiatt, President, Stride Rite Corporation, Cambridge, Massachusetts.

Ronald R. Hoffman, Vice President, ALCOA, Pittsburgh, Pennsylvania.

David Horowitz, Co-Chief Operating Officer, Warner Communications, Inc., New York, New York.

Proctor Houghton, President, Houghton Chemical Corp., Allston, Massachusetts.

Lawrence Huntington, Chairman, Fiduciary Trust, New York, New York.

James Johnston, Partner, Johnston & Johnston, Wichita, Kansas.

Peter Karoff, President, The March Company, Boston, Massachusetts.

Alan F. Kay, Chairman, Participation Systems, Inc., Boston, Massachusetts.

Charles Kiskaddon, President, Alcoa Steamship Company, Inc., New York, New York.

Philip M. Klutznick, Senior Partner, Klutznick Investments, Inc., former Secretary of Commerce, Chicago, Illinois.

George W. Krumme, Partner, Krumme Oil Company, Bristow, Oklahoma.

Robert D. Lamson, Executive Vice President, Spencer Products Co., Seattle, Washington.

Walter Landor, Chairman, Landor Associates, San Francisco, California.

Aaron Levinson, Chairman, Levinson Steel Co., Pittsburgh, Pennsylvania.

Sydney Lewis, Chairman & Chief Executive Officer, Best Products Company, Inc., Richmond, Virginia.

Donald B. Lippincott, President, Lippincott, Inc., North Haven, Connecticut.

John L. Marakas, President, Nationwide Life Insurance Co., Columbus, Ohio.

Stanley Marcus, Consultant, Dallas, Texas.

Daniel Melnick, President, The IndieProd Company, Los Angeles, California.

Kenneth F. Mountcastle, Jr., Senior Vice President, Dean Witter Reynolds, Inc., New York, New York.

Robert Morgan, Chairman, AAMCO Industries, Inc., Bridgeport, Pennsylvania.

Carole B. Müller, Portfolio Manager, Drexel, Burnham Lambert, Washington, D.C.

J. Richard Munro, President & Chief Executive Officer, Times, Inc., New York, New York.

Henry E. Niles, Chairman (retired), Baltimore Life Insurance Company, Baltimore, Maryland.

William Nourse, President, Brookmeade Hardware, Nashville, Tennessee.

Jesse H. Oppenheimer, President, Greenbrier Realty Corporation, San Antonio, Texas.

Donald Petrie, Partner, Lazard Freres and Company, Inc., New York, New York.

Gerard Piel, Publisher, Scientific American, New York, New York.

Sol Price, Chairman, Price Company, San Diego, California.

Bernard Rapoport, Chairman, American Income Life Insurance Co., Waco, Texas.

Rudolph S. Rasin, President, Rasin Corporation, Chicago, Illinois.

Lois D. Rice, Senior Vice President, Control Data Corporation, Washington, D.C.

Joseph Rosenmiller, Jr., Chairman, Greater Media, Inc., New York, New York.

Julius Rosenwald, II, Director, Sears Roebuck & Company, Philadelphia, Pennsylvania.

William M. Roth, President, Roth Properties, San Francisco, California.

James W. Rouse, Chairman, The Rouse Company, Columbia, Maryland.

Alan Sagner, Chairman, Port Authority of New York and New Jersey, New York, New York.

Anthony M. Schulte, Executive Vice President, Random House, Inc., New York, New York.

Bernard L. Schwartz, Chairman & Chief Executive Officer, Loral Corporation, New York, New York.

Robert J. Schwartz, Vice President, Shearson American Express, Inc., New York, New York.

Milton J. Shapp, Former Governor of Pennsylvania, former President, The Jerrold Corporation, Bala Cynwyd, Pennsylvania.

Roger P. Sonnabend, Chairman, Sonesta International Hotels Corp., Boston, Massachusetts.

C. Maxwell Stanley, Chairman, HON Industries, Inc., Muscatine, Iowa.

Frank Stanton, President, World Wide Holdings Corporation, New York, New York.

Leon R. Strauss, President, Pantheon Corp., St. Louis, Missouri.

Robert Stuart, Chairman, National Can Corporation, Chicago, Illinois.

Lee B. Thomas, Jr., President, Vermont American Corporation, Louisville, Kentucky.

Joseph D. Tydings, Attorney, former United States Senator, Havre de Grace, Maryland.

William J. vanden Heuvel, Senior Partner, Stroock & Stroock & Lavan, former Ambassador, European Office of the United Nations, New York, New York.

Charles Van Zoeren, President, Alvan Motor Freight, Inc., Kalamazoo, Michigan.

Philippe Villers, President, Automatix, Inc., Bilerica, Massachusetts.

Brooks Walker, Jr., Chairman, United States Leasing International, Inc., San Francisco, California.

Ira D. Wallach, Chairman, Gottesman & Company, Inc., New York, New York.

Philip S. Weld, President (retired), Essex County Newspapers, Inc., Gloucester, Massachusetts.

Frank A. Well, Attorney, Former Assistant Secretary of Committee for Industry, and Trade, Washington, D.C.

Stanley A. Weiss, Chairman, American Minerals, El Paso, Texas.

Josh S. Weston, President & Chief Executive Officer, ADP, Inc., Clifton, New Jersey.

John H. Whitaker, President & Chief Executive Officer, Whitaker Cable Corp., North Kansas City, Missouri.

Theodore Williams, President, Bell Industries, Los Angeles, California.

Harold Willens, Founder, Factory Equipment Corporation, Los Angeles, California.

Mortimer B. Zuckerman, Chairman, Boston Properties, Boston, Massachusetts.

Mr. DIXON. Mr. President, I renew my motion to refer this DOD authorization bill to the Armed Services Committee for 5 days, excluding nonworking days, and to report back to the Senate with a $293.7 billion DOD authorization bill, 5 percent actual growth over inflation, for this year.

Mr. TOWER. Mr. President, this impressive list that Senator DIXON has just provided for the RECORD simply proves that many, many members of the business community are myopic and shortsighted and capable of viewing defense in a narrow, parochial perspective, and nothing more.

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

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

Mr. NUNN. Mr. President, I will vote against the Dixon motion with some reluctance, because I voted for the 5-percent level in committee.

I voted for a resolution on the budget that was at the 4-percent level. So in terms of what I believe the national interest requires in fiscal policy, I think that the 7 or 7.5 percent is a very high level for defense, given the current fiscal situation in our country.

However, I also made my votes on the budget resolution and in committee with the idea in mind that we would do much more cutting on the domestic side than we have done. So I am willing to have a lower defense budget. I am unwilling to see defense increasingly pay the lion's share of the price to get Government spending down.

If we are really going to do something about the deficit, it is going to require a sacrifice from far more than just the defense arena. I must say that it also will require more revenue.

The primary reason why I shall vote against the Dixon motion at this point is that, as the ranking minority member of the committee, I feel some sense of loyalty to the precedent we have had in the past. In the past, I remember very well, when Senator Muskie was chairman of the Budget Committee and Senator STENNIS was chairman of the Armed Services Committee, we always tried to adhere to the Senate-passed first concurrent resolution in our Armed Services Committee. We did not try to anticipate the level that would come back in conference.

As we are voting today, we are indeed anticipating the conference level from the first concurrent resolution. If we do that, we are going to be playing a guessing game every year in what is already a very difficult kind of procedure among the authorizing bill, the budget resolution, and the appropriating committee, where we are getting caught more and more waiting for the Budget Committee, but trying to stay ahead of the appropriating committee. And we are in more and more danger that the committee with expertise on national security will not be relevant.

For that reason, if we get into a situation where we are anticipating the level that may come back from the budget conference—and none of us knows when that is going to come back—if that is imposed as a precedent on the authorizing committee, then I think we are in great danger of simply not being able to function as an authorizing committee.

For those reasons, I will vote, reluctantly, against the motion of the Senator from Illinois. I think he has made a very strong case in terms of the fiscal policy of our country. I congratulate him for the motion. It certainly is in order. But I feel some obligation to the history we have adhered to in the past in this area, and I feel a keen obligation to make certain that our authorizing committee continues to be relevant. I do not believe it can be relevant if we have to wait, in effect, for the conference on the budget or if we have to guess where the conference may come back.

I understand that the appropriating committee will begin to meet next week. If they are to have guidance from us and if we are to serve as a ceiling, we have to pass this bill and try to get an early conference. So I shall support the Senator from Texas on this motion.

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. Without objection, it is so ordered.

Mr. BAKER. Mr. President, Members know of my concern that we move this matter as soon as possible. Notwithstanding, I have not sought to make tabling motions until it is pretty clear that the debate has been exhausted on major issues.

I gather from the conversations I have had informally with Members that that is the case now, and at this point then I move to table the motion to recommit with instructions and ask for the yeas and nays on the motion.

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

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee to lay on the table the motion to recommit with instructions.

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 North Dakota [Mr. ANDREWS] and the Senator from Illinois [Mr. PERCY] are necessarily absent.

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

The result was announced—yeas 55, nays 43, as follows:

[Rollcall Vote No. 130 Leg.]

YEAS—55

Abdnor	Domenici	Hecht
Armstrong	Durenberger	Heflin
Baker	East	Heinz
Boren	Evans	Helms
Boschwitz	Exon	Humphrey
Cochran	Garn	Jepsen
Cohen	Glenn	Johnston
D'Amato	Goldwater	Kassebaum
Danforth	Gorton	Kasten
Denton	Hatch	Laxalt
Dole	Hawkins	Long
Lugar	Quayle	Tower
Mattingly	Roth	Trible
McClure	Rudman	Wallop
Murkowski	Specter	Warner
Nickles	Stennis	Wilson
Nunn	Stevens	Zorinsky
Packwood	Symms	
Pressler	Thurmond	

NAYS—43

Baucus	Ford	Mitchell
Bentsen	Grassley	Moynihan
Biden	Hart	Pell
Bingaman	Hatfield	Proxmire
Bradley	Hollings	Pryor
Bumpers	Huddleston	Randolph
Burdick	Inouye	Riegle
Byrd	Kennedy	Sarbanes
Chafee	Lautenberg	Sasser
Chiles	Leahy	Simpson
Cranston	Levin	Stafford
DeConcini	Mathias	Tsongas
Dixon	Matsunaga	Weicker
Dodd	Melcher	
Eagleton	Metzenbaum	

NOT VOTING—2

Andrews	Percy

So the motion to lay on the table the motion to recommit was agreed to.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

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

The motion to lay on the table was agreed to.

Mr. TOWER. Mr. President, the Senator from Ohio is here and prepared to offer an amendment which I believe is noncontroversial. We have reviewed the matter and will accept it on this side. I do not expect it will take a great deal of time.

I see that Senator LEAHY is here, and there are others here who are interested in the MX amendment. I will advise my colleagues that we will be attacking the piece de resistance here in a few minutes, I think probably the most controversial and perhaps most critical issue we have on the bill.

I want to advise them that if they are interested in the MX they should hang around for the debate because it promises to be a lulu.

If my friend, who has been ready to present his amendment, will forebear, we will proceed with the Senator from Ohio.

Mr. LEAHY. I am willing to let the distinguished chairman go ahead with a noncontroversial amendment.

Mr. President, I have never had an amendment referred to as a piece de resistance before. I am so stunned that I could not begin right at the moment anyway.

AMENDMENT NO. 3206

(Purpose: To make certain provisions of law applicable to long-term leasing and charter of aircraft and vessels permanent)

Mr. METZENBAUM. Mr. President, I send an amendment to the desk on behalf of myself and Senator LEVIN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. METZENBAUM], for himself and Mr. LEVIN, proposes an amendment numbered 3206.

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

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

The amendment is as follows:

On page 128, between lines 12 and 13, insert the following:

SEC. . (a) Section 1202 of the Department of Defense Authorization Act, 1984 (Public Law 98-94; 97 Stat. 697), is amended—

(1) in subsection (b), by inserting "or in any Act enacted after the date of the enactment of this Act" after "this Act"; and

(2) in subsection (c)(1), by striking out "fiscal year 1985," and inserting in lieu thereof "fiscal years 1985, 1986, and 1987,".

(b)(1) Section 2401(c) of title 10, United States Code, is amended—

(A) by inserting "(1)" after the subsection designation "(c)";

(B) by redesignating clauses (1) and (2) as clauses (A) and (B), respectively; and

(C) by adding at the end thereof the following new paragraph:

"(2) Funds available to the Department of Defense may not be used to enter into any contract under this section, the term of which is for 3 years or more, inclusive of any option for contract extension or renewal, for any vessel, aircraft, or vehicle, through a lease, charter, or similar agreement, that imposes an estimated termination liability (excluding the estimated value of the leased item at the time of termination) on the United States exceeding 50 percent of the original purchase value of the vessel, aircraft, or vehicle involved for which the Congress has not specifically provided budget authority for the obligation of at least 10 percent of such termination liability.".

(2) Section 2401(f) of such title is amended by striking out "90 days after the date of enactment of this section" in the second sentence and inserting in lieu thereof "October 31, 1984".

Mr. METZENBAUM. Mr. President, in the last 2 years the Department of Defense has developed a rather ingenious method to expand the Navy and Air Force—the Department has gone into the business of selling tax shelters.

How does it work?

Instead of buying ships and planes, the Department has been leasing them—and using operations and maintenance funds to do so. These are the dollars Congress appropriated to keep our military hardware in working order.

What is wrong with this process?

Plenty.

For one thing, it circumvents the congressional appropriations and authorizations process. And it is a process that inflates costs to the American taxpayer by millions, if not billions, of dollars. This is so because the leasing deals involve very substantial tax writeoffs to the shelter investors.

This is simply not the way in which our Government should do business.

The Navy and Air Force have already entered into a number of these deals. According to the Secretary of Defense, five leasing programs for planes and ships specifically constructed for the Defense Department are currently being funded out of operation maintenance funds. In addition, 76 commercially available planes and ships are being leased. These include Lear jets, cargo ships, and tankers.

I do not question the need for this equipment. But I am concerned that the Department of Defense is not using cost-effective methods to acquire them.

According to the Joint Committee on Taxation, the TAKX cargo ships were acquired at a ridiculously high price. In fact, the committee estimates that it cost the Navy more than a quarter of a billion dollars more than it would have cost to purchase them outright. The same pattern pertains to the other DOD long-term leasing programs.

Congress has already addressed this subject. Last year, as part of the defense authorization bill, Senators COHEN, LEVIN, and I authored an amendment to restrict these activities. And the tax bill, now in conference, will remove the generous tax subsidies from these transactions.

But even without the tax subsidies, I am concerned that without appropriate controls, the Department will continue its practice of leasing instead of purchasing equipment even when the purchase option is less expensive.

My amendment addresses these concerns in four ways.

First, it will extend for an additional 2 years the requirement that the Secretary of Defense submit a written report to Congress on the leasing of defense equipment.

Second, it will make permanent the provision of law that is set to expire at the end of this fiscal year that prohibits the Department from guaranteeing tax benefits or paying the legal fees of private contractors who challenge IRS actions.

Third, it makes permanent an existing prohibition on contracts that involve substantial termination liabilities.

Fourth, it mandates that OMB and Treasury issue guidelines for determining under what circumstances the Department of Defense may use lease arrangements.

Last year Congress mandated that these agencies issue guidelines by December 24, 1983. Unfortunately, they have not yet acted. The Office of Management and Budget in a letter dated June 12, 1984, assures me that these guidelines will be issued by October 31, 1984.

Mr. President, I ask unanimous consent that the letter from the OMB be printed in the RECORD.

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

OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, June 12, 1984.

Hon. HOWARD METZENBAUM,
U.S. Senate,
Washington, DC.

DEAR SENATOR METZENBAUM: The Office of Management and Budget will issue guidelines for determining under what circumstances the Department of Defense may use lease or charter arrangements for aircraft and naval vessels by October 31, 1984. I know that we are already later than the initial deadline. Much work has been done on many of the difficult technical questions involved in these guidelines and they will be complete by October 31, 1984.

The guidelines will describe the criteria to be used in comparing the costs of leasing versus buying assets. In that regard, the guidelines will make it clear that those criteria apply to short-term leases when it is anticipated that the government will continue to use the asset after the initial lease expires.

Sincerely,

J. GREGORY BALLENTINE,
Associate Director for Economic Policy.

Mr. METZENBAUM. This amendment mandates that the OMB act by that time. In addition, it is my understanding that the chairman of the Armed Services Committee will write to the OMB and request that we be kept apprised of the status of these guidelines.

Mr. President, I believe that this amendment is necessary to prevent the Defense Department from leasing equipment that would be less expensive to purchase. And I understand that the managers of the bill are prepared to accept it.

Mr. TOWER. Mr. President, last year, Senators DOLE, COHEN, METZENBAUM, and LEVIN introduced an amendment to the fiscal year 1984 Defense authorization bill that limited the authority of the Department of Defense to enter into long-term leases for aircraft and naval vessels.

The amendment that Senator METZENBAUM now proposes is fully consistent with the provision overwhelmingly supported by the Senate last year. For that reason, I am prepared to accept this amendment.

There is, however, one problem area in last year's provision to which I would like to draw attention and express congressional concern. Last year, the Congress directed the Office of Management and Budget and the Department of the Treasury to issue guidelines for determining under what circumstances the Department of Defense may use long-term lease or charter arrangements for aircraft and naval vessels. These guidelines were to be issued within 90 days after enactment of the Defense Authorization Act, 1984.

I am disappointed by the failure of OMB and Treasury to comply with this congressional directive. Nearly 1 year has passed, and the guidelines have not been issued.

On Tuesday, June 12, 1984, I received a letter from the Office of Management and Budget which contained a commitment to issue these much needed guidelines by October 31, 1984—the date specified in Senator METZENBAUM's amendment. I am pleased that OMB has now made a commitment to issue these guidelines by a date certain.

While I am pleased with OMB's commitment, I want to make certain that OMB clearly understands the importance that the Senate attaches to development of these guidelines. Accordingly, I have written a letter to OMB that requests reports on August 31 and September 30, 1984, on the status of development of these guidelines.

Mr. President, I ask unanimous consent that my letter of June 13, 1984, be printed at this point in the RECORD.

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

COMMITTEE ON ARMED SERVICES,
Washington, DC, June 13, 1984.

Mr. J. GREGORY BALLENTINE,
Associate Director for Economic Policy, Office of Management and Budget, Executive Office of the President, Washington, DC.

DEAR MR. BALLENTINE: Thank you for your letter of June 12, 1984 concerning guidelines to be issued by the Office of Management and Budget for determining under what circumstances the Department of Defense may use lease or charter arrangements for aircraft and naval vessels.

As you know, the use of long-term lease and charter arrangements by the Department of Defense is an issue of continuing congressional interest. Concerned Members of the Senate are disappointed by the failure of the Office of Management and Budget and the Department of the Treasury to issue within 90 days after enactment of the Defense Authorization Act, 1984, the requested guidelines for lease and charter arrangements.

I am pleased by the commitment contained in your letter that the Office of Management and Budget will issue these guidelines by October 31, 1984. Reflecting congressional interest in this effort, I request that you provide the Senate Committee on Armed Services with a report on the status of this effort on both August 31 and September 30, 1984. I would also request that you provide a copy of these reports directly to Senator Metzenbaum who has taken a special interest in leasing and charter arrangements by the Department of Defense.

Sincerely,

JOHN TOWER.

Mr. TOWER. Mr. President, as I previously stated, I am prepared to accept the amendment offered by the Senator from Ohio.

Mr. LEVIN. Mr. President, I commend my friend from Ohio for his continued pursuit of this critical area. The amendment he offered last year put into permanent law a number of the aspects of his amendment, but there were some that were not made permanent as a result of our action in conference. His amendment this year, among other things, will make permanent those provisions in last year's amendment which were only left applicable after the conference of the 1984 bill. This provision has proven very useful to Congress. I commend him for pursuing it. I know of no objection on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment No. 3206 was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. METZENBAUM. Mr. President, I express my appreciation to the managers of the bill for their cooperation and acceptance of the amendment.

AMENDMENT NO. 3207

Mr. LEAHY. Mr. President, I send an amendment to the desk on behalf of myself and Senators LEVIN, BUMPERS, GLENN, BIDEN, MITCHELL, KENNEDY, HART, SASSER, BINGAMAN, SARBANES, and HOLLINGS, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for himself, Mr. LEVIN, Mr. BUMPERS, Mr. GLENN, Mr. BIDEN, Mr. MITCHELL, Mr. KENNEDY, Mr. HART, Mr. SASSER, Mr. BINGAMAN, Mr. SARBANES, and Mr. HOLLINGS, proposes an amendment numbered 3207.

TITLE I—PROCUREMENT

PART A—PROCUREMENT

AUTHORIZATION OF APPROPRIATIONS, ARMY

SEC. 101. (a)(1) Funds are hereby authorized to be appropriated for fiscal year 1985 for procurement of aircraft, missiles, weapons, and tracked combat vehicles, and ammunition and for other procurement for the Army as follows:

For aircraft, $3,808,500,000.

For missiles, $3,328,800,000.

For weapons and tracked combat vehicles, $4,738,000,000.

For other procurement, $5,564,500,000.

For Army National Guard equipment, $50,000,000.

(2)(A) There are hereby authorized to be transferred to, and merged with, amounts appropriated for procurement of weapons and tracked combat vehicles for the Army for fiscal year 1985 pursuant to the authorization of appropriations in paragraph (1), to the extent provided in appropriations Acts—

(i) $60,500,000 to be derived from amounts available for fiscal year 1988 for procurement of weapons and tracked combat vehicles for the Army remaining available for obligation; and

(ii) $131,200,000 to be derived from amounts appropriated for fiscal year 1984 for procurement of weapons and tracked combat vehicles for the Army remaining available for obligation.

(b) The Secretary of the Army may enter into multiyear contracts in accordance with section 2306(h) of title 10, United States Code, for the purchase of UH-60A aircraft and EH-60A aircraft, and for the execution of the CH-47D aircraft modernization program. Such contracts may include an unfunded cancellation ceiling. If funds are not made available for the continuation of such a contract in subsequent fiscal years, the contract shall be canceled and the costs of cancellation shall be paid as provided in section 2306(h)(5) of title 10, United States Code.

(c) None of the funds appropriated pursuant to the authorization of appropriations in section 101 may be obligated or expended for the Division Air Defense System until—

(1) initial production testing of such system has been completed;

(2) the Secretary of Defense has reported to the appropriate committees of the Congress the results of the testing and has certified to the committees that continued production of the Division Air Defense System is in national interest; and

(3) a period of at least 30 days has elapsed after the day on which the committees have received the report and certification.

(d) Section 107 of the Department of Defense Authorization Act, 1984 (Public Law 98-94; 97 Stat. 620) is repealed.

AUTHORIZATION OF APPROPRIATIONS, NAVY AND MARINE CORPS

SEC. 102. (a)(1) Funds are hereby authorized to be appropriated for fiscal year 1985 for procurement of aircraft, weapons (including missiles and torpedoes), shipbuilding and conversion, and other procurement for the Navy as follows:

For aircraft, $11,144,700,000.

For weapons (including missiles and torpedoes), $4,531,960,000.

For shipbuilding and conversion, $12,198,200,000.

For other procurement, $5,387,400,000.

For Navy Reserve equipment, $20,000,000.

(2) There are hereby authorized to be transferred to, and merged with, amounts appropriated to the Navy for shipbuilding and conversion for fiscal year 1985 pursuant to the authorization of appropriations in paragraph (1), to the extent provided in appropriation Acts—

(A) the sum of $442,600,000 to be (i) derived from amounts available to the Navy for fiscal years 1981 through 1984 and which remain unobligated, and (ii) used for the overhaul and conversion of the battleship U.S.S. Missouri; and

(B) the sum of $30,000,000 to be (i) derived from amounts available to the Navy for fiscal years 1982 and 1983 for shipbuilding and conversion remaining available for obligation, and (ii) used for the naval nuclear reactor training program.

(b) Funds are hereby authorized to be appropriated for fiscal year 1985 for procurement for the Marine Corps (including missiles, tracked combat vehicles, and other weapons) in the amount of $1,846,081,000.

(c) The Secretary of the Navy may enter into multiyear contracts in accordance with section 2306(h) of title 10, United States Code, for the purchase of CH-53E aircraft. Such contracts may include an unfunded cancellation ceiling. If funds are not made available for the continuation of such a contract in subsequent fiscal years, the contract shall be cancelled and the costs of cancellation shall be paid as provided in section 2306(h)(5) of title 10, United States Code.

(d)(1) Except as otherwise provided in this subsection, funds may not be obligated or expended for the procurement of the KS-158 low altitude aerial reconnaissance camera for the Marine RF-4B aircraft for the fourth year under the terms of the multiyear contract entered into by the Navy for such cameras.

(2) The Secretary of the Air Force shall conduct evaluation tests of the CA-810 aerial reconnaissance camera to determine the suitability of such camera for high speed, low altitude aerial reconnaissance missions. The Secretary shall complete such tests not later than November 1, 1984.

(3)(A) If, on the basis of the tests referred to in paragraph (1), the Secretary of the Air Force determines that the CA-810 camera failed to meet or exceed any Navy requirements for a high speed, low altitude aerial reconnaissance camera, the Secretary of the Navy may procure additional cameras under the multiyear contract referred to in paragraph (1).

(B) If, on the basis of the tests referred to in paragraph (1), the CA-810 camera meets or exceeds all Navy requirements for a high speed, low altitude aerial reconnaissance camera, the Secretary of the Navy may not procure additional cameras under the multiyear contract referred to in paragraph (1), but shall conduct a competitive procurement for any additional high speed, low altitude aerial reconnaissance cameras to be procured by the Navy for the RF-4B aircraft.

(4) If the evaluation of the CA-810 camera is not completed by the Secretary of the Air Force by November 1, 1984, as a result of any delay attributable to the manufacturer of such camera, as determined by the Secretary of the Air Force, the Secretary of the Air Force shall terminate the evaluation and the Secretary of the Navy may procure additional cameras under the multiyear contract referred to in paragraph (1).

(c)(1) The Secretary of the Navy may establish and maintain an alternative source or sources for the procurement of a common aircraft ejection seat for the F/A-18, T-45, and F-14D aircraft, and the A-6E Upgrade aircraft.

(2) This subsection shall constitute for purposes of clause (17) of section 2804(a) of title 10, United States Code, the authority for the Secretary of the Navy to negotiate contracts for the procurement of ejection seats referred to in paragraph (1) from an alternative source or sources.

AUTHORIZATION OF APPROPRIATIONS, AIR FORCE

SEC. 103. (a) Funds are hereby authorized to be appropriated for fiscal year 1985 for procurement of aircraft and missiles and for other procurement for the Air Force as follows:

For aircraft, $27,385,100,000.

For missiles, $8,819,900,000.

For other procurement $9,075,600,000.

For Air National Guard equipment, $20,000,000.

(b) None of the funds appropriated pursuant to any authorization of appropriations contained in this or any other Act may be obligated or expended for the sole source procurement of a strategic weapons loader, or the modification of an existing strategic weapons loader, in order to meet the performance requirements for the B-1B bomber aircraft or the Advanced Technology Bomber aircraft.

(c) Funds appropriated pursuant to the authorization of appropriations in subsection (a) may be used to procure not more than 0 operational MX missiles.

(d) There is hereby authorized to be transferred to, and merged with, amounts appropriated for procurement of aircraft for the Air Force for fiscal year 1985 pursuant to the authorization of appropriations in subsection (a), to the extent provided in appropriation Acts, $76,000,000, to be derived from amounts available for fiscal year 1984 for the advance procurement of E-3A aircraft.

AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES

SEC. 104. Funds are hereby authorized to be appropriated for the Defense Agencies in the amount of $1,207,000,000.

CERTAIN AUTHORITY PROVIDED THE SECRETARY OF DEFENSE IN CONNECTION WITH THE NATO AIRBORNE WARNING AND CONTROL SYSTEM (AWACS) PROGRAM

SEC. 105. Effective on October 1, 1984, section 103(a) of the Department of Defense Authorization Act, 1982 (Public Law 97-86; 95 Stat. 1100) is amended by striking out "fiscal year 1984" both places it appears and inserting in lieu thereof "fiscal year 1985".

PART B—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

AUTHORIZATION OF APPROPRIATIONS

SEC. 116. (a) Funds are hereby authorized to be appropriated for fiscal year 1985 for the use of the Armed Forces for research, development, test, and evaluation, in amounts as follows:

For the Army, $4,627,710,000.

For the Navy (including the Marine Corps), $9,394,608,000.

For the Air Force, $13,975,507,000.

For the Defense Agencies, $4,566,541,000, of which $59,000,000 is authorized for the activities of the Director of Test and Evaluation, Defense.

(b) In addition to the funds authorized to be appropriated in subsection (a), there are authorized to be appropriated for fiscal year 1985 such additional sums as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law for civilian employees of the Department of Defense whose compensation is provided for by funds authorized to be appropriated in subsection (a).

(c)(1) The Secretary of the Army shall proceed with the competitive development of a Joint Tactical Missile System having the following design goals:

(A) A maximum range of 200 kilometers.

(B) A payload at maximum range of 1,000 pounds.

(2) In the development of the Joint Tactical Missile System, the Secretary of the Army shall make maximum use of proven missile technology with the objective of completing the competitive development of the system by July 1, 1987.

(3) The Secretary shall report to the Committees on Armed Services of the Senate and the House of Representatives in writing on the progress of the development of the system referred to in paragraph (1) on the first day of January of 1985, 1986, and 1987.

(d) Not more than 20 percent of the funds appropriated for the undersea target surveillance research and development program may be obligated or expended until a contract for the full-scale engineering development of the CV ASW helicopter has been awarded and the Secretary of Defense has notified the Committees on Armed Services of the Senate and the House of Representatives that such contract has been awarded.

PART C—OPERATION AND MAINTENANCE

AUTHORIZATION OF APPROPRIATIONS

SEC. 118. (a) Funds are hereby authorized to be appropriated for fiscal year 1985 for the use of the Armed Forces of the United States and other activities and agencies of the Department of Defense for expense, not otherwise provided for, for operation and maintenance, in amounts as follows:

For the Army, $18,755,118,000.

For the Navy, $25,895,326,000.

For the Marine Corps, $1,648,169,000.

For the Air Force, $19,608,600,000.

Mr. LEAHY. Mr. President, the amendment that the Senators and I are offering would delete $2.622 billion for production of the MX missile in fiscal year 1985 and would then transfer a portion of the savings, $1.4 billion, into underfunded nonnuclear equipment and readiness programs.

For some years, I have been concerned that our defense budgets have become overbalanced toward nuclear weapons. This overemphasis on nuclear programs has forced the Pentagon and the Congress to underfund less glamorous—but I would argue far more important—programs to maintain and improve conventional force readiness.

Direct challenges to this country's interests are more likely to come from conventional rather than nuclear means. It is fashionable to argue that nuclear forces actually absorb only a small fraction of the defense budget, 12 percent or 15 percent or 20 percent, depending on who is doing the calculations. Yet 15 percent of a $300 billion defense budget represents an enormous sum, tens of billions of dollars.

It is also argued that cancellation of a nuclear program saves only relatively small amounts in outlays. Again, the short-term gain from a program cancellation may well be small against the whole defense budget in 1 year. Over the life of a major system such as the B-1 or the MX, however, savings can run into $25 billion or more.

In my estimation, the MX missile is perhaps the premier case of defense priorities gone astray. I wonder how many of us even remember that the MX was originally conceived, designed, and developed to be a mobile, survivable solution to the looming vulnerability of the Minuteman ICBM?

Congress once insisted that the MX not be deployed in vulnerable silos, we demanded that it be based survivably. We knew it made absolutely no sense to put it in silos where it could not survive. Some of the most prominent Members of the Senate strongly criticized basing modes for the MX that would not be survivable.

After all this, after 30 basing modes were devised and rejected, after never-ending briefings, so many that some of us could repeat them in our sleep, hearings, meetings and discussions with every kind of expert—we are asked to ignore all that. We are asked

to forget that putting the MX in already targeted Minuteman silos was turned down earlier as too dangerous, not good for U.S. security. After years of hearing that a superaccurate MIRV's ICBM with a hard target kill capability based vulnerably is the worst thing we could do, we are being asked to do it.

Somehow, what we are saying, Mr. President, is that we show our commitment to a strong defense by paying billions of taxpayers' dollars for a weapons system that all of our experts, Republican and Democrat, all our military experts have said is not survivable and should be based some way differently than the way we are doing it. After all that irrefutable proof, we still end up saying we are going to spend billions of dollars of the taxpayers' money because now we call it something different. It is no longer the MX; it is the Peacekeeper.

Mr. President, I support a strong defense. The taxpayers of this country are willing to pay for it, even in times of runaway deficits. But the American people justifiably demand that their tax dollars be spent on weapons which make them safe and more secure. There is no way I can justify to the people of Vermont a vote for the MX missile after all I have learned about how dangerous it is to us, how useless it is in defending this country against the real threats we face, and how much money it takes away from genuine defense needs.

Over a year ago, Secretary of Defense Weinberger and Gen. John Vessey, the Chairman of the Joint Chiefs of Staff, testified before the Appropriations Committee on the MX. I was struck by statements they made to the effect that we were considering a "launch under attack" doctrine as a means of ensuring that MX missiles were not destroyed in their silos. They told the Appropriations Committee that MX in silos would be vulnerable "if we ride out an attack."

What we are saying is we are going to spend billions of dollars to build a weapons system, put it somewhere where it is going to be highly vulnerable, and justify it by saying if we think we are under attack, we shall fire it off. Mr. President, does this really make any sense at all? What it means is that we are putting the United States on a hairtrigger readiness and once we think that we sense an attack against our missiles, we had better fire them.

That means if we make a mistake, if our computers go awry, if somebody reads a signal wrong, then we are going to fire our missiles and ensure we are engaged in world war III, the ultimate war.

Mr. President, without going into matters of a classified nature, but just referring to what has been in the open press, we know that those mistakes have been made in the past. We know that our warning systems have told us of impending attacks when none were there. What happens, when we have our defense so based, if we get that kind of signal? Then we have got to fire because with a first-strike capable weapon like the MX, the United States inevitably is going to be faced with a very dangerous choice: We can adopt the preemptive strike policy that I was talking about before, meaning that if we believe nuclear war is imminent, we will launch our vulnerable missiles first, or we can build a launch-under-attack capability. That means giving increasing authority to lower and lower and lower levels of command, or to computers, and we will have to rely far more on early warning systems to determine when enemy missiles have been launched. We are going to have to build computers into launch control mechanisms, and the human element in decisionmaking that may mean life or death for this entire Nation is going to be cut back sharply because there will be no time whatsoever to think.

From the point of view of Moscow, a vulnerable MX with hard target kill capabilities can only be seen as a critical element in an overall American plan to gain a first-strike capability against their land-based ICBM's, the heart of their nuclear deterrent force. Their reaction is predictable, and we are seeing it now, a new, 10-warhead MX-type ICBM, the SS-X-24.

There are those, of course, who say the Soviets already have an MX, the SS-X-18 or the SS-X-24, regardless of what we do. The Soviet military bureaucracy has built in vested interests and sacred cows, and it is going to grind on with new programs. The Soviets have shown either abysmal stupidity or technological backwardness, or a combination of the two, in relying so heavily on silo-based ICBM's. While more than two-thirds of our deterrent forces are survivable, the same percentage of Soviet strategic weapons will be vulnerable.

And so what do we do, Mr. President? We have a situation where we decide for our security to put ourselves on a hair-trigger readiness, and the Soviets try to build a mirror image and decide for security they will put themselves on hair-trigger readiness, and then of course the debate will be how much of a hair trigger. So we will close the window of hair triggerness instead of the window of vulnerability, and we will get closer and they closer and we closer and they closer until we are down to seconds, until we are down to a point where, quite obviously, Mr. President, even the slightest mistake on either side triggers nuclear war.

There are those who say we are building a peacekeeper. Mr. President, it is not peace of the secure, it is peace of the grave. That is what we are doing. What we are doing is substituting the specter of a nuclear arms race for the security of nuclear arms control. If nobody else is going to move us down the path of arms control, then do we not have a responsibility as Senators to do that? Mr. President, I say that we can go into just about any part of this country and hear people speak of their desires, their needs, and their wishes for arms control. I do not care whether they are Republicans, Democrats, independents, conservatives, liberals, east, west, north, south, wherever they are in this country. People want to see real arms control. The people of this Nation, if given a choice or a chance to vote for arms control packages, would vote for them. Instead, when you come down to the ultimate arms control package, treaties, there are only 100 people in the United States who get to vote on such a matter, the 100 men and women of this body. And during the debates going on in the House of Representatives and the Senate, there are only 535 of us now who can vote to bring some kind of sanity to the arms race.

Certainly, if we are reflective of the people who sent us here to represent them, we would do so.

The point I want to make is that American force posture decisions should be made on the basis of our analysis of what protects our security while reducing the risk of a cataclysmic nuclear exchange. Instead of being mesmerized by a succession of Soviet missiles and obsessed with the idea that we must match them no matter how many missiles and warheads we already have, we ought to decide what, from our point of view, makes the most military sense.

We have other options for modernizing the U.S. strategic deterrent in ways that do not increase the risk of nuclear war. We are deploying air-launched cruise missiles. Even though I oppose it as not cost-effective, we are building the B-1 bomber. The advanced technology or Stealth bomber is coming later in this decade. The Trident II sea-launched ballistic missile, which would give us survivable hard-target capabilities, is nearing the initial testing stage. Beyond that, by the early 1990's, we will have the small, mobile, single warhead ICBM as an option for modernizing the land-based leg of the strategic triad.

So no one should be fooled into thinking maintaining strong nuclear forces depends on building the MX. It does not. The hard truth is that we do not need it; it wastes money, and it makes a nuclear exchange more, not less, likely.

That is really the sum of the MX.

One last line of argument I would like to deal with is the proposition

that the MX is needed for arms control.

Well, the MX was defended last year as necessary as part of a deal to make the present administration more serious about arms control. Unfortunately, that ploy did not pan out; the Soviets withdrew from the strategic arms talks. The administration got the go-ahead on MX production and gave absolutely nothing, absolutely nothing on arms control.

On the second arms control argument for the MX, the one we hear more often now is that we must produce it to make the Soviets serious about a new agreement.

Mr. President, the drawback to this defense of the MX is that the administration has never intended to bargain it in the START talks. Let us listen to what our chief negotiator said. Ambassador Rowny has repeatedly declared that while he needs the MX to negotiate in Geneva, he does not mean to trade it for limitations on Soviet missiles. The MX is not a bargaining chip to be put on the table as negotiating capital. If it is not a bargaining chip, what is it?

The latest arms control justification for the MX is that by demonstrating American resolve and determination to compete, the Soviets will be sufficiently impressed to negotiate seriously. Again, the deficiency in this argument is that a decision last year to produce 21 MX missiles was followed by collapse in negotiations. The Soviet START proposal contained no special demands for limits on the MX. I understand under their proposal the United States could have been deploying hundreds of MX missiles. What kind of a bargaining chip? What kind of a bargaining chip, Mr. President? We say we will have 100 MX or maybe we will negotiate with the White House and we will have 50, or maybe we will negotiate with the White House and we will have 30, or maybe we will negotiate with the White House and we will have 20. The Soviets do not care. We can have 100, we can have 200, we can have 300. Bargaining chip? Certainly not to them. It must be a bargaining chip only among various factions in Congress and in the White House.

I do not seek an arms control agreement with the other body or with 1600 Pennsylvania Avenue. I should like to see our country have an arms control agreement with the Soviet Union. They certainly do not care how many MX we build. Thus, out the window goes the MX as a bargaining chip.

I believe that what impresses Soviet political and military leaders and negotiators is not bargaining chips or demonstrations of resolve, but militarily effective weapons designed to meet American strategic requirements.

Whatever else we may think of them, in matters of nuclear weapons and arms control, the Soviets are serious people. We have got to be equally serious in dealing with these matters, and stop being hauled back and forth because of ideological preoccupations or arid strategic theories.

If the debates and actions in the Senate and the House have demonstrated one thing over the last several years, it is that there is no consensus in the United States for deploying the MX missile. We have come up with all sorts of strange compromises, fences, and reports. All have one thing in common: They allow us to avoid making a tough, but necessary decision to kill a big nuclear program.

Nobody has ever testified that the MX, based the way we are talking about basing it, is a survivable weapon and thus makes sense for the purpose for which it is designed. Nobody wants to face up to that and say, "If it doesn't work, why continue to build it?" Instead, they say: "Maybe we will build a few less or a few more, whether people are happy with us or sad with us. We will base it on whether somebody comes to Geneva on such and such a date or does not. We will base it on whether this Member of Congress or that Member of Congress will go for it." Nobody bases it on whether we will vote for it because it will work or will not work.

We should talk to the people in our States and find out how they would vote.

The supporters of this amendment believe the time has come to stop the production of the MX missile, and transfer at least some of the savings to needed conventional force upgrades, especially in the area of readiness. Senator LEVIN, a distinguished member of the Armed Services Committee, helped us put together the list of conventional force add backs. He will explain in detail the rationale for particular items.

Let me just summarize for my colleagues what the focus of the conventional forces improvements would be. They are concentrated heavily in operations and maintenance improvements, including $261 million for Navy ship overhauls, and property and depot maintenance for the Army and the Navy. O&M improvements account for some $442 million of a total of more than $1.4 billion.

We propose to shift $719 million to improvements in active service equipment. This includes an additional C-5B for Air Force strategic airlift, antitank munitions, tactical aircraft spares, airbase survivability, and tactical aircraft modifications. For the Navy, we would restore one fleet hospital, and Phoenix and Standard missile buys for ship defense against air attack. Army improvements would include restoring deployable medical systems and support equipment for better treatment of wounded, personnel survivability equipment, and field maintenance and repair equipment.

The National Guard and Reserve would receive $92 million in force upgrades, primarily improvements in ground attack antiarmor capability, aircraft survivability, and avionics.

None of these programs is especially newsworthy, but all are important to the services in improving readiness. The money put into these programs would do more to strengthen the defense of the United States than the entire $2.6 billion going into production of the MX next year.

Mr. President, I ask unanimous consent that two important articles describing serious readiness deficiencies in the military services and the need for the kinds of upgrades and improvements contained in this amendment be printed in the RECORD.

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

[From the New York Times, May 14, 1984]

U.S. FORCES MAY LACK RESOURCES TO CARRY ON A WAR, OFFICERS SAY

(By Richard Halloran)

WASHINGTON, May 13.—The 17th Tactical Fighter Squadron at Shaw Air Force Base in South Carolina is a hotshot outfit by almost every measure. But senior Air Force officers say it is officially rated not ready for sustained combat.

The 17th, the newest fighter squadron in the Air Force, is led by a veteran of the war in Vietnam. More than half its pilots are rated experienced, and its younger fliers are considered among the best in the service. It has most of the trained technicians it is authorized to have.

The 17th Squadron is fully equipped, with the last of its 24 F-16 fighters delivered recently. Each pilot logs more than 20 hours of training sorties a month. Skilled ground crews maintain the planes under the watchful eyes of senior sergeants. Morale seems high.

SHORTAGE OF SPARE PARTS

But the 17th has in its war reserves only 60 percent of the spare parts considered necessary for sustained battle and has thus been rated not ready for combat, the senior officers said. The squadron could fight in the early days of a war but without more spare parts, it might have to be grounded quickly.

The 17th Tactical Fighter Squadron is not alone. Rather, it reflects uneven combat capacities in many other Air Force squadrons, Army and Marine Corps battalions and Navy ships, despite three years of rapidly rising military spending.

That conclusion arises from recent conversations with more than 100 squadron, battalion and ship officers and noncommissioned officers, those who would bear the brunt of battle if the United States went to war.

All those combat leaders asserted that the arms, equipment and personnel of their units had steadily improved in the last three years. At the same time, many cited deficiencies in training and war reserves that they said could cripple their forces in combat.

Those assessments were supported in large measure by the military high com-

mand in Washington and by senior officers of the unified four-service combat commands in testimony before Congress and in other public statements.

At issue are two closely related measures of capacity to be ready to fight a war and sustain combat. The degree of readiness, in Pentagon parlance, measures a unit's ability to fight on the first day of a full-scale war with conventional arms against a well-armed, well-trained adversary. The degree of sustainability measures a unit's capacity for continuing to fight effectively until American industry can produce weapons, ammunition and supplies as fast as they are consumed on the battlefield.

Recent wars in the Middle East show that consumption rates can be tremendous.

Military planners thus estimate that the forces should have on hand 60 to 90 days' supply of ammunition, parts and supplies to fight, for instance, a Soviet invasion of Europe, a North Korean attack on South Korea, or an Iranian attack on Saudi Arabian oilfields.

The Reagan Administration, in presenting its 1985 military budget to Congress, has said its military spending has been balanced and that the armed forces are more ready for war and for prolonged conflict than when President Reagan took office in 1981.

39 PERCENT IMPROVEMENT ASSERTED

At that time, Mr. Reagan said he was "appalled" by what he had seen: "American planes that could not fly and American ships that could not sail for lack of spare parts and trained personnel, and insufficient fuel and ammunition for essential training."

This year, when Defense Secretary Caspar W. Weinberger submitted his annual report to Congress, he asserted, "Today, three years later, 39 percent more of our major military units are categorized as fully or substantially ready for combat."

Mr. Weinberger did not specify how many units had been ready in 1981 nor how many were ready today. Those figures are classified, although they have occasionally become public knowledge.

Since Mr. Weinberger's report, however, the degree to which the armed forces are ready to fight and to sustain conventional war has been increasingly disputed in Congress and the press.

MANY GUNS, FEW BULLETS

Some Congressmen, mainly Democrats, have argued that too much has been spent on weapons but not enough on ammunition and spare parts, contending, in effect, that the Administration has bought too many guns and not enough bullets.

In addition, Pentagon documents finding their way into the press have suggested that the Army and Air Force have fallen in readiness ratings, while other official reports have said the Navy has a critical shortage of missiles, torpedoes and other munitions.

At the request of Mr. Weinberger, the Chairman of the Joint Chiefs of Staff called a news conference in March to assert, "the force is simply far more ready than it was three years ago to do the things that the taxpayers of this country expect."

"I would tell you that we have better people," said the Chairman, Gen. John W. Vessey Jr. "They're armed with more and better equipment; their training has been improved and they have better support behind them. The maintenance backlogs are down, the ammunition supplies are up, spare parts are improved, the strategic mobility has improved."

MORE MONEY THAN NEEDED

Still another view came in late April from Representative Les Aspin, Democrat of Wisconsin, a senior member of the Armed Services Committee, who asserted in a statement that operations and maintenance, a key element in readiness, "may well have been overfunded."

Mr. Aspin, regarded as a critic of military spending, contended, "It looks like the Administration is asking for more money than needed to operate everything at a tempo that will keep the forces ready to act in an emergency."

The colonels and captains, sergeants and petty officers interviewed in the field, as well as military and civilian officials in public testimony in Washington, have cited these deficiencies:

Insufficient ammunition: All the forces were said to lack enough ammunition for training and for prolonged combat. Military leaders said there were shortages of pistol and machinegun bullets, tank and artillery shells, and a variety of missiles, torpedoes and bombs.

Inadequate supply of spare parts: Most combat leaders said they had enough parts, with occasional shortages, to train and operate properly. But senior officials reported shortages in war reserves they said would be needed to sustain the battle in a prolonged war.

Shortages of noncommissioned officers: Although the number of officers has increased, military leaders cited shortages of infantry squad leaders or tank commanders, technicians in ship crews and electronics specialists in combat units.

Insufficient transport to sustain forces in protracted conventional war: Gen. Thomas M. Ryan Jr., head of the Military Airlift Command, told Congress that air transport capacity was 33.6 million ton-miles a day, while an estimated 66 million ton-miles a day would be needed in an extended war. Sea transport is similarly short of stated goals.

CHIEFS CITE SHORTAGES

"Notwithstanding gains made by the services," the Joint Chiefs of Staff said in their annual report to Congress, "Shortfalls in authorized end-strength, senior grade enlisted personnel, spare parts, munitions, training funds, chemical defense, survivable command, control, and communication systems, and intelligence-support capabilities continue to inhibit readiness."

"Ammunition shortfalls are the most critical problem in materiel sustainability," the chiefs added. "Commanders continually identify inadequate ammunition resources as a major constraint on their combat capabilities."

Since January 1981 the Reagan Administration has poured money into new arms and equipment. Mr. Weinberger got from Congress a small addition to the Carter Administration's 1981 proposed budget for weapons and equipment to bring it to $57.6 billion, as measured in 1985 dollars.

After that the Defense Secretary persuaded Congress to approve big increases in 1982 and 1983 and a smaller increase to $89.1 billion for the fiscal year that ends Sept. 30. The increase for new arms and equipment is by far the largest expansion in the military budget.

QUALITY OF PERSONNEL

The size of the armed forces has increased by 82,000 men and women, to 2.18 million this year. Military leaders say the quality of the force has steadily improved as recruits have been able to meet higher standards and more experienced people have been retained.

Improvements in training, operations and maintenance, however, appear to have been uneven. A Pentagon report shows a 15 percent decrease in the readiness of Air Force squadrons and a 25 percent decrease in readiness by Army battalions over the past three years.

At the same time, the report says the number of Navy ships rated combat-ready has doubled. Those figures were averaged to get the 39 percent increase in readiness cited by Mr. Weinberger in his annual report, Pentagon officials said.

Finally, the capacity to sustain combat was reported as lagging in comparison with the acquisition of weapons. The budget for ammunition, spare parts and other items in war reserve stockpiles has risen from $8.3 billion in 1981 to $10.8 billion in 1984, a much slower growth rate than that for weapons and equipment.

SOURCES OF IMBALANCE

The apparent imbalance in changing combat capabilities seemed to stem from several sources. One was restrained military budgets under President Carter. A second has been the emphasis on new weapons under President Reagan.

A third has been cuts made by Congress. Its members have long shown little support for operations that bring little spending to home districts or unglamorous items like ammunition for war reserves, which is made in relatively few places.

In annual reports to Congress, field commanders cited deficiencies. Gen Wallace H. Nutting of the Army, who heads Air Force and Army units within the United States, testified that low levels of combat readiness in his command "remained virtually unchanged" over the past year.

"Army forces report equipment and personnel shortages as the primary degrading factors," the general said, "and Air Force units continue to report deficits in war readiness spares kits as the major problem."

NAVY "STRETCHED THIN"

The Atlantic commander, Adm. Wesley L. McDonald, said his forces were "stretched so thin that very little surge capability exists for rapid response to crises." Inadequate supplies of munitions, he said, "remain the most serious detriment to current war-fighting capability."

Adm. William J. Crowe Jr., whose Pacific Command has forces in Korea, Japan, the Philippines and the Indian Ocean, told The Armed Forces Journal that his first concern was "whether we have enough ammunition, enough spare parts, enough oil in the right places, enough consumables and sustainables for a protracted conflict out here."

Gen. Bernard W. Rogers, the American commander in Europe, told Congress his command would be "simply unable to sustain its conventional forces in combat for long" and still have "manpower, ammunition, and war reserve matériel to replace losses."

Fifteen percent of the United States military forces are based in Europe. The deputy American commander there, Gen. Richard L. Lawson of the Air Force, gave more details, saying, "Battalion field training days, aircraft flying hours and ship steaming time are well below the level where we can feel confident."

"Some munition stocks, most notably air-to-air missiles, naval munitions, and specialized, high-technology munitions, are well

below our required stockage, to the point where they could be classified as war-stoppers," General Lawson said.

At Shaw Air Force Base, the 17th Tactical Fighter Squadron was formed in October 1982, with 18 F-16 fighter and 16 pilots. Since then it has come close to full strength, with 24 planes and 30 pilots and most of the ground crew.

Lieut. Col. Benjamin D. Smith, who flew combat missions in Vietnam, commands the 17th, and Lieut. Col. Scott W. Pilkington, who flew Phantom fighters for six years before going to Shaw, is the operations officer.

Capt. Charles Simmons and 16 other pilots are rated "experienced," each having had more than 500 hours of flying time in the F-16. First Lieut. John Brandon and 12 others are rated "inexperienced," but Lieutenant Brandon has already had 450 hours in the F-16.

"The inexperienced guys we're getting now are the best I've ever seen," said Colonel Pilkington, who has been in the Air Force since 1968.

275 IN MAINTENANCE UNIT

The maintenance unit has 275 airmen, most of them experienced enough to hold middle-grade noncommissioned rank. The Air Force demands that 75 percent of a squadron's planes meet the criterion of being capable of going on a mission on a given day. The 17th ranges from 83 percent to 90 percent.

Senior Master Sgt. Gerald G. Arruda said he had on hand 90 percent of the spare parts the squadron needed. But he added, "We don't always have what we need, or they don't always come in on time." He said parts for landing gear and aviation electronics were sometimes troublesome.

MILITARY BUDGETS, 1981–84

[Budget authority for each fiscal year, in billions of constant 1985 dollars, adjusted for anticipated inflation]

	1981	1982	1983	1984	Percent growth, 1981–84
Personnel, retired pay	$68.3	$71.0	$72.7	$75.1	10.0
New weapons, equipment	57.6	70.4	85.7	89.1	54.7
Military construction	27.7	29.9	30.7	31.7	14.4
Maintenance, spare parts	18.3	20.6	22.9	26.2	43.2
Transport, logistics	17.3	19.3	18.8	18.8	8.7
Operations, training	15.8	17.6	18.3	19.0	20.3
War reserve stockpile	8.3	11.3	10.4	10.8	30.1
Total	213.3	240.1	259.5	270.7	26.9

Source: Department of Defense.

Backing up the flight-line maintenance crews are several shops for repairing electronic equipment, weapons and engines. Chief Master Sgt. James B. Hall, who supervises engine overhauls, has been working on engines for 23 years.

With all that, the 17th Squadron is rated by the Joint Chiefs of Staff as not ready for sustained combat because it lacks vital spares for the F-16 engines, electronics and weapons. High-powered machines like F-16 fighters wear out some parts quickly.

ENTIRE FLEET IS SHORT

Moreover, senior officers said, the Air Force is short of spare parts for the entire fleet of F-16's. A few squadrons of F-16's, like the 19th Tactical Fighter Squadron next door at Shaw, have been made ready for combat by draining spare parts from other squadrons.

Lieut. Gen. Leo Marquez, the Air Force chief of logistics, told Congress that no fleet of aircraft was entirely ready or able to sustain combat. The fleet of C-5 transports will be the first to be able to sustain operations fully, he said, but not until 1988.

The Air Force's comptroller, Lieut. Gen. George M. Browning, told Congress that the backlog of maintenance done by specialists in depots leaped from $23 million in 1983 to $317 million this year and that the backlog of maintenance on facilities such as hangars and barracks rose from $653 million to $718 million.

In the swamps and scrub pine of Fort Stewart in Georgia, the Army's 24th Infantry Division (Mechanized) prepares for possible battle in the deserts around the Persian Gulf. It is the heavy arm of the Central Command, formerly known as the Rapid Deployment Force.

The division's chief of staff, Col. Daniel R. Schroeder, is quietly enthusiastic. "We are so much better off today than we were a couple of years ago," he said. He cited new tanks that can fight at night, artillery fire control devices, and rocket launchers.

The officer in charge of absorbing new equipment into the division, Lieut. Col. James H. Askew 3d, said the division had received 54 new systems over the last three years and would bring in 33 more this year. Among them are antitank missiles, helicopters, laser devices to mark artillery targets, trucks, warning devices for foot soldiers, radios, radar, antiaircraft missiles, and filters for gas masks.

Colonel Askew has set up a center to train key soldiers on the new weapons. Instruction runs from half a day on new trucks to 17 weeks for a rocket launcher, culminating in a live firing exercise. He said he had been given enough time and money to train the troops properly.

But the officer in charge of regular training, Lieut. Col. James R. Childs, said the constant coming and going of soldiers was "the biggest distractor that we have." He said the turnover averaged 13 percent a month in the division.

The amount of training ammunition is insufficient, he said, and this is compounded by the turnover. No sooner was a tank gunner trained, for instance, than he left and a new gunner had to be trained. One tank gun shell for training costs $135.

A tank commander, Sgt. Leon B. Graves, said his crew did not get enough shooting on the range. "That's where the fun is," he said, "putting steel on steel downrange. That's what counts in what we do."

A battalion commander, Lieut. Col. Douglas B. Campbell, said that supplies of spare parts had increased but that pilots in his helicopter unit still did not get enough flying time because shortages had not been completely overcome. They did have enough fuel he said.

SHORT ON MECHANICS

One company was hampered because its motor pool had only 8 of 12 authorized mechanics, said the motor sergeant, Staff Sgt. Rashid A. Charania. A neighboring company was short 5 mechanics, according to First Sgt. William D. Lovett.

The executive officer of an artillery battalion, Maj. Raymond M. Chapman, said the battalion's self-propelled howitzers had enough fuel so that gunners could practice on maneuvers and enough spare parts to keep most guns operating but not enough ammunition to train properly.

Sergeants who command tanks were unanimous in criticizing Fort Stewart as a training ground. They said they had little open area in which to train for desert warfare. But the division plans to clear 2,500 acres so that tanks can practice maneuvers.

The division sent tank crews to the desert in Egypt last summer in Operation Bright Star. "That was the best training I ever had," said Specialist 4 Bruce J. Dutton, a gunner. Other crews will go to Fort Irwin, in the California desert, for maneuvers in September.

NOT ENOUGH SERGEANTS

But it is more expensive to ship tanks and crews such distances to train than to train at a home base. Officers said the division had been posted at Fort Stewart because it was close to the port of Savannah, from which forces could be deployed overseas.

Asked about experienced personnel, the division's operations officer, Lieut. Col. Ronald R. Leonard, said that "we don't have sufficient senior grade NCO's" but that schooling for middle-grade noncommissioned officers was preparing them for senior positions.

The annual report to Congress by the Secretary of the Army, John O. Marsh Jr., and the Chief of Staff, Gen. John A. Wickham Jr., also noted the shortage of sergeants. They said 18 of about 70 Army units were not ready for combat because of personnel shortages. In April 1981, 35 units were rated not ready for combat, they said.

The Army leaders reported shortages in war reserves of repair parts, cold-weather clothing, body armor, helmets, medical items, tank and artillery ammunition and Hawk air defense missiles. They said it would take one to two years for contractors to turn out enough to sustain Army forces in combat.

MARINE DIVISION MODERNIZING

From another pine forest, around Camp Lejeune in North Carolina, the Second Marine Division has deployed troops to guard the Beirut airport and to take part in the invasion of Grenada.

At the same time, the division has been modernizing. "This year, the Marine Corps is picking up more weapons than at any time since World War II," said the training officer, Lieut. Col. Donald F. Anderson.

The division has been reorganized so that infantry battalions have been reduced marines to 822 from 913 but have had their firepower increased with more machine guns, grenade launchers and antitank weapons. Some weapons have been delivered, others are on the way.

Marine artillery has been equipped with new 155-millimeter howitzers. An artillery regimental commander, Col. Larry R. Williams, said he had enough ammunition to train crews on the new guns but was worried about future supplies because of high costs. He also said his regiment was short of staff sergeants.

In Washington, the Marine Corps chief of logistics, Lieut. Gen. Harold A. Hatch, told Congress that the Corps would be able to fill only 32 percent of what is considered its ammunition needs by the end of 1985.

BACKLOG IN MAINTENANCE

In war reserve stocks, the Marine Corps objective is a 60-day supply, General Hatch said. By the end of this year, the Corps will have only a 27-day supply and combat rations for only 30 days, he said. A backlog of specialized maintenance, nearly eliminated in 1983, will be back up to $6.5 million by September, he said.

Marine Corps commanders say they have the few good men they seek. Lieut. Col. Edwin C. Kelley Jr., who led the relief force

to Beirut after the suicide bombing last October that killed 241 Americans, said he has good young officers in his battalion.

Sgt. Maj. Victor J. Guerra Jr. said the battalion was short of corporals and sergeants because some had transferred and others had gone to school to learn new skills. "But we'll make some of our own," he said.

Division Sgt. Maj. Arthur R. Cowan said the quality of marines had improved because "we put a lot of marines out of this division in the last couple of years." He estimated that 4,000 of the division's 19,600 marines had been discharged for failing to meet standards.

He also said marines had been easier to train after Beirut and Grenada. "Today you may be reading about it, tomorrow you may be doing it," sergeants tell trainees. "Certainly that's an attention-getter," said Sergeant Major Cowan.

NAVY CITES SHORTAGES

The Navy, despite higher readiness ratings, says it has significant shortages that a Deputy Chief of Naval Operations, Vice Adm. James A. Lyons Jr., told Congress would not be overcome until 1989.

The aircraft carrier Independence returned to Norfolk recently after supporting the invasion of Grenada, sailing off the coast of Lebanon and taking part in an exercise near northern Norway.

As he prepared his ship to return to sea in several weeks, Capt. William A. Doughtery Jr. said that deploying ships got first crack at munitions and supplies. "I want to go with a full bag," he said. "I'll demand it, and I'll beg, borrow or steal to make it happen."

But "somebody has to pay for it," he noted, and other ships with lower priorities will have to do without. Some deploying ships pick up munitions and supplies from returning ships, a process the Navy calls "cross-decking."

LITTLE TORPEDO PRACTICE

"Cross-decking of some categories of weapons to complete loadouts for our deployed forces still occurs in a number of important ordnance areas," Admiral Lyons said. "Inventories are improving, but they are not yet at levels to prevent this action."

The captain of a destroyer, Comdr. A.R. Brittain Jr., runs what sailors on the waterfront consider a good ship. But he said he would like to have 10 percent more fuel for training, a little more ammunition when he deploys, and a few more rated seamen.

Similarly, the captain of the submarine Cincinnati, Comdr. Robert E. Hawthorne Jr., has most of what he needs in experienced officers and sailors, spare parts and torpedoes. But his submarine may fire only eight practice torpedoes a year because of the expense.

A Navy spokesman in Washington said it was impossible to determine the cost of firing those training torpedoes. Senior officers added that submarines like the Cincinnati would go to war with a full load of torpedoes but that there were not enough for a second load.

[From the Los Angeles Times, Mar. 7, 1984]

PENTAGON DISPUTES REPORT ON READINESS FIGURES

(By Robert C. Toth)

WASHINGTON.—The Pentagon acknowledged Tuesday that the unit readiness ratings for the Air Force and Army have decreased since 1980 but contended that more stringent management standards for measuring readiness are to blame.

Despite the figures, the overall combat capability of the military services has improved substantially over the last three years, Gen. John W. Vessey Jr., chairman of the Joint Chiefs of Staff, told a news conference.

The manpower, training, equipment and support for all services have increased significantly since 1980, which "all adds up to a force far readier than three years ago," Vessey said in response to reports that readiness has dropped despite the Reagan Administration's record military buildup.

Vessey said that, if an Army unit does not have the latest M-1 tank or an Air Force squadron the latest F-15 or F-16 fighter plane, they are classed as not combat ready—even though, with older M-60 tanks and F-4 fighters, they were categorized as ready in 1980.

He credited some of the improvement to increased funding during the final years of the Jimmy Carter Administration as well as increased funding, amounting to $632 billion, during the Reagan Administration.

Vessey denied any political purpose in appearing publicly to deny the thrust, if not the figures, in news reports about reduced readiness under Reagan. But his press conference apparently was intended to prevent readiness from becoming an important issue in the 1984 presidential election campaign, as it was in 1980.

Vessey's appearance followed a Washington Post story Monday that reported that 25% fewer Army units and 15% fewer Air Force units are certified as combat ready now compared to 1980, while Navy readiness had increased more than 100%.

This appeared to conflict with Defense Secretary Caspar W. Weinberger's annual report to Congress last month in which he contended that "39% more of our major military units are categorized as fully or substantially ready for combat" compared to 1980.

Lawrence J. Korb, an assistant defense secretary who appeared with Vessey, did not deny the figures reported in the Post, but he explained that the 39% improvement in readiness that Weinberger cited was an average of the Navy's huge increase with the Army and Air Force declines.

Pentagon officials said privately that, although both sets of percentages are correct, they are also misleading without a deeper understanding of the changing standards of readiness in recent years and a more detailed examination of the significant components of readiness.

The Army, for example, has adopted the M-1 tank since 1980 as the standard weapon for tank units, Vessey said. Units that have not yet received the new M-1s are classed as not combat ready, he explained.

Similarly, Vessey said the Army units whose readiness dropped 25% were divisions, which are large groupings of up to 18,000 men. However, he said, readiness among the smaller units, such as battalions that make up those divisions, was up substantially in three categories and the number of battalions in the "not ready" category had been reduced to 78% from 86%.

Navy readiness has risen because Navy standards have remained essentially unchanged, Vessey said. He indicated that the service claims a radical rise in readiness because it has achieved all of its manpower goals for its ships.

[From the Boston Globe, Mar. 7, 1984]

GENERAL DENIES FORCES ARE LESS COMBAT-READY

(By Fred Kaplan)

WASHINGTON.—Gen. John W. Vessey, chairman of the Joint Chiefs of Staff, yesterday denied recent press reports that the Army and Air Force are less ready for combat now than they were three years ago—but did so in a way that cast doubt on brighter pictures of military readiness that have been presented to the Congress by Defense Secretary Caspar W. Weinberger.

Monday's Washington Post cited internal Pentagon documents as reporting that 25 percent fewer Army units, and 15 percent fewer Air Force units, were considered "fully or substantially" combat-ready in the fall of 1983 than in the fall of 1980.

The story appeared to reinforce the view of many critics, both in and out of the Pentagon, that the Reagan Administration's defense budgets devote too much money to expensive weapons systems and not enough to parts and supplies needed to operate and maintain those weapons, to keep them ready for combat.

FORCE IS "FAR READIER"

At a press conference yesterday, Vessey stated, "That is not correct . . . We have better people, they're armed with more better equipment, their training has been improved, and they have better support behind them . . . All that adds up to a force that's far readier than the force of three years ago."

Asked about the figures cited in the Post story, Vessey replied, "I didn't read the newspaper account. I read the headline."

He said that the news story's numbers were based on the US military's official readiness reporting system, which is simply "a management tool . . . It is not a system to be used to describe the readiness of the force."

For example, Vessey continued, when an Army unit receives new M1 tanks, it takes a while for the soldiers to adapt and learn how to use them properly. In the meantime, they receive low readiness ratings. Moreover, the rating system would now gauge readiness on a standard assuming possession of M1 tanks. Therefore, units that have not yet received the new tanks are given lower readiness ratings, even though they may have been judged "ready" by the old standard.

However, when asked what Weinberger meant when he told Congress last month that the number of combat units "at least substantially ready" has increased by 39 percent since 1980, Vessey replied, "I'm not sure where that 39 percent came from."

DIFFERENT RATINGS CITED

Lawrence Korb, assistant secretary of defense for manpower, confirmed to reporters after the press conference that Weinberger's figure came from the same set of ratings that Vessey had, only minutes earlier, said could not be used to describe the readiness of the force.

Moreover, Korb said that the number referred to all of the armed services, that the Navy's readiness ratings rose substantially over the past three years—mainly due to increases in personnel—and that, as the Post reported, Air Force and Army ratings declined. The positive Navy numbers and the negative Air Force and Army numbers, he said, add up to 39.

The vague, often confusing nature of these numbers is compounded by the fact

that, according to Vessey and Korb, the Navy's readiness-reporting system is different from the Army's and Air Force's.

Korb further noted that the Army numbers refer to readiness of divisions. Emphasizing the positive, Korb said that if battalions, the smallest Army unit, were examined instead, the number of units that are "ready" to some degree rose from 78 percent in December 1980 to 86 percent in December 1983.

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10 BIGGEST HARDWARE PROGRAMS GET 11 PERCENT OF FY 1985 DEFENSE REQUEST

(By Millard Barger)

Of the $305-billion DoD is asking from Congress for Fiscal Year 1985, some 11%—$34.8-billion—is earmarked for development and production of 10 hardware programs, half of them for the Air Force. the Navy claims four of the remainder, and one item—10th on the list—belongs to the Army. Collectively, the prices of the big 10 account for a quarter of all funds sought by DoD to cover RDT&E and procurement in FY 85.

Eight of DoD's top 10 FY 85 weapons programs appeared on the FY 84 list. Only the C-5B and the Trident II strategic missile are new to the list this year. As was the case in the FY 84 request, the B-1B multirole bomber is the program with the biggest ticket. While the total cost of the program increased 20% from FY 84's planned spending, the Air Force plans to buy more than three times as many aircraft as is FY 84.

Still, at $8.2-billion, the B-1B's FY 85 cost is mnore than one-and-a-half times that of the M-X Peacekeeper strategic missile, runner-up for the second straight year. In FY 85, DoD hopes to acquire virtually double the number of Peacekeepers it funded in FY 84, yet the M-X budget request grows only $746-million.

Together, these two strategic programs account for 38% of the entire ticket for big 10 items. Adding the other three USAF programs on the list—the F-16 Falcon, the F-15 Eagle, and the C-5B Galaxy—gives the Air Force 63% of the top 10's price tag.

USAF intends to bring 150 F-16s into the force in FY 85, six more than in FY 84, but the total charge will be almost 60% greater. The 10C-5Bs requested for FY 85 will come as a better bargain that the six scheduled in FY 84. The Air Force intends to purchase its FY 85 Galaxies at an average savings of almost $123-million each. The Service wants 48 F-15s in FY 85, an increase of 12 from FY 84, but the average cost jumps nearly $2.5-million.

The Navy's four requests, the same number as last year, swallow the lion's share of the remaining big 10 funding. Its most expensive FY 85 programs—the CG-47 Aegis-equipped cruiser, SSN-688 Los Angeles-class nuclear attack submarine, F/A-18 Hornet, and Trident II missile amount to $11.1-billion.

While the Navy's FY 85 plan proposes acquiring the same number (three) of CG-47s as in FY 84, it expects procurement costs to drop an average of $25-million per vessel. However, to buy the same complement of F/A-18s (84) as in FY 84, the Service anticipates FY 85 expenditures to increase by $370-million. The Navy plans to add four attack subs to the fleet in FY 85, one more than it funded in FY 84, but the average price of each sub will run almost $50-million higher.

The Army's lone program is the M-1 Abrams main battle tank. Although the least expensive of FY 85's big 10 at a proposed $1.9 billion costs, it would have ranked ninth on the FY 84 chart at that amount. The Army intends in FY 85 to buy 120 fewer vehicles that it funded in FY 84, but the new tanks will be more costly by an average of $470,000 apiece.

THE "BIG 10" HARDWARE PROGRAMS

[Numbers of units and millions of current-year dollars]

Program and service	Planned FY84 funding		Proposed FY85 funding		Projected FY86 funding	
	Number	Amount	Number	Amount	Number	Amount
B-1B, Air Force	10	$6,861.7	34	$8,220.6	48	$5,967.1
M-X Peacekeeper, Air Force	21	4,142.3	40	4,888.2	48	3,685.3
F-16 Falcon, Air Force	144	2,655.7	150	4,228.8	216	4,699.2
CG-47 cruiser,[1] Navy	3	3,268.3	3	3,194.0	3	3,326.9
SSN-688 attack submarine,[1] Navy	3	2,079.3	4	2,965.4	4	2,914.9
F/A-18 Hornet, Navy	84	2,335.1	84	2,705.8	102	2,916.4
Trident II missile,[2] Navy		1,473.2		2,254.0		3,006.5
F-15 Eagle, Air Force	36	1,633.8	48	2,296.4	60	2,565.6
C-5B Galaxy,[1] Air Force	4	1,367.1	10	2,189.8	16	2,568.8
M-1 Abrams tank, Army	840	1,783.6	720	1,867.4	720	2,092.2

[1] Procurement funds only.
[2] RDT&E and long-lead procurement funds.
[3] Source: Secretary of Defense's FY 85 "Annual Report to the Congress." Funds are for RDT&E and procurement only unless noted.

Mr. LEAHY. Mr. President, the requirements to increase readiness far exceed what we seek. However, I certainly recognize that we cannot afford to do everything in defense. That is why my cosponsors and I propose to pay for these improvements through terminating MX production.

I also ask unanimous consent that two editorials against the MX from Vermont newspapers, be printed in the RECORD at this point.

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

[From the Bennington Banner, May 17, 1984]

NEW DOUBTS ON THE MX

Until now, backers and opponents of the MX did not agree on much, but they did see eye to eye on a couple of points. One was that the proposed new weapon was big enough and accurate enough to destroy the Soviet Union's land-based missiles right in their silos.

Supporters of the MX saw this as an advantage. Opponents said it was a disadvantage: A multi-warhead missile that is as accurate as the MX will inevitably be seen by the Kremlin as a first-strike weapon, they said, especially since the United States has given up on previous plans to make the MX invulnerable to Soviet attack. The MX, critics said, is strictly a "use it or lose it" arsenal item.

This is about how the debate stool until last week, when the General Accounting Office (Congress's investigative arm) issued a couple of interesting reports on the MX. According to one of these reports, the Soviet Union in the last five years has increased the blast-resistance of its missile silos to such an extent that even an MX hit would not be able to put them out of commission.

There are many officials in Washington, to be sure, who question the accuracy of the information on which the GAO report is based. But, be that as it may, the GAO—which is reported to have relied on U.S. Air Force data—has raised an interesting point: Even if the Soviet silos are not now ready to withstand an MX attack, what is to keep the Soviets from making them so during the several years that are likely to pass before the MX is actually operational?

That possibility puts the MX debate in a different light altogether. Once the MX is no longer seen as a silo-busting, potential first-strike weapon, it looks less destablizing to its critics but also less appealing to its supporters. The logical question, then, is whether the MX makes more sense than a far less costly modernization of the existing Minuteman missiles. Another alternative is an array of smaller, "midget man" missiles that would be so mobile and numerous as to defy a pre-emptive attack.

Considerations like these should be weighed by the House this week when it votes on a bill that would end funding for actual production, as opposed to research and design, of the MX. Such a block of funds was advisable back when it was still assumed the MX would be the decisive weapon it was originally billed as. A halt to production is even more advisable now that Congress cannot even be sure that the missile will be able to perform the one mission for which it was designed.

[From the Burlington Free Press, Apr. 28, 1984]

APPROVAL OF MX MISSILE WILL ESCALATE ARMS RACE

The rhythm of the nuclear arms race is alarmingly predictable: The Soviet Union develops a more sophisticated weapons system and the United States must respond with its own advanced weaponry.

As the arsenals grow, the threat of nuclear war increases. To some, it appears only a matter of time before the awesome weapons will be unleased and the world reduced to a nuclear cinder. But there seems to be no way to put an end to the madness until the two superpowers are willing to sit down at the bargaining table and work out solid agreements on the control of strategic weapons.

Under existing conditions, that is but a faint hope. Neither the Reagan administration nor the Soviet hierarchy under President Konstantin U. Chernenko is making the necessary overtures toward arms talks. Indeed a greater gap between Washington and Moscow has developed since Chernenko took power. The likelihood of a thaw is remote.

The coming House debate on the Reagan defense budget could send yet another signal to the Kremlin of American intentions, because lawmakers will be asked to approve an appropriation for building 30 MX missiles, intercontinental weapons that would be aimed toward Soviet cities and missile silos. Last year, the House came within 13 votes of rejecting the administration's proposal to begin production of the weapons and the Senate gave its assent after a filibuster by Sen. Gary Hart, D-Colorado, in what was considered the first step in his bid for the Democratic presidential nomination. This year, the House Armed Services Committee overrode the number to be produced from 40 to 30, saving $450 million. With pressure for further cuts in the defense budget, the floor debate in the House might well result in the elimination of the MX program.

President Reagan is a staunch supporter of the MX and already has called some members of the House committee to solicit their support for its construction. And Sec-

retary of Defense Caspar Weinberger has cited the need for the so-called "Peacekeeper" to counterbalance Soviet intercontinental ballistics weapons. He has claimed that it is necessary to "maintain our nuclear deterrence."

Opponents question the need for the system in light of the existing weapons and contend that the United States now has enough strategic strength to deter the Soviets from launching an attack on this country. Even more sobering is the fact that MX missiles in hardened silos could lead to the pre-emptive strike against American sites by the Soviet Union.

As it stands now, the United States has a formidable force that acts as a deterrent against Soviet aggression and adding more weapons will merely ensure a similar response by Moscow.

To prevent further escalation of the arms race and the threat of a nuclear holocaust, Russian and American leaders must be persuaded to sit down at the conference table to work out agreements on the control of strategic arms.

Mr. LEVIN. Mr. President, the purpose of this amendment is, simply put, to strengthen our national security by making necessary improvements in our conventional military forces and to prevent further weakening of our fiscal security by spending scarce tax dollars on an unneeded, dangerous, and certainly not cost-effective strategic nuclear weapons system.

This amendment eliminates all production funds in fiscal year 1985 sought for the MX Missile Program—some $2.6 billion. It proposes to reinvest $1.4 billion of these funds into 26 unglamorous but critically important, combat readiness and nonnuclear Conventional Forces Programs.

The remainder of the funds saved by our amendment—$1.2 billion—represents a reduction in the staggering deficits which threaten our future economic well-being.

The increased spending our amendment proposes for these Conventional Forces Programs is militarily justifiable and represent responsible priorities for our defense budget. The reduction proposed for MX production eliminates a militarily unjustified procurement program and establishes the proper defense priorities for this Nation.

We need the increased conventional programs in this amendment. They benefit both the active and Guard and Reserve Forces, improve our nonnuclear capabilities, and raise the nuclear threshold. We do not need the MX production, because the missile is dangerously destabilizing. It does not add to our security. Quite the opposite: it contributes to our insecurity. It is a highly accurate, fixed-silo nonsurvivable nuclear weapon with multiple warheads. It represents the worst of all nuclear weapons worlds.

Our amendment adds funds for ammunition, spare parts, hospitals, depot maintenance, ship overhauls, real property maintenance, tactical aircraft modifications, common support equipment, ambulances, truck loaders, shop equipment, bridging equipment, airlift aircraft, and so forth.

There is a National Guard/Reserve package for digital avionics systems upgrades for Guard tactical reconnaissance jets, smokeless engine kits for Guard F-4D aircraft, and 30-mm antitank pods for Guard A-7 ground jets.

Funds also are added for research and development in such important conventional areas as better airbase survivability, improved soldier support and survivability, and upgraded combat feeding, clothing and equipment.

None of these 26 programs has a powerful constituency to save them from budget cuts when the administration or Congress decides that we must indeed show some restraint relative to the defense budget or when the administration and Congress pay for nuclear weapons or for the big ticket procurement entitlements at the expense of the unglamorous conventional forces.

We have added a great deal to the defense budget in the past 4 years, but we have not added wisely when we continue to pay for programs like the MX missile at the expense of needed conventional programs. Our amendment tries to restore prudence to our defense budget.

There should be little doubt that MX missile procurement should be eliminated in fiscal 1985. Just listen to the words of two of our Nation's former top military leaders.

Retired army general and former Chairman of the Joint Chiefs of Staff Maxwell Taylor has said the following about the MX:

An essential weapon should perform its function at a tolerable cost. At the moment, one cannot be sure of the total cost of the MX system. Estimates vary from the Administration figure of $26 billion to as much as $50 billion. Given the Pentagon's record for overruns, the latter figure is the more probable. I find that it fails to qualify as essential because of the uncertainty regarding its survivability, the unlikelihood of the first strike threat it is designed to counter, the unpredictable dollar cost and the existence of apparently better and surer ways of accomplishing the purposes of the MX.

Former Chief of U.S. Naval Operations, retired Adm. Elmo Zumwalt, has said about the MX, "The huge expenditure required would be better used for non-nuclear weapons."

Mr. President, there also should be little doubt that these readiness improvements which our amendment contains are needed.

The claims presented by the administration in its recent special report on improved readiness are dramatically undercut by the following statements from both the top readiness official in the Pentagon, Assistant Defense Secretary Lawrence Korb, and high-ranking military officers:

The Assistant Secretary for Manpower, Installations, Logistics, Dr. Korb said in a February 17, 1984, memorandum to Defense Secretary Caspar Weinberger:

Finally, we must recognize that all of our readiness-related programs are not fully funded despite our pronouncements about the high priority we accord to readiness in Defense resource allocation.

And he said:

Backlogs of maintenance and repair activities will now continue to plague us.

Assistant Secretary Korb's memo of February 17, 1984 stated that the DOD budget allocation priorities leave us with "underfunding of spares procurement in virtually every service, as well as some unfinanced maintenance backlogs that will remain at end fiscal year 1985."

Mr. President, our amendment contains funds to eliminate the unfinanced backlogs in Army depot maintenance as well as in Navy ship overhauls.

Secretary Korb also declared to an Air Force Association symposium just last October that:

I think that it is clear that we can do better with our readiness and sustainability accounts. . . . Up front, the forces assigned to our Unified Commanders are not as sustainable as they should be and will not be for the foreseeable future.

In this same speech, he said that our Armed Forces were in "a dangerously low sustainability posture."

Lt. Gen. Howard Stone, Chief of Staff of our European Command in NATO, testified before our committee in February that in his command "some munition stocks, most notably air-to-air missiles, naval munitions, and specialized, high technology munitions are well below our required stockage, to the point where they could be classified as war stoppers."

And that means war "losers," Mr. President.

The General Accounting Office also draws a different conclusion on the overall trends in our war fighting capability than does the administration.

I just quote two paragraphs from the GAO's recent letter to Senator NUNN, our committee's distinguished ranking minority member:

Based on our analysis, we believe the information provided by Defense points to an imbalance among the four functional areas which comprise military capability. Progress made in the force structure, modernization, and personnel readiness areas is not matched by progress in other readiness areas—namely, equipment condition and equipment/supplies on hand—and in sustainability.

In summary, Defense presented information showing progress has been made in the force structure and modernization areas, and in personnel readiness. However, improvement in these areas can be offset by deficiencies in other areas. In our view, continuing readiness and sustainability problems should not be overlooked by the Con-

gress in evaluating our military capability and future defense budget requests.

Mr. President, GAO's conclusion from the Defense Department's report is that deficiencies still exist in the area of readiness and sustainability, and these areas have not received the same emphasis as the other areas of the defense budget over the last few years. In addition, GAO implies that these deficiencies can offset the improvements that have occurred in other areas.

The Army, for instance, has a long list of readiness problems, and we should all be aware of what it is that we are not funding adequately and are allowing to continue.

The Army has shortfalls in its ability to mobilize enough skilled manpower. It has Reserve components that fail desired readiness standards, especially in the combat service support forces.

It has critically low war reserve stocks to replace expected combat losses, especially ammunition.

It has insufficient chemical warfare decontamination equipment.

There are shortages of experienced NCO's in the combat and intelligence troops.

There are serious shortfalls in the logistics over the shore equipment delivery capabilities so important to our Rapid Deployment Forces.

The Army has a continuing depot maintenance backlog, even though this administration pledged 2 years ago to reduce such backlogs to zero at that time.

It has major shortages for supporting systems and equipment, including battlefield recovery, ammunition handling and distribution, and petroleum distribution equipment.

There is insufficient individual clothing and equipment to outfit the required number of recruits upon mobilization, and probably not enough money in the fiscal year 1985-89 defense program to buy enough.

Even now, the Army has a $1.6 billion backlog in facilities maintenance and repair, with no reduction to manageable levels expected until the end of fiscal year 1989.

There are major shortages in Reserve and National Guard equipment, even at the end of fiscal year 1985-89 program.

There is a shortage of more than 50,000 tactical vehicles, even after the fiscal year 1985 program.

Finally, the Army has a $1.25 billion set of deficiencies in laid-away ammunition production base facilities and equipment, according to the GAO, with only about $150 million in the Army's fiscal year 1986-90 plans to begin addressing it.

We still have other major readiness problems as well, Mr. President:

The financial depot maintenance backlogs for fiscal year 1985 are almost twice as high as they were in fiscal year 1981, after excluding inflation and after DOD declared 2 years ago it would totally eliminate these backlogs;

While Navy surface ship personnel readiness has dramatically increased due to congressional pay initiatives and a poor civilian economy, readiness deficiencies in supplies/equipment on hand and training have remained relatively constant;

Supply readiness has declined sharply in the Army;

The number of Army divisional forces/separate brigades assigned higher personnel and equipment readiness requirements has plummeted from 19 in fiscal year 1980 to 4 in fiscal year 1983—a 79-percent fall; and

Monthly flying hours per crew for the Navy's frontline tactical combat and ASW aircraft have, with few exceptions, fallen between 4.6 percent and 22 percent from fiscal year 1982 to fiscal year 1985.

Mr. President, our amendment addresses many of these problems, and we will be a stronger nation if it is adopted.

Specifically, let me outline some of the many changes in this defense authorization that we are proposing—the many add ons that we are proposing for very needed conventional capabilities.

First, in the area of operations and maintenance improvements, we would add $116 million for Army depot maintenance. This would eliminate the unfinanced fiscal year 1985 backlog for overhauls and maintenance of 500 armored personnel carriers, 110 tanks, and other equipment, thus increasing readiness.

We would add $65 million to Air Force real property maintenance. This would reduce the fastest growing backlog among all services.

We would add $261.8 million for Navy ship overhauls. This would eliminate the unfinanced 1985 backlog. It would overhaul one cruiser and two amphibious cargo ships.

So there is a total in the area of operations and maintenance improvements of $442.8 million.

In the active convention forces improvements category, for the Air Force, we would add $51 million to restore the Gator antitank munitions. This would restore more than 1,000 new antitank mines to reduce the Soviet Warsaw Pact armor advantage which they have over us and will continue to have over us for a long period of time.

By adding $158.5 million, we would restore one C-5B transport aircraft in 1985 and advance procurement for an additional one in 1986. This would give us an additional needed long-range airlift enhancement.

We would add $78.6 million to restore tactical aircraft spares. These are replenishment spares for peacetime training and wartime combat sustainability.

We would restore $10 million for the C-130 airlift spares. These are also replenishment spares for wartime sustainability for high-priority tactical airlift.

We would restore $65 million for military vehicles to replace overage cargo trucks, ambulances, loaders, and water distributors, and so forth. These are unglamorous readiness items, Mr. President, but they are vital and they can make the difference between success and failure in a conventional war.

We would restore $56.8 million for common ground equipment—again unglamorous support equipment—to maintain and operate combat aircraft.

We would restore $44.4 million for tactical aircraft modifications. These would upgrade aircraft to counter the improving threat and to reduce maintenance requirements.

We would restore $3 million to enhance our airbase survivability research and development account. This would give us better means to protect and repair airbases to maintain aircraft sortie generation.

In the Navy and Marine Corps, we would restore $25 million to restore one fleet hospital. This would prevent a delay of several years in the fielding of a 500-bed unit for the care of conventional war casualties. The Navy is 74-percent short of its requirement in this area.

We would add $50 million to restore the Phoenix missile buy. This would buy 60 more missiles for the Navy's top fighter, the F-14, to defend aircraft carriers. The Navy is 77-percent short of its requirement in this area.

Mr. President, the amendment would add $16 million to restore the standard missile procurement. This would buy 50 more medium range surface to air missiles to defend ships against Soviet air attacks.

We would add $200 million to restore Navy tactical aircraft modifications. These would upgrade aircraft to counter improving threats and also to improve maintainability.

We would add $8.3 million to restore the armored vehicle launched bridge. This would buy 13 sets that are needed to permit cross-country movement by our marines. The marines now have zero percent of this requirement; zero percent.

We would add $6 million to restore tracked vehicle spares and repair parts—unglamorous items—to maintain operating capabilities of Marine combat vehicles.

For the Army, we would add $44 million to restore deployable medical systems. This would buy 11 MASH units and other hospitals to increase soldier survivability and recovery.

We would add $30 million to restore combat medical support equipment; unglamorous hospital equipment except when you see it on television, but absolutely essential in the real world to make sure that our soldiers who are wounded have a reasonable chance of recovery.

We would add $13 million to restore truck-mounted shop equipment. These are mobile repair shops for field maintenance to improve readiness. The Army is seriously short in this requirement.

We would add $10 million to buy improved 2.75-inch rockets. These are 14,100 longer range antipersonnel munitions for attack helicopters.

We would add $3.1 million to restore research and development for soldier support and survivability improvements. This would prevent at least a year's delay in developing better, more combat capable chemical protective suits and stronger helmets against small arms fire, and so forth.

We would add $3.3 million to restore research and development for combat feeding, clothing, and equipment upgrades.

For the Guard and Reserve, we would buy digital avionics systems to upgrade the Air Guard tactical reconnaissance aircraft. That would cost us $22 million. It would upgrade 40 aircraft with improved target location capabilities.

We would buy smokeless engine kits for the Guard's F-4D's with $36.5 million. That amount would fully fund kits to eliminate exhaust smoke to reduce vulnerability to air defenses.

Last, we would buy 30 millimeter antitank gun pods for the Guard A-7 ground attack aircraft, for $33.3 million. This would buy the most lethal air antitank weapon for about one-third of those Guard A-7 jets which still do not have these weapons needed to support ground troops.

Mr. President, all in all, we can fund all these needed conventional programs and we can do much more to improve our military capabilities if we will make the decision not to invest any further funds in an MX missile program which, when it was first proposed, everybody conceded would only be deployed if it could be deployed in a survivable basing mode. It cannot be. Now we are putting billions of dollars into the ground in a system which does not add to our security, while we are underfunding all the unglamorous combat readiness items that I have listed and more.

I have gone through that list and taken the time of our colleagues to do it so we can get a feel for what we are not buying. Around here, we hear much about what we are buying. And we have arguments back and forth, and there are arguments, which are understandable, about whether we ought to buy the B-1B bomber, or whether we ought to buy the MX, or nuclear aircraft carriers, or many other weapons. And those arguments are legitimate, and reasonable people can certainly differ.

But we also should understand, Mr. President, what we are not buying when we invest in weapon systems like the MX. We are not buying the unglamorous items that are essential to survival and success on a real world battlefield, not a battlefield where thousands of nuclear warheads have annihilated both sides in the conflict. Whether or not a soldier lives or dies could depend on whether or not there is a hospital unit available to him; whether or not his weapon has been maintained, whether or not there is a spare part for his tank or his armored personnel vehicle. That is the real world of conventional combat.

And it is in that world that we are shorting our fighting forces. We are shorting them by billions. We are shorting them because we are investing in systems like the MX which will not contribute to our security.

I hope the Senate would adopt this amendment so we can invest billions where they might do us some good in a real military sense and take the funds away from a system which cannot, under any conceivable scenario, contribute to the security of the United States.

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

The PRESIDING OFFICER [Mr. COCHRAN]. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. 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. LEVIN. Mr. President, I ask unanimous consent that additional materials relative to the conventional forces improvements that we are proposing be inserted into the RECORD in full.

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

ARMY DEPOT MAINTENANCE—ADD $116 MILLION

Eliminates unfinanced backlog for fiscal year 1985 in overhauls/spares procurement for unglamorous materiel maintenance; would overhaul 500 APC's 110 M60 tanks, 121 helos, 58 radios, 12 Vulcan air defense guns, etc.; Immediately improves readiness through increased availability of critical items; saves costs by doing work in fiscal year 1985 instead of fiscal year 1986.

To be overhauled:
22 OH-58 Aircraft.
250 M113 Personnel Carriers.
60 M60 Series Tanks.
15 M60 Tank Conversions.
20 AH-1S Helicopters.
AH-1S Helicopter Secondary Items.
Pershing II Missile Secondary Items.
AH-64 Helicopter—Contractor Logistics Support.
Other Secondary Items.
37 UH-1H Helicopters.
22 OH-58 Helicopters.
20 AH-1S Helicopters.
250 M113 Personnel Carriers.
50 M60 Series Tanks.
12 Vulcan Air Defense Guns.
58 AN/TRC-145 Radios.
Generators, Calibration, Other Communication items.

Additional benefits are derived from less field maintenance on a depot candidate which is still operable and cost savings which accrue when work is performed in fiscal year 1985 rather than fiscal year 1986 which is more expensive.

AIR FORCE REAL PROPERTY MAINTENANCE—ADD $65 MILLION

Amendment restores $65 million to AF real property maintenance account which was part of original budget request but was later cut by AF in "deficit reduction" package.

Cut was pennywise and pound foolish, since insufficient maintenance and repair funds ultimately lead to need to spend much more money replacing entire buildings.

AF's backlog of real property maintenance and repair has been growing the fastest of all the services. The original fiscal year 1985 request, before this $65 million was cut, represented a 63 percent increase in the backlog since fiscal year 1980.

In fact, in only 1 year in the last 7 (fiscal year 1982) has the AF's real property maintenance backlog decreased.

Without our amendment, the Air Force actually will be spending less in fiscal year 1985 to reduce its real property maintenance backlog than it spent in fiscal year 1983 and it will spend in fiscal year 1984. That's progress in exactly the wrong direction.

Proper real property maintenance not only is a more cost-effective expenditure of defense dollars but it has a direct impact on the combat readiness, quality of life and morale of our forces.

The Congressional Budget Office recently concluded that real property maintenance costs in DOD will continue to rise faster than the rate of inflation because our military installations simply are aging faster than we can repair or replace them. If we do not begin restraining the growth in these backlogs now, the problems only will become larger and more expensive in the future, with even greater impacts on combat readiness and morale.

NAVY SHIP OVERHAULS—RESTORE $261.8 MILLION

Eliminates financial ship overhaul backlog for first time since fiscal year 1982 by funding overhaul of two amphibious cargo ships and one nuclear cruiser; the aging amphibious ships are important to our limited life capability and the nuclear cruiser is one of our few major surface combatants with relatively unlimited endurance; these overhauls would increase fleet readiness.

The overhaul for the nuclear cruiser was part of the original fiscal year 1985 budget request; the amphibious cargo ship overhauls were left unfunded.

All three should be funded in fiscal year 1985 to prevent the ship overhaul backlog from growing.

Deferring these overhauls to fiscal year 1986 only exacerbates the funding problems we will have next year in the entire budget.

More overhauls scheduled for next year probably will have to be delayed.

When Navy Secretary Lehman appeared before Congress, he testified: "The chronic problems of long backlogs of ships and aircraft awaiting overhaul will be effectively eliminated if the fiscal year 1985 readiness requests are appropriated by Congress."

Passage of this amendment is the only way we can actually eliminate the financial backlog for overhauls and make the Secretary's claim a reality.

Our combat readiness would increase.

It only makes good fiscal sense to properly maintain what we already have—with which we will fight the wars of the near future—before we buy new ships which will not be available to us for 5-10 years.

Despite the Secretary's claim, DOD offered up as a budget cut the overhaul of the nuclear cruiser, and never volunteered funding for the two amphibious cargo ships.

We should restore proper budget priorities by funding these overhauls.

RESTORE $51 MILLION TO GATOR ANTIARMOR MUNITIONS FOR AIR FORCE

Restores 1,074 mines to fiscal year 1985 program, which still would bring us to only 10 percent of inventory objective; this new conventional munition permits minefields to be laid by air, thus allowing longer range interdiction of enemy troops and armor; without this restoration, unit costs increase and prior investments in R&D and facilities go underutilized; Gator has important role in reducing Soviet WP tank edge.

The Gator is an anti-armor mine system. This munition includes both anti-armor and anti-personnel mines that are used to produce an air-delivered minefield. The anti-tank mines are capable of penetrating the belly armor of currently deployed tanks.

This new conventional munition will play an important role as an anti-armor munition. With the fiscal year 1985 buy, we will have only 10 percent of our total inventory objective of this munition.

There is a large growth in this program from fiscal year 1984 to fiscal year 1985, as there is in other Air Force munitions programs. But we have known for several years that this growth was coming. Let's not fall into the trap of pushing needed investments in munitions sustainability to the out-years; the out-years never seem to materialize.

This really isn't an affordability issue, it's a priority issue. The real question is whether we are going to give improved conventional munitions sustainability the priority it should have in this budget relative to other big-ticket strategic programs of questionable value.

PROGRAMS TO ENHANCE AIRLIFT—STRATEGIC AND TACTICAL—AND TACTICAL AIRCRAFT MODIFICATIONS

Restore 1 C-5B Strategic Transport Aircraft and adv. procurement for 1 more in fiscal year 1986: +$158.5M; Increases long-range airlift capability to deploy troops and heaviest equipment (tanks helos, etc.); needed to reduce large shortfall in present transport capabilities.

Restore tactical aircraft spares: +$146.2M; Buys spares needed to maintain readiness and sustainability of our tactical combat aircraft during peacetime and early phase of conflict; permits sufficient flights for aircrew training, etc.

Restore C-130 airlift aircraft spares: +$10.9M; Restores unjustified reduction in replenishments spares needed to sustain this important tactical airlift capability in early phases of conflict (results in purchase of more C-130 War Reserve Spares Kits-WRSK).

The Committee report on the need for C-130 airlift spares had this to say about how important the C-130 spares are: "Procurement of replenishment spares is directly related to the readiness and sustainability of the airlift force. The peacetime segment of this account, Peacetime Operating Stock (POS), supports the individual aircraft flying hour programs. There are two wartime segments: War Readiness Spares Kits/Base Level Self-Sufficiency Spares WRSK/BLSS) and Other War Reserve Material (OWRM). WRSK/BLSS are the stocks that the Air Force uses to transition into war and to fight for the first 30 days. OWRM are stocks required to sustain the forces at wartime levels after WRSK/BLSS is exhausted and until production can satisfy war-time consumption.

"The Air Force has placed high priority on the procurement of airlift replenishment spares in an effort to improve the sustainability of the current fleet of airlift aircraft."

Unfortuantely, despite the AF's high priority for this program, the Committee cut $10.9M from it. Congress should restore these funds to increase the readiness and sustainability of our tactical airlift fleets.

AIR FORCE READINESS PROGRAM IMPROVEMENTS

Restores procurement of cargo trucks, ambulances, fire trucks, tractors, armored cars, loaders, water distributors, cranes, etc.: +$65.3M; Permits replacement of overage military and special purpose vehicles needed to maintain combat readiness and personnel safety; etc.; present vehicles uneconomic operate and repairs.

Restore purchase of Common Ground Equipment: +$56.8M; Provides procurement of unglamorous, readiness support equipment needed to maintain and operate combat aircraft; permits replacement of old, costly-to-maintain equipment.

Restores aircraft modifications: +$44.4M; Permits modification/modernization of many aircraft during regular overhaul cycles to allow them to keep up with improving threat aircraft and to improve their maintainability and combat effectiveness.

These funds for Tactical Aircraft Mods are to continue to permit the integration of the new Advanced Medium Range Air to Air Missile into the F-16, which will significantly increase its capabilities as an interceptor and air superiority fighter. Even with delays in the AMRAAM program, this integration effort must continue to enable the Air Force to avoid even further delays in deploying upgraded F-16s.

The funds also will permit improvements to the Inertial Navigation Systems of the F-4 aircraft as well as improve the engine maintenance and repair capabilities for the A-10 Close Air Support/Ground Attack aircraft, the mainstay of our Air Force's anti-tank capabilities so needed by our Army in Europe in a NATO war.

COMBAT MEDICAL READINESS IMPROVEMENTS/RESTORATIONS NEEDED TO PROVIDE PROPER CARE FOR WOUNDED SOLDIERS AND SAILORS AND MARINES

We should not sacrifice the lives of our military men and women on the alter of unneeded strategic nuclear weapons.

Restore procurement of one fleet hospital for the Navy, +$24.9M; prevents delay of several years in fielding one, 500-bed hospital needed to care adequately for casualties in a conventional war; fleet hospitals are field hospitals which treat wounded sailors/Marines from ships under attack and combat units ashore; prevents delay in procurement of one hospital for several years. Navy 74 percent short of requirement.

Restore Deployable Medical Systems Funds for Army, +$44M; buys Mobile Army Surgical Hospitals (MASH) for rapid surgical care of wounded near battle area; closeness to front increases soldier survivability/recovery chances. Also buys other hospitals. (Total of 11 more bought.)

The $44.0 million reduction in FY 85 imposed by committee has the following impacts:

a. Defers modernization of existing capability even further into the outyears to include beyond the proposed FY 86-90 program.

b. Defers the ability to support a minimum 15 day evacuation policy into the 1990s resulting in lost manpower to Theater commanders in the event of conflict.

c. The following chart provides a comparison between the projected procurement schedule before and after reduction: (The reduction column is displayed in the FY 86-90 POM Tables.)

	Fiscal year 1985–89 FYDP—1985	Budget reduction—1985
Mobile Army Surgical Hospital	8	4
Combat Support Hospital	4	2
Evacuation Hospital	10	10
Field Hospital	1	0
General Hospital	6	2
Total	29	18

d. The resources identified in this line represent the Army's, program to procure standard DOD tactical shelters and electrical generators for combat hospitals. These include the following (5) five specific items:

1. Electrical Generator/Environmental Control System;
2. Shelter, Tactical, 2-sided, Expandable;
3. Tent, Extendable, Modular, Personnel 8-Section;
4. Shelter, Tactical, 1-sided, Expandable;
5. Tent Extendable, Modular, Personnel, 2-Section.

Restores funds for Combat Medical Support Equipment, +$30.9M; buys basic essentials for care of wounded stretcher tables, hospital equipment, etc.

The resources identified in this line represent the Army's program to procure medical equipment (unit cost $3000 or greater) for combat medical units, primarily combat hospitals. Examples of medical equipment items programmed under this line include:

a. High Capacity X-Ray System;
b. Low Capacity X-Ray Systems;
c. Sterilizers (various types);
d. Defibrillators;
e. Monitor, Patient vital signs;
f. Blood Gas Analyzer.

2. The $30.0 million reduction in FY 85 imposed by the Committee has the following impacts:

a. Defers modernization of existing capability even further into the outyears to include beyond the FY 86-90 POM.

b. Defers the ability to support a minimum 15 day evacuation policy into the 1990s resulting in lost manpower to Theater commanders in the event of conflict.

RESTORE PHOENIX AIR-TO-AIR MISSILE PROCUREMENT—+$50 MILLION

The Phoenix missile is an integral part of the main weapon system which defends our aircraft carriers—the offensive power of our fleets—from attacks by Soviet backfire bombers and cruise missiles. This is the F-14 high performance interceptor aircraft.

Armed with long range Phoenix missiles, the F-14 has the capability to track and target multiple Soviet targets and try to kill the backfire bombers before they launch their missiles to attack the carriers. Unless the bombers are killed before they launch their missiles, the survivability of our aircraft carriers is significantly decreased.

The Phoenix missile is the Navy's best and longest range air-to-air missile, but the fleet currently is 77 percent below its inventory requirement.

Senior Navy admirals have testified to the Armed Services Committee that one of their greatest concerns and largest obstacles to accomplishing their mission is the lack of sufficient numbers of weapons—missiles, rockets, bombs, and ammunition.

Adm. Wesley MacDonald, Commander in Chief Atlantic Fleet said: "Ordnance deficiencies remain the most serious detriment to my current warfighting capability."

Adm. William Crowe, Commander in Chief, Pacific Command stated: "My highest priority is ammunition. * * * I would, of course, like to see more investment in this area. * * * Simply put, our ammunition deficiencies will not be corrected easily or quickly."

The Phoenix and F-14 are the Navy's best defense against the Soviets. We should not be cutting back on the procurement of these essential missiles, which will enable us to fight longer in any sea war. Without this procurement, each carrier will have to go to war with fewer Phoenix missiles, which degrades its combat readiness and sustainability.

RESTORE $200 MILLION FOR NAVY TACTICAL AIRCRAFT MODIFICATIONS—RESTORE $6 MILLION FOR MARINE CORPS TRACKED VEHICLE SPARES/REPAIR PARTS

Navy Modifications. The Committee recommended a reduction of $200.0 million to the aircraft modification program. This program is designed to retrofit performance, reliability and flight safety modifications into operating fleet aircraft. The action is a 10.4% cut in the program and would delay introduction of these improvements to aircraft now operating world wide.

The Aircraft Modification program funds incorporation of technical improvements which substantially modernize the operational capabilities; improve the maintainability, reliability, and safety; and extend the service life of aircraft which have entered the fleet. Budget estimates and authorization requests include funds for modernization/conversion programs undertaken in lieu of procurement of new aircraft in order to maintain an effective, responsive force level.

In order to fulfill inventory requirements, it has become mandatory to operate many older aircraft beyond their originally programed service life and update their weapon systems so that they remain capable of continued effective operation in new threat environments.

Only essential modifications or changes which are necessary to satisfy the most urgent operational requirements are included in this $200 million restoration.

Restore tracked vehicle spares and repair parts, +$6M; unglamorous readiness item needed to maintain operating capabilities of many tracked vehicles upon which Marines rely for firepower and mobility.

RESTORE $16 MILLION FOR NEEDED FLEET AIR DEFENSE SURFACE TO AIR MISSILES—RESTORE $8.3 MILLION FOR MARINE ARMORED BRIDGING EQUIPMENT

Restore Standard MR-1 surface to air missile procurement, +$16M; buys 50 more of these medium range surface to air missiles carried aboard surface ships to defend themselves and aircraft carriers against attacks by Soviet bombers/missiles; fleet is about 35 percent below requirement.

Restore funds for purchase of Armored Vehicle Launched Bridge (AVLB), +$8.3M; permits purchase of 13 AVLB sets needed to support cross country troop movements without delay by providing capability to cross large barrier ditches and rivers/streams without combat engineer construction; Marines currently have 0 percent of their requirements.

RESTORE $13 MILLION FOR ARMY TRUCK MOUNTED MAINTENANCE EQUIPMENT

Restore Truck Mounted Shop Equipment, +$13M; buys mobile repair shops for field maintenance to increase readiness and return to combat of damaged equipment; Army seriously short of requirement.

The Organizational Repair Truck consists of a mobile shop, with folding sides and rear opening type body mounted on a 5-ton chassis. The shop contains such items as a lathe, valve seat grinder, valve refacing equipment, electrical drill and a welder. The shop set is intended to provide hand and machine tools and work space for military personnel performing intermediate forward and limited intermediate rear maintenance.

The FY 85 President's Budget submission was for a quantity of 170 for $39.9 million.

The $13 million reduction will delay replacement of overage assets. The requirement for this shop set remains the same. The reduced quantities will have to be made up in subsequent years.

RESTORE THREE IMPORTANT R&D PROGRAMS FOR SOLDIER SURVIVABILITY AND AIRBASE SURVIVABILITY

(a) Restore R&D for Soldier Support/Survivability Improvements for Army, +$3.1M; prevents at least year's delay in developing better, more combat capable chemical protective suits, stronger helmets, vs. small arms fire, etc.

The Soldier Support/Survivability program provides for development to protect and sustain the individual soldier. Program includes clothing and equipment to protect against enemy threats; chemical, ballistic, flame, laser weapons, and physical environmental extremes. Items developed assure compatibility of the soldier's clothing and equipment with new weapon systems, and improve the soldier's survivability and effectiveness on the battlefield.

Proposed reduction (44 percent of program) will delay one year or more the following programs essential to improved protection and sustainment of the indidvidual soldier.

a. Aircrew Combat Uniform—needed to improve functional operation of helicopter and fixed wing aircraft by enhanced comfort for extended flights with space for carrying items needed for routine flight and survival situations. Current uniform has significant deficiencies.

b. Individual Microclimate Conditioning System—necessary to provide the ground soldier with the capability to perform tactical missions while wearing chemical protective clothing. Without this system, ability to operate in combat before becoming a heat stress casualty will be reduced.

c. Integrated Combat Vehicle Crewman (CP) Helmet—needed to provide better acoustic protection, impact protection, integrated communications, off-vehicle capability for filtering air, and added casualty reduction against ballistic hazards. Current helmet and protective mask combination have deficiencies which degrade performance of crew members in a chemical environment.

d. Lightweight Crew Shelter—needed to provide capability for weapon systems crew to carry in the vehicle a lightweight, quickly erectable shelter that provides protection against chemical threats. No shelter providing this capability presently exists in the Army.

(b) Restore R&D for Combat Feeding, Clothing & Equipment Upgrades for Army, +$3.3M; prevents 1+ year delay in developing/fielding better desert warfare boots, aircrew cold weather suits, etc.

The Combat Feeding, Clothing and Equipment program supports development of various combat support items to meet critical physical and survival needs of the individual soldier. Specifically the program addresses specialized clothing and equipment; shelters; chemical, biological, ballistic, flame, acoustic, countersurveillance and environmental protection; and food, and food service systems.

Proposed reduction (52 percent of program) will delay one year or more the development and fielding of the following projects required by the individual soldier to improve protection and subsistence essential to survivability on the modern battlefield.

a. Combat Footwear for Desert Environment—needed to provide better traction, reduced discomfort from heat, and not allow sand to penetrate. Current boot lasts 6-8 weeks in a desert environment.

b. Aircrew Clothing System, Cold Weather—needed to improve aircrew operations in regions of intermediate and extreme cold weather.

c. Aircrew Uniform Integrated Battlefield—needed to provide the aircrewmen with added protection and improve capability to operate. Existing chemical protective suit is bulky, flammable, contributes to heat stress and doesn't interface with the cockpit.

(c) Restore Airbase Survivability R&D for Air Force, +$3.0M; develop better means to protect, repair airbases to maintain sortie generation.

GUARD/RESERVE CONVENTIONAL FORCES IMPROVEMENTS—INCREASES TO THREE IMPORTANT PROGRAMS

(a) $22.8 million added to procure and install digital avionics sytems to upgrade Air National Guard RF-4C tactical reconnaissance aircraft to give them better target location capabilities:

Last year SASC and Congress approved $16M to modernize 40 Guard RF-4Cs in RDF. This amendment would continue this modernization for 40 more Guard RF-4Cs with other missions and pay for new digital avionics systems for the aircraft.

Last year, SASC received ample testimony from Air Guard Chief as to need for contin-

ued modernization. He said: "The aircraft must have this avionics update to be maintainable, survivable, and effective in combat during (the late 1990s)."

The ANG is assigned more than 50 percent of the manned tactical reconnaissance forces of the United States Air Force (USAF); no change is programmed in the out years.

The 155 ANG RF-4C's are viable tactical reconnaissance platforms beyond the year 2000, but are limited to daytime operations due to obsolete avionics. To effectively accomplish their assigned combat mission, particularly during night/adverse weather conditions, ANG aircrews need new avionics for use in the ANG RF-4C's.

Active RF-4C units have been modernized with an up-to-date digital avionics system.

Current ANG RF-4 avionics mean time between failure (MTBF) is 16 hours. New avionics MTBF is 261 hours. Thus, a 1,600 percent increase in reliability can be expected with the new systems.

If the entire ANG RF-4 fleet were equipped an approximate annual reduction of 2,000 maintenance manhours could be achieved—saving nearly $4 million per year.

Installation could reduce ANG RF-4 sorties lost due to avionics factors from 10.6 percent to 1.1 percent.

Active force F-4/RF-4s are equipped; adding the system to ANG aircraft would allow an interoperability of avionics/navigation systems, common maintenance and a single logistics chain.

F-4D Smokeless Engine Kit: The enemy's job of attacking our aircraft is made immensely easier if the aircraft's engines smoke. The cost of such smoking engines, in terms of human lives, was demonstrated in Indochina, where losses of aircraft with smoking engines were reported to be three times higher than losses of smokeless aircraft. Programs to fund "Smoke Kits" for F-4D aircraft, almost all of which are in the Guard and Reserves, have been rejected by the Air Force for several years. The cost to properly modify one F-4D is $83,000; the entire program would cost $36.5 million. In fiscal year 1984, a small program was started to "desmoke" National Guard and Reserve F4s. The program needs to be more fully funded and accelerated.

30-mm Anti-Tank Gun Pods: The Air Force currently plans to equip less than half of the Guard A-7 ground attack bombers with 30-mm anti-tank gun pods. The 30-mm gun has been demonstrated to be perhaps the most lethal air anti-tank weapon available today and is relatively inexpensive. The entire A-7 force should be equipped with these weapons to enable the Air Guard to fulfill its most important air mission: ground support. The cost per pod is approximately $350,000; each aircraft requires two pods. Total cost would come to roughly $100 million. Our amendment accomplishes one-third of this program and maintains needed progress in it.

Mr. LEVIN. I thank the Chair, my friend.

Mr. BINGAMAN. Mr. President, as a cosponsor of this amendment, I wish to add my voice to those of my distinguished colleagues who see no compelling argument for funding the procurement of more MX missiles. Indeed, I believe that we made a fundamental mistake when last year we started down the road of deploying the MX missile in vulnerable silos, and I would have supported an even stronger amendment to cancel the entire MX Program, and shift some of the savings to our conventional forces, especially to the readiness and sustainability of these forces and the full 5.5 percent pay raise for the military proposed by the President.

The Senate, and, indeed the Nation, has debated the merits of this strategic weapons system in all its permutations and incarnations. We have been through the arguments, pro and con, a multitude of times, and I am sure that by now we all understand the issue.

For me the fundamental question is whether the deployment of the MX missile in a vulnerable basing mode makes a sufficient contribution to our national security to warrant its enormous cost. And I would note that that cost is ballooning as the MX's proponents who have varying degrees of enthusiasm for MX hammer out agreements among themselves that barely keep the program alive by stretching it out. In the Armed Services Committee we cut MX production in half and saved only $550 million out of the $4.7 billion requested for MX procurement, development, and military construction, or 12 percent of the total.

What of MX's contribution to our national security? Even the missile's supporters acknowledge that as a second-strike weapon, the MX is useless and a waste of funds. Years ago, when basing modes were first discussed, everyone agreed that to place the missiles in Minuteman silos would not be militarily useful. Our deployment of a vulnerable MX is ultimately destabilizing, and reduces, rather than adds to our national security. This would not be the case, if the MX had a basing mode which guaranteed it a certain survivability, since then its second-strike capability would deter a Soviet first strike. For that reason, I have not opposed the MX's first cousin, the Trident II missile, which can be justified militarily.

The last ditch argument now used to justify the MX is that we need it as a bargaining chip with the Soviets and that we should not reward the Soviets for leaving the START talks. But how many bargaining chips do we need for a negotiation in which this administration is ultimately as uninterested as the Soviets? The Soviets are not going to give up much as the bargaining table for a missile which has so little military utility and such divided support here. The Soviets are undoubtedly far more concerned about Trident II, our Stealth bomber, our cruise missile programs, and our ASAT and ballistic missile defense research. I would note that the MX arms control argument took on preposterous dimensions in the earlier debate in the House, which at one point tied the MX program to the Soviets returning to the START talks.

There remains no rational argument I can find to support further procurement of the MX and I will therefore vote to eliminate its funding. An additional merit of the amendment as proposed is that it will add funds to conventional weapons programs which have been neglected as the administration overemphasized strategic weapons modernization. There must be a sensible balance between our nuclear and conventional forces in order to optimize our defense capability. Too often, we have considered our nuclear programs as inviolate to cuts but there are candidates for savings in the nuclear area with MX at the head of the list and unsatisfied needs on the conventional side. Every one of the proposed restorations represents a validated military requirement, which we will forgo if MX production is funded. This amendment goes some distance in redressing the imbalance between our nuclear and conventional forces, and I am pleased, as a cosponsor, to vote for it. I urge my colleagues to do likewise.

Mr. GLENN. Mr. President, once again we meet in this Chamber to consider something that has been considered for a number of years. I first raised the question of the feasibility of the MX and whether we should go ahead with it just a few days short of 4 years ago in this Chamber. The exact date was July 2, 1980. I rose at that time because I thought that the proposal for the MX was not the best deterrence at the cheapest cost which is what we are talking about. What we want is for the Soviet Union to know that we have a guaranteed retaliatory capability in case they were considering making war on the United States of America. Whatever system we go to which gives that best deterrence at the cheapest cost has to be perceived by the Soviet Union as being something that is invulnerable to any first strike that they might have.

Some years ago, we decided that the missiles that we wanted in the future generation of missiles in this country would be ones that would have a more accurate guidance system, they would have a greater throw weight capability, and they would be provided shelter to guarantee that they could get out and get on with their mission in case they were ever needed.

So the MX was proposed with a new guidance system, and larger throw weight, but that last part of being able to guarantee that they could get out and get going was left wanting because as the Soviets in turn have increased their own accuracies—the megatonnage has gone up on their warheads per warhead—our missiles in turn have become more vulnerable. We still have well over one-half of our retaliatory missile systems in submarines, cruising largely undetectable below the ocean's surfaces ready to go. They are I think

probably the finest weapons system that we have to guarantee that there will never be a Soviet first attack on the United States.

Having said that, then we move to the ICBM's on land base which are a little over one-fourth of our stockpile of deliverable nuclear warheads. What do we do at this point? Instead of having a maneuverable capability, we tie it down to a fixed silo more vulnerable to Soviet attack. Fixed silos can be used as targets, which would be long since established because we are not forcing the Soviets to figure out new coordinates to shoot with the way we are going with the MX missile. We are now going to put them back into the same old silos that we said were vulnerable to begin with—1,054 land-based ICBM's that we said were so vulnerable that we had to have a new missile system. But then we decide on a 192,000-pound MX, and put it back in the same old holes that we said were too vulnerable to begin with.

Mr. President, I said 4 years ago in this Chamber—and I have said repeatedly since then every time MX has come up—that that just does not make much sense. If we want to truly give the best deterrence at the cheapest cost, then it seems to me that we want to give as infinite a number of aim points as we possibly can to the Soviet Union so that they must perceive they could not possibly under any circumstances hope to knock out our deterrence, our responsive, retaliatory capability.

But that is not the direction we are going. In that debate on the Senate floor 4 years ago, rereading that RECORD you will find that I advocated at that time going to a small, mobile, probably single-warhead mobile, that could be kept on Federal lands most of the time but be maneuverable on those considerable Federal lands that we have in the western part of this country. I stated at that time, Mr. President, that if a crisis time arose in this country where we felt we really were coming up to a wartime situation, then we could deploy those small mobiles across the interstate highway system or other highways in this country, or on other Federal lands in other parts of the country. In effect, what I was saying was that we give an infinite manueverability to our missiles much as the submarines have at sea. We give a land-based infinite maneuverability and that means that the Soviets could not possibly under any circumstance conceive that they could target every single spot where there might be missiles that could come back at them if they were stupid enough to try and think they could knock out the retaliatory capability of this country with a first strike.

It is what I have advocated for a long time, Mr. President, that we stop the MX, not waste any more money on it, and go to a small mobile, maneuverable mobile, that can be kept off the highways of the country during most of their times, and hope that they never have to get off of those Federal lands. But if indeed war does come and we need that retaliatory capability, we would be blessed well glad that we had that capability to outmaneuver where the Soviets could not hit.

Why do we think that the Soviets are so much concerned about the Pershings in Europe? I can tell you why. It is because they do not know where to target. They do not know what target or where to target in case a war starts. The Pershings in Europe are kept in missile parks. They are occasionally deployed out on the highways down the roads to other launch points or can launch at any point along the route. If they choose to stop, they can do so. Guidance systems are updated at that point. That means there is an infinite number of points the Soviets would have to try to hit. They cannot do that. They cannot guarantee they can hit them all.

It is the same thing with the SS-20's that we are concerned with in the Eastern bloc countries. They can maneuver. They are out on the roads. Where can we shoot them? That is why we are so concerned about the SS-20's. We keep pointing that out, now that there are up to 400 of them deployed, we estimate.

Why we tie ourselves to a specific, already targeted geographical spot when we have the option to go a different direction that gives us a better deterrent at a cheaper cost just to me does not make sense.

Once we get started on one of these programs, they are exceedingly difficult to turn off. Originally we were going to provide for 200 MX missiles. Then people, many people, including myself, were very concerned about the vulnerability of those 200. So then the proposal came up with the multiple protective shelter, the racetrack pattern, the protective shelters, the pea in a pod concept, where there would be a number of protected shelters for each missile and the Soviets supposedly would not know which holes the missiles were in. Each one of these would be protected. They would be hardened sites.

Well, then we had difficulty making the sites hard enough to really get the kind of protection they would need. So we let that go by the board.

Plus the people out in the West where some of those racetrack patterns and multiple protective system shelters were going to be put did not like the idea of them being the target at ground zero in case there was going to be another war. I do not blame them for feeling that way.

But with a small mobile, we have infinite flexibility and it has to give the best deterrence at the cheaper cost because it is a cheaper system than any other we have been able to devise.

I do not want to see us waste money on the MX. I thought for a long time it was wasted. Those 200 that were going into the multiple protected shelters were supposed to somehow make the Soviets recognize that we had a new accuracy, a new throw weight capability that was going to be awesome, and this would somehow move them to the bargaining table. They were going to feel that they had to come to the bargaining table because we had gone ahead or would be willing to build beyond that 200, that it would be so awesome they would see the error of their ways and this would bring them in to the bargaining table.

Mr. President, they did not come to the bargaining table. They were not scared to death. They had their SS-18's and 19's and all the other numbers that we could reel off here and give the capabilities of. So they were not overly awed by 200 missiles. I am sure they were impressed that we would have an accuracy improved which would be better than their accuracy. On the other hand, they did not see fit to come to the bargaining table.

So then, because of congressional wishes, they said they would reduce it to 100, they were going to save money. Once again, it was 100, reducing our threat to the Soviets who did not come to the bargaining table yet at that point.

Now we are down to arguing over whether 40, 21, or 15, as the House bill provides, are going to bring the Soviets to the bargaining table, and the President keeps repeating, "Yes, we need this as a bargaining chip because the Soviets have to be forced to the bargaining table."

I would submit, Mr. President, that if 200 MX missiles in hardened silos did not bring the Soviets to the bargaining table, 15, 21, or 40 going back in the same old soft holes that our other missiles have been in all these times, no hardening, whether it is 15, 21, or 40, is hardly enough to scare the Soviets into coming to the bargaining table when 200 hardened silos did not do that job.

For all these reasons, Mr. President, I just disagree with the whole concept of the MX, when we have another option which gives a better deterrence at a cheaper cost.

For the last 4 years we have been debating this. It is still the case today and the main thing that has changed is that we are now talking about even smaller numbers.

Last year we pushed rather hard on this and finally got agreement to go ahead with mobile. I would say that I think the emphasis on the mobile over at the Pentagon has been considerably less than on the MX. I do not think it has received the priority some of us

had hoped it would have. They talked about it in the report that accompanies this bill out of the committee. We have been talking now, according to the Pentagon, about possibly providing protective shelters for the small mobile along with the MX. In other words, someone is now enough hesitant about the small mobile over there, even though we pushed them into studying it more, that they are now talking about putting it back, into the silo again, which would defeat the purposes of the small mobile, to me. That just does not do the job.

The value of the mobile is it can be in an infinite number of eight points in case any other power is thinking about attacking this country. They cannot possibly barrage the whole United States of America sufficiently to knock out every place that there might be a retaliatory small mobile waiting to hit them back. The Soviets are best deterred once again at the cheapest cost.

That is the reason I have opposed the MX consistently over the last few years and will continue to oppose it. I think we do need a new guidance system. We need better accuracies. We have seen those accuracies come down considerably to a very small area. Unfortunately, the Soviets have been able to do the same think except by our best estimates, they are not yet quite as accurate as we are. I will add that we are both becoming sufficiently accurate that the differences between the two are becoming academic. I think we no longer are going to be able to say we are protected by virtue of the fact that the Soviets are not as likely to hit us in the same spot. Even if they put on 10 warheads, they would have to put it in a particular spot so that particular spot is obliterated. Their accuracies are becoming much better.

That means anything more than 150,000 pounds, like the MX, is going to have to sit on one spot and that spot is going to become more attractive to the Soviets in case they are thinking about a hit. We need a stabilizing influence. The small mobile is that kind of stabilizing influence because it means that no planner in the Kremlin can possibly go in to his bosses in the Kremlin and say, "We have them all located; this is the day; we really can knock out the whole U.S. ICBM fleet if we just attack today."

They cannot do that if we have the small mobile. They cannot do it now because of the sub fleet, too, but why immobilize, in effect, and set up as permanent fixed targets any new ICBM's we wish to place on land?

It seems to me we should be getting the greatest flexibility we possibly could get.

I repeat, Mr. President, I rose to ask my colleagues to oppose the MX production. I think it is a mistake. I know there are those in this body who want neither the MX nor the small mobile. I feel that the small mobile does, as part of the triad, give us that additional element of flexibility that is a deterrent to the Soviets, so I favor it.

I think we should finally and at last, after 4 years of debating this, knock out the MX that I did not feel was going to do the job correctly at 200; it is going to do the job even less well at 100. Now we are down to 40, 21, or 15, depending on what we come up with here. I think if it was not doing the job at 200, it is certainly not going to do it at one of these reduced amounts. I hope my colleagues will join me in trying to finally and at last put it to rest and get on with a better deterrent, a more maneuverable retaliatory response which is a better deterrent—that is encouraging the production and deployment of the small mobile.

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

Mr. KENNEDY addressed the Chair.

Mr. WARNER. Mr. President, the Senator from Massachusetts has a very important item, and I am eager to hear about it. I wonder if the Senator from Ohio could remain a while so we could have a colloquy?

Mr. KENNEDY. Mr. President, I shall be glad to withhold and permit the Senator from Virginia to inquire of the Senator from Ohio. I appreciate his courtesy.

Mr. WARNER. Mr. President, I have the highest respect for the Senator from Ohio. Indeed, he has devoted much of his professional career in the Senate to the subject of deterrence. There were several comments made by our distinguished colleague from Ohio which give me some pause. I wonder if we might refine them for the benefit of our colleagues following this debate.

I share the highest expectations for the small missile, but I think we should be forthcoming in advising our colleagues that it is the early nineties before we could expect that the research and development could be completed and that we would have, should we say, a course to follow toward development. Would the Senator concur in that?

Mr. GLENN. Not necessarily, Mr. President, That is a debatable point, I think. We certainly cannot say it in open session here, but I have had briefings that indicated that if this is really the way we want to go, the small mobile, we could move it back into the eighties; not too far into the eighties, but we could actually have it available in the eighties.

I know the figure most accepted by most people is some time in the early nineties, as the Senator from Virginia said. But that is a point that is debated among the experts, that if we did away with the MX, and that is what we are really trying to develop, I think we could do it and have the small missile available in the late eighties.

Mr. WARNER. In the Subcommittee on Strategic Weaponry of the Committee on Armed Services, we have expressed this time and time again, year after year. While indeed it is a debatable item, in my humble judgment, the preponderance of evidence is that we are moving as a nation as expeditiously as possible toward the introduction of the small missile. Indeed, the Scowcroft Commission Report, which I shall refer to momentarily, I think confirms that it is likely to be the early nineties.

Mr. GLENN. If I may add, Mr. President, I think as long as it receives only the priority it has right now, I would agree completely with the Senator from Virginia. I think it is how we consider it.

Mr. WARNER. I think Congress has consistently in the past 18 months proffered its full support, despite maybe the administration's hesitation, to upping that priority, adding that funding. But the experts in the Pentagon and elsewhere have continued to come back and advise us that the funding for the small missile is adequate, and it is being paced not by funding, but by technology.

Again, moving to another aspect of this debate, the distinguished Senator from time to time referred to the whole of the United States as if it were possible to have the mobile system operational in the whole of the United States. I am sure the Senator did not mean to leave the impression that indeed it was the whole of the United States and that the interstate highway system is likely to be the artery through which the mobile systems would flow. Rather, all the programs contain the deployment to existing Federal properties and indeed the military properties.

Mr. GLENN. That is one of the questions we also debated 4 years ago, as I recall. What we have right now is a proposal that this be based on Federal lands because we hope that will give an area that would be sufficient to provide a maneuver area that would give a tremendous number of raiding points. But you have the option then of using it as an SS-20 is used in the Soviet Union, as we asked the Europeans to base the Pershing. It is available in a crisis situation where you might want to disperse your raid point even further to go out on highway systems or to have a system that is not even necessarily wedded to highway systems. You could have a large tracked vehicle or a large-tired vehicle that can go off the highway, even, but that is less likely. But the whole concept of the mobile, whether it is the SS-20 in the Soviet Union or the Pershing in Europe, is that it could, in a

crisis situation where we really need it for survial, go anywhere.

I say that I am not proposing that we get out and have these running up and down the highways of the country all the time, now. I am saying in a crisis situation, if you have that kind of flexibility of maneuver, that is exactly the doubt that is put in the Soviet mind, that is the perception in the Soviet mind that you have that, and that they cannot possibly hit all the targets where this mobile missile might be. That is the reason I favor it.

Mr. WARNER. Mr. President, I beg the differ with my colleague that we can rely much on the crisis mode to open up the highway system. Indeed, our own civilian population may seek the highway system as a means to try, in some way or other, to provide protection for themselves. We do not know. There is so much uncertainty should that crisis arise, with respect to the highway system.

Mr. GLENN. May I ask the Senator from Virginia, who is certainly an expert in these areas, what would he advise the people of Europe. Should they accept these missiles? Should they accept the Pershing missile, since the basic mode for it is that it is out going down the highways of Europe for dispersal in any crisis situation? Should we tell them no, you should not accept them because your civilians may, once in a while, see a missile out there some place?

Why do we ask them to accept it? We know the Soviets accept that same kind of manuverability on their soil that gives us such pause and such difficulty in our planning. How can we ask the Europeans to do this and at the same time say we would never, under any crisis circumstances, ask the people of this country to accept that same kind of minimal risk of dispersal?

Mr. WARNER. Indeed, that is something we hope never occurs, such a crisis.

But I think for purposes of planning in the immediate future, the operational concept is to restrict the mobile systems to the Federal properties.

Moving on the third and last point, the Senator on several instances referred to a cheaper system for the small mobile, but the calculations that we have received in our committee indicate, beginning with the warheads, you are going to have to miniaturize certainly initially the guidance system which is now in the MX, and that is an expensive transition. Then you have to have one guidance system per warhead as opposed to one guidance system in the MX for 10 warheads. That is an expense.

The comparable man/woman power situations with the two systems are that the fixed MX system is relatively less manpower oriented compared with the mobile system. And lastly, you have a very expensive concept just on the drawing boards at this time with respect to the hardened launcher. So the aggregate of these new elements indeed I do not believe allows the argument that this is going to be a cheaper system.

Mr. GLENN. If you make it a true mobile and you figure crews really maneuvering with this that could be supported, and communications systems, and so on, it does get more expensive, but particularly if you are talking about confining it to Federal lands all the time, then I think your expenses—at least the expenses I was briefed on not too long ago—go down considerably. I did not bring the specific figures to the floor with me. I think the briefings I had were classified anyway so I could not use some of these specifics.

But regardless of whether it is cheaper or not, to me it is a better deterrent because they do not know where to aim, they do not know what to shoot at. With the MX they have already had those coordinates of the old silos into which we are going to put these new MX missiles. Now, they have had those coordinates figured out for many years. We do not even make them go through the slide rule computations of figuring out a new aim point.

Mr. WARNER. I am glad the Senator comes to that conclusion because we have reached a common ground. I think it is a better situation, but there is a transition between the state of the art that we now have and this mobile. That is the problem.

I should like to lastly address the attention of the distinguished Senator to the Scowcroft Commission Report and first just ask generally if the Senator agrees with their conclusion and, if not, what would he proffer as a more concrete solution. I quote from page 15:

> The development effort for such a missile—

that is, a small one—

> need not and should not be burdened with the uncertainties accompanying a crash program; thus its timing can be such that competitive development is feasible.
>
> Decisions about such a small missile and its basing will be influenced by several potential developments: the evolution of Soviet strategic programs, the path of arms control negotiations and agreements, general trends in technology, the cost of the program, operational considerations, and the results of our own research on specific basing modes. Although the small missile program should be pursued vigorously, the way these uncertainties are resolved will inevitably influence the size and nature of the program.

Mr. GLENN. I did not bring a copy of the Scrowcroft Commission Report with me, nor did I prepare a critique of it for this particular debate. But I think we do wonderous things in this country when we put our mind to it and put a priority on a particular project. I think the estimates of time that would be necessary to make a small mobile work are not insurmountable in moving that date back into the eighties. We need no new technological breakthroughs. It is an engineering matter. It is a matter of putting enough time and people on it to make certain that we do have the kind of vehicle we want. We do not need to invent anything new. We do not need a whole new concept or technology developed.

I note in the committee report, however, on the Scrowcroft Commission letter to the President dated March 21, 1984, it says:

> For the current and anticipated environment, a planned deployment of 100 missiles is appropriate.

The committee report goes on to say, right after that:

> While this deployment plan does not provide the desired degree of survivability, on balance, the committee believes it essential that deployment proceed to achieve the December 31, 1986 initial operational capability.

So the committee in its reports says that it does not achieve the desired degree of survivability by its very nature, and so why go ahead with that? Why not come up with something that does get survivable so that we will really have something that the Soviets know is not a paper tiger, is not something that they can shoot at and knock out, is not an even more attractive target than that which we are giving up, so it becomes a priority target in case war starts. It just seems that we are well advised to go to a mobile that really is a better deterrent.

Mr. WARNER. Mr. President, I thank the Senator for the opportunity of conducting this dialog. Of course, the reason for going forward with the MX is counterforcing balance, and the Senator is well aware of that argument. Indeed, all of our systems have a measure of vulnerability, even the submarine system, and it is a question of quantifying relative vulnerabilities. I think the Senator from Ohio is not suggesting we depart from the sound principle of the triad; it is just that we are all somewhat disappointed that we could not achieve a higher degree of invulnerability with the MX system.

Mr. GLENN. I have not proposed that we depart from the triad system at all. I have backed that concept here and have repeatedly voted for it because I think it does give us the best deterrence.

Mr. WARNER. I certainly concur with the Senator.

Mr. GLENN. I thank the distinguished Senator, and I yield the floor.

Mr. KENNEDY. Mr. President, before I make the case in opposition to the MX missile, I want to make a brief

comment about the exchange between the Senator from Virginia and the Senator from Ohio. First of all, I believe that any fair reading of the Scowcroft Commission report and any reasonable evaluation of the position which was assumed by the members of that commission would lead one to believe that it was outlining a basic arms control bargaining position for the United States over the period of the next several years. That bargaining position would include a commitment by the United States to deploy the Midgetman.

The recommendation of that report must be viewed in the current context, in which no negotiations are taking place with the Soviet Union. Yet, the U.S. Congress is still being asked to deploy the MX—which is very vulnerable and expensive.

Mr. President, one of the points that has been made in the exchange between the Senator from Virginia and the Senator from Ohio is that the MX was meant to be an interim missile between the current Minuteman missile and the future Midgetman missile. But the fact is, as all of us on the Armed Services Committee understand and as the Members of this body understand, the D-5 missile will be brought onstream by the late 1980's. For all practical purposes, the D-5 missile, which will be used in our submarine force, has virtually the identical characteristics as the MX in terms of its offensive capability.

I am opposed to the MX. In the Armed Services Committee, I offered an amendment to eliminate all funding for the MX. I rise now to support the amendment of the Senator from Vermont, which would eliminate the funding for the MX and provide half of that funding to improve the readiness of U.S. conventional forces. I think this position is a worthwhile and commendable one for the Senate to take.

Mr. President, 3 years ago, the Senate of the United States rejected the idea of placing the MX missile in existing silos. Why did we do that? Because at that time, we knew that it was foolish to spend billions of dollars on a new missile that would be every bit as vulnerable as the old one.

But today, that is precisely what we are being asked to do. Nothing has happened since 1981 to change this situation. The idea of putting MX missiles in existing silos is as silly today as it was 3 years ago.

But today, we are being asked to authorize the expenditure of billions of dollars for a weapons system that makes no sense. It makes no sense no matter how you look at it.

THE MX MISSILE MAKES NO SENSE MILITARILY

It is true that the MX missile is a bigger, more accurate, more potent weapon than any that we have today in our nuclear arsenal. But that doesn't make the MX necessarily more desirable. Because this missile will be just as vulnerable to attack by the Soviets as its predecessor, the MX adds nothing whatsoever to our ability to retaliate after an attack from the Soviet Union, and on that score, the MX is no different from the Minuteman. Thus, after spending these billions of dollars, we will not be one bit more secure than we are right at this moment. The money would be better spent to modernize our conventional forces and to improve the overall readiness of our military.

THE MX MISSILE MAKES NO SENSE STRATEGICALLY

Because of this missile's vulnerability and because of its increased accuracy, the MX will be preceived by the Soviet generals as being a first-strike weapon—which is destabilizing. And because this missile can be destroyed by an attack by the Soviets, the MX will be perceived by our generals as a missile that must be launched on warning—which is also destabilizing. Thus, after spending billions of dollars on these missiles, we will actually be less secure than we are right now.

The MX missile makes no sense economically. At a time of $200 billion deficits, we should be spending our money with care, and we should not be spending vast sums of money on weapons systems that add nothing to our security and do nothing for our defense.

The MX missile makes no sense as a bargaining chip. I opposed this missile before it became a bargaining chip, after it became a bargaining chip, and I oppose it today, when there are no bargains to be had and no chips to be bargained. The negotiations are nonexistent. Last year, this missile was sold to the Congress as something that we would give up in exchange for comparable reductions by the Soviet Union. But we are not talking to the Soviets, the Soviets are not talking to us, and there are no deals to be made. It makes no sense to spend billions to buy a chip to play in a game when there is no game in town.

Today the Senate must decide whether to prolong the misery of MX or whether to retire the missile once and for all. The MX is a missile without a mission, a weapon without a home and a bargaining chip without a negotiating table.

I share the view of many of my fellow Senators that the MX was a fateful decision for America to make when we first debated MX, but it is not too late to recover our common sense.

The MX is not just one more weapons system in a long line of weapons sytems, not just on more issue in a long line of complex defense issues that we are dealing with in this legislation. The MX is, instead, a radical departure from deterrence and from rational defense policy. As we prepare to cross the MX threshold, we are entering the brave new nuclear world of first-strike and launch-upon-warning.

THE MISSILE IS VULNERABLE

When the Senate Armed Services Committee recommended funding 21 MX missiles, it contended that the MX was the only short-term solution to redress the imbalance in prompt, hard-target kill capability. But even the proponents of MX concede that deploying MX missiles in existing Minuteman silos will leave these missiles completely exposed to Soviet attack. Evidence from the Air Force shows that, by the time MX is to be deployed in the late 1980's, Soviet improvements in missile accuracy will enable them to destroy 99 percent of our fixed-silo-based missiles—including MX. The Air Force believes that—at most—one MX missile will survive a preemptive Soviet attack. Because of this extreme vulnerability, the MX does not redress any nuclear imbalance, real or perceived.

THE MISSILE HAS NO REAL MISSION

The General Accounting Office has recently called into question the offensive capability of the MX. To comply with the congressionally mandated deployment date of December 31, 1986, the Air Force must begin production of major components of the MX before they have been fully tested and before the system has completed flight testing. Because of this tight schedule, the MX cannot be adapted to overcome changes in the nature of the missile's primary targets. Indeed, such changes have already occurred; according to the GAO and the Air Force, the Soviet Union has increased the hardness of the majority of its missile silos by a factor of three since the time that the MX began full scale development. This is a major change in precisely the threat that this missile was designed to overcome. It is fair to say that the MX cannot be counted on today to accomplish its original mission.

THE MISSILE IS A USELESS BARGAINING CHIP

Another justification for funding the MX is that it will induce the Soviets to negotiate in good faith at the bargaining table. However, as the MX is useless as a deterrent and its only utility is as a first-strike weapon, it is difficult to see how it could possibly advance negotiations. Proposing the MX as an incentive for a Soviet return to the bargaining table is consistent with the administration's policy of complaining about the Soviet military buildup while conducting one of its own—peace through superiority is an idea that contradicts decades of bipartisan support for arms reductions. Any additional first-strike capability is destabilizing and can only heighten mistrust, accelerate the arms race and make arms control more difficult to

achieve. A President truly committed to serious arms control does not ask for destabilizing first-strike weapons.

AND THEN THERE IS MIDGETMAN

Some supporters of the MX admitted that the MX itself makes no sense, but that we need it as a stepping stone to get to the new generation of small mobile missiles for the future—the so-called Midgetman. I agree that Midgetman could lead both the Soviet Union and the United States to a more realistic nuclear balance by reducing reliance on destabilizing multiple warhead missiles like the MX. However, support for the senseless MX will not help us to obtain the sensible Midgetman.

The Air Force has expressed a preference for MX over Midgetman, and continues to press for construction of the MX. The Air Force has also shown its reluctance to pursue Midgetman by inflating the small missile's cost, by pushing back the date of its initial operating capability, and by quietly expanding its size to a point where it may be too large to be mobile. Outside experts, such as Dr. Richard Garwin, have argued that the Midgetman could, with proper effort, become operational within months of the MX's date. As long as we give the go-ahead to MX, Midgetman will only be pushed further into the background. If we want Midgetman, then let us vote for Midgetman and put the expense and danger of MX behind us.

WHAT ABOUT THE MX AND OUR NATIONAL WILL?

There are those who continue to argue that a vote in favor of MX, regardless of its strategic utility, is a vote in support of our "national will." But when we put vague expressions of "national resolve" above commonsense in an area as vitally important as the nuclear arms race, then we are truly heading toward catastrophe. Let us build national will; but let us build it with sensible weapons systems and defensible causes. The best way to develop a national consensus on the defense is to put the MX behind us.

The MX is a missile without a mission and a weapon without a home. The Air Force considered over 30 different basing modes for the MX before recommending that the new missiles be deployed in existing Minuteman silos. These basing modes may demonstrate the ingenuity of our scientific community, but they also show that despite all the years and all the studies, no one yet knows what to do with this missile.

The MX is a dangerous and expensive first-strike weapon that will weaken deterrence and fuel the nuclear arms race, instead of advancing arms control. The MX makes no strategic sense: It will not spur the administration to adopt a more flexible negotiating position; it will not lead to the development of less dangerous and less threatening systems; and it will not encourage the Soviet Union to return to the negotiating table. I urge the Senate to end the MX nightmare once and for all, and return to the path of a sensible and serious arms control policy.

When the first MX comes off the production line, we will have to live with it, as well as with the problems it creates for our national security. Let us have no illusions: No matter how it is packaged and explained to the American people, deployment of the MX is a needless and expensive escalation of the arms race that will make arms control even more remote than it is today.

Three years ago, we rejected placing the MX in existing silos. The only thing that has changed between then and now is our resolve to do what we know is right. The time has come to put the MX out of its misery. We should accept this amendment and prohibit any further funding for this dangerous and unnecessary nuclear weapon.

Mr. WARNER. Mr. President, I wonder if my distinguished colleague from Massachusetts would kindly stay for a question?

Mr. KENNEDY. Yes.

Mr. WARNER. Mr. President, he referred to the fact that—I think I have his quote here—"there is no gain in talks going on now. Consequently, why would we need any chips to play in such a game?"

But I am certain that my distinguished colleague would agree that the Soviets are not willing to come to the table at this present time simply because they do not want to allow the perception that Ronald Reagan on the eve of the election is capable of sitting down and trying to negotiate, although he has expressed a willingness, and indeed, I believe tonight he will address the Nation on that very subject.

What is the answer to the question that cancellation of the MX program will indeed reward the Soviets for having unilaterally departed from the negotiating table?

Mr. KENNEDY. Mr. President, I will respond to that question by reviewing very briefly the overall position of this administration on arms control and the position of this President on the arms control agreements which have been reached by the United States and the Soviet Union since the end of World War II.

I hope you understand that this President has opposed every single arms control agreement that has been approved by the Senate, and negotiated by Republican and Democratic Presidents alike, in the past two decades. Every single one.

The President has had ample opportunity to propose a realistic arms control agreement to move the United States, the Soviet Union, and the whole world away from the possibility of a nuclear confrontation and nuclear war.

I had the good fortune to be invited by the chairman of the Foreign Relations Committee to listen to Mr. Gene Rostow explain what the administration's position was on START, when it first began negotiating in Geneva.

I ask anyone who attended that meeting, Republican or Democrat, whether they were satisfied with his explanation. I ask my friend from Virginia, who I respect and who has been an active member of the Armed Services Committee on this issue, to take the time and read through that explanation. There was no realistic proposal placed upon the table in Geneva at that time.

I ask my friend from Virginia: Why did this administration refuse to follow up on a comprehensive test ban treaty with the Soviet Union after the previous administration had virtually reached agreement with the Soviet Union on the most important negotiating issues.

So my answer to the Senator from Virginia is that in evaluating the position of this President on the issue of arms control, in reviewing the record of this administration on arms control agreements, the fact of the matter is that is has refused to table a proposal that said: Let us end the arms race now before it ends the human race. The Soviet Union can destroy the United States several times over; the United States can destroy the Soviet Union several times over. If half the arsenals of either country were used in any kind of nuclear conflict, then we would have a nuclear winter that would destroy all human life in this world. Why doesn't the administration propose a mutual verifiable freeze, and then reductions, and challenge the Soviet Union and challenge the world to see if we cannot take meaningful steps to end the arms race?

Mr. WARNER addressed the Chair.

Mr. KENNEDY. I do not know if I still have the floor or the Senator from Virginia has the floor. It is all right either way.

The PRESIDING OFFICER [Mr. SPECTER]. If the Senator has yielded the floor, the Senator from Virginia has the floor.

Mr. WARNER. Mr. President, I wish to state at the outset that I share my distinguished colleague's views with respect to the professional capabilities of Mr. Rostow. I have the privilege of knowing that eminent American slightly and, to this day, I maintain a dialog with him on the subject of arms control.

But the Senator from Massachusetts also mentioned that the President at this time reposes great trust and confidence in Paul Nitze and General Rowny, and both are still there posed

and ready to return to the negotiating table in the event the Soviets would make an offer.

Initially, during the course of the talks, there was little progress. But the reason the talks broke down, as the Senator from Massachusetts knows full well, is that our European allies together with the United States stuck with the commitment to go ahead with the deployment of the cruise and Pershing missiles that we had agreed on several years ago to deploy. And that, indeed, broke the will of the Soviets to return to the negotiating table.

During the hiatus, the President proferred again the willingness—to use his own words—everything is up for consideration should they express a willingness to return to the negotiating table.

I ask the Senator a further question. Did I understand my colleague to say that it was his judgment the United States had violated any of its arms control agreements?

Mr. KENNEDY. Well, the answer to that, as the Senator from Virginia understands very well, is no.

My point in my earlier remarks was that based upon the progress of previous administrations, there were a number of opportunities for meaningful progress in the whole area of arms control, including comprehensive test ban, which this administration refused to pursue.

Now, quite frankly, I had wished that the Carter administration had built on the Vladivostok accord that had been reached by President Ford. I expressed that hope and expressed it around the country, but unsuccessfully. But at least I maintained a consistent position with regard to the importance of building upon a previous administration's arms control efforts.

I feel very strongly that this administration has missed important opportunities for arms control progress.

I do think that this administration bears a responsibility in this key area of what I think is life and death on this planet. This is the point I was making in the earlier comments.

Mr. WARNER. Mr. President, I certainly concur with my distinguished colleague's view that we are dealing with the most serious of questions and, indeed, life and death on the planet. But I should like to inquire of him, wherein does he find the present tabled proposal in both START and INF to be unreasonable as a starting point?

Mr. KENNEDY. The basic point, as the Senator from Virginia knows, is that our initial position in the START talks was that the Soviets should make a huge reduction of their land-based systems and we would make some reductions in our land-based system. That was the initial formula.

The Senator from Virginia understands very well that 75 percent of the Soviet Union's nuclear arsenal is land-based and only 25 percent of that of the United States is land-based. So, on its face, this proposal was going to be rejected.

Now there are those that can say, "Well, it is an opening position. It was subject to negotiation." But what many of us have urged this administration to do and what the American people have urged their President to do is to recognize that we have the capability of mutual destruction in this world. And recognizing that any first strike, whether by the United States or the Soviet Union, is going to bring about national suicide, then why not go ahead and say to the Soviets: "We recognize that you are ahead in land-based missiles. We are ahead in the sea-based and as well as in the air-based weapons. Therefore, let's go for a verifiable freeze and then move toward reductions."

I think that would have been a good deal simpler. It would have been more comprehensive and it would have provided, I think, a more responsible opportunity for constructive negotiation.

I would just add that I am not alone in my characterization of the various proposals that have been made by this administration. The former Secretary of State, Alexander Haig, himself, has called them unreasonable. Can the Senator from Virginia tell me why Mr. Haig thought they were unreasonable?

Mr. WARNER. I have had some dealings with the former Secretary of State ever since he was a colonel and I at this time do not wish to attribute any high measure of credibility to that observation.

Mr. President, I thank the distinguished Senator from Massachusetts for the opportunity to have a clarification of his position. We are ready to proceed with a resolution of this amendment.

I see our distinguished colleague from Colorado rising.

Mr. HART. Mr. President, a history of the MX missile is indeed an interesting one. I think it is important to put the history of the debate over this system into some sort of historical perspective. For 10 years, through 30 proposed basing modes, under three Presidents, the Congress has been asked to support and authorize this missile system. For much of that time, supporters of the MX have tried to argue that the MX was a vital strategic asset necessary to ensure the survivability of the land-based leg of the U.S. nuclear triad. Yet, as each one of the potential basing modes was considered in turn, it was demonstrated that the MX would not satisfy the fundamental requirement of survivability.

Mr. President, as the Senate well knows, throughout the history of the evolution of the nuclear deterrent in this country, at least one of the key requirements was that we were able to produce successive generations of nuclear weapons systems that achieved stability by their ability to survive a Soviet first strike.

The current incumbent President campaigned, as we all recall, on an issue called the window of vulnerability, arguing that the previous administration had led this country into a dangerous and precarious situation because it had permitted the key land-based leg of the nuclear triad to become vulnerable. Increased Soviet accuracy could target silo-based ICBM's, it was argued, and therefore something had to be done to make that key land-based leg survivable. His administration would solve that problem, Reagan promised.

It got him elected—1981 went by, no solution. One whole year—1982 went by. No solution; a second year. And then we came to the spring of 1983, after, following what seems to be a pattern, the appointment of a commission.

The Scowcroft Commission was to decide where to put the MX. It surveyed all of those 30 basing modes and, lo and behold, came back to the one that everyone agreed made no sense, and that was to put a 10-warhead, 190,000-pound missile in the very silos that this President said were vulnerable.

So much for survivability. And if the land-based missiles were vulnerable in 1979 and 1980, how much more vulnerable are they today? So what is the solution of the Scowcroft Commission, quickly embraced by the current administration? Sure enough, to put 100 or 200, 10-warhead, MIRV'd ICBM's first-strike war-fighting missiles in vulnerable silos. For the first time in more than 30 years, this Nation has consciously made the decision to produce and deploy a new nuclear weapons system and put it in the place we knew the Soviets could successfully target. I ask you, what is the logic of that?

The logic is that we gain a bargaining chip, producing these 100, 10-warhead, heavy ICBM's. We are going to scare the Soviet Union so much that they would race to the bargaining table, throw down their arms. Thus, we would achieve a nuclear arms control agreement favorable to us and unfavorable to them. We would frighten the Soviets so much that they they would unilaterally or bilaterally take down the major leg of their deterrent, their land-based missiles, which we felt were a threat to us. Therefore, the MX would have fulfilled its proposed mission.

Has that happened? We are now more than a year beyond the Scowcroft Commission; 16 months, 17 months. The Senate approved the MX

last year. The House approved the MX last year, unfortunately. I have not seen the Soviets racing to the bargaining table. Indeed, for the first time in almost 20 years there are no active arms control negotiations going on in the strategic area.

So much for the bargaining chip theory. Indeed, I would challenge the proponents of the MX missile and the administration's position to show one time in the history of this country's arguments, quarrels, and negotiations with the Soviets where a buildup on our side has led to a builddown on the Soviet side. It has not happened. That is not the way it works.

So, Mr. President, what is being proposed here is to continue with a missile system which every thoughtful individual in the U.S. Senate and in this country knows to be a destabilizing, nonsurvivable missile system. This is at the cost, I might add, of $30 billion or more, which we do not have, at the cost of modernization, at the cost of the readiness of our conventional forces, and at the cost of an increased deficit that is going to wreck this Nation's economy. All of this is in the vain hope that building these 100 or 200 missiles is going to scare the Russians to death, and they are going to come to the bargaining table in a fashion they have never done before—cowering, and, they are going to make concessions that no one in his right mind believes that they are prepared to make.

Mr. President, there has not been one argument made on the floor of the Senate in the 3 or 3½ years of this administration, or the year and a half since the Scowcroft Commission report, that this missile system enhances survivability or enhances stability. That is because that argument cannot be made.

Every thoughtful person knows that if we build this missile, and we put it in silos, it moves us closer to nuclear war, not farther away. It enhances first-strike capability. It enhances warfighting capability. It decreases survivability, and, therefore, it decreases stability in the nuclear balance.

I challenge anyone who is a proponent of this missile to make one argument that this missile increases stability in the nuclear arms race. I challenge any individual supporting this missile to explain how it achieves the bargaining chip that this administration says it does.

Mr. President, over 20 years ago, President John Kennedy made several momentous decisions on military spending that are now almost forgotten. He cancelled the B-70 bomber and a number of other systems that he found to be strategically obsolete. And he channeled defense spending into more flexible conventional forces and a greatly improved submarine missile fleet, a fleet that is now the backbone of this country's strategic deterrent. I think we face a similar momentous decision today, and we are about to go once again in the wrong direction.

The best bargain this country could make is to bring the long and checkered history of the MX to a close by deleting its funding and by allocating our precious defense dollars to where the deficiencies really lie; that is, adequate retention of our skilled military personnel, and the needed readiness in our conventional forces that this administration has been undermining.

If this country wants to worry about security, it ought to worry about the number of combat ready conventional units that have declined under this so-called military buildup of this administration. In its mad race for missile systems and nuclear weapons that do not increase this Nation's deterrent, do not increase our security, and do not increase the stability of the nuclear balance, the administration has actually made us less—not more—prepared for our own defense.

I hope once in this debate today that something will happen that did not occur in 2½ weeks of debating this issue last summer: That is, that one proponent of this system will take the floor and make the argument either that this missile as a bargaining chip is going to lead to real nuclear arms control, or, second, that production and deployment of this missile system will increase stability and survivability of this Nation's nuclear deterrent. But we all know neither of those arguments can be made, because the logic does not exist.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. SASSER. I thank the Chair. Mr. President, we are here again to debate the issue of the MX, a system that would alter the historic policy of deterrence which has been the foundation of our defense policy now for over 30 years. The deployment of the MX missile in a preexisting, previously targeted and vulnerable Minuteman silo moves this country toward the doctrine of launch on warning or launch under attack. Such a policy is wedded to the dangers of destabilization, and accidental nuclear way.

Mr. President, the policy of deterrence that has existed over the last 30 years has been founded upon the premise that the United States would launch its missiles only after nuclear detonations had taken place here. That deterrent policy meant the deployment of survivable systems that provided us with sufficient capability to engage in a second strike. This is a policy that I have supported during my time in the Senate because it provided a sound basis for a defense which maintained stability, security, and reduced the risk of an accidental nuclear war.

While in the Senate I have supported systems that strengthen the policy of deterrence. I supported the modernization of the air leg of our triad through the B-1 bomber; I supported the modernization of our sea leg through the Trident and the D-5 program; and I supported the modernization of the land leg by supporting funds for the research and development of a smaller intercontinental ballistic missile. However, Mr. President, I cannot in good conscience support a system that undermines the basic concept of our historic policy of deterrence. The MX in unsurvivable, pretargeted silos is just such a system.

The history of the MX has been one of a missile in search of a home. It was conceived after it was determined that our Minuteman missiles and silos were unsurvivable from a Soviet attack. However, as basing mode after basing mode was studied, then discarded, it became apparent that any large, land-based MIRV'd missile in silos was inherently vulnerable. Clearly an alternative scheme was necessary if these MIRV'd systems were to avoid the risk of early destruction.

Then the Scowcroft Commission comes along, charged with finding a suitable basing mode to protect our MIRV'd arsenal. Instead, it decided that the best alternative was the placement of the MX missile in silos that the Air Force had already determined were vulnerable, yet this basing mode was made the most expedient solution. The MX in Minuteman silos was envisioned by the Commission as the bridge to a more stable force of small ICBM's. The consequences, however, have been that the MX has only served as a bridge to the doctrine of launch under attack—launching on warning. A truly dangerous doctrine.

The MX missile in unsurvivable silos can only be maintained on a hair trigger, ready to be launched at the time that a warning of a Soviet attack has been certified. This means that there is less than 15 minutes in the interval during which a decision to launch is made. Unless fired before they are hit, the missiles will be destroyed. In essence, this is a use-them-or-lose-them doctrine.

Mr. President, let me share with my colleagues, as I did during last year's debate, the testimony that the military construction appropriations subcommittee received from Gen. Kelly Burke, the Air Force Deputy Chief of Staff, in June 1981, regarding the issue of placing our nuclear forces on the hair trigger by putting MX missiles in vulnerable silos. Here is his statement:

> I think that it creates in a crisis situation a rather dangerous circumstance, a destabilizing situation of stating with certainty that we have our finger on the trigger and if you blink, we are going to let go, which, in turn, will encourage the Soviets to get into

the same posture. It would, I think, add addition deterrent, but it would also, I think, add the destabilizing effect of a potentially dangerous situation. If we have an MX in a silo and an announced policy that our finger is on the trigger, then I think that has the force to force the Soviets to get a little closer to the trigger. I think, when things get very tense, when there is a crisis underway, there at least a remote chance of inadvertence, of mistake, of miscalculation.

Therefore, Mr. President, it is obvious that if MX were vulnerable in Minuteman silos in 1981, they are certainly still vulnerable, if not more so, today. In its current deployment MX undermines stability by placing both forces on the hair trigger.

However, despite the facts, the Senate is here again today debating a system that will eventually cost $30 billion yet contribute little or nothing to security. Faced with an attack, less than 10 percent of the MX's could survive. This is substantially less than the other two legs of our triad force. Therefore, Mr. President, the MX in its current deployment is seriously flawed and is only operational when supported by the flawed strategy of launch under attack.

Mr. President, some will argue today that we should have the MX because the world would be a more dangerous place without it. Some will say that the recent actions of the Soviet Union warrants the procurement of the MX. No. That is not the case. The MX was a bad idea last year and it is a worst idea this year. If anything the world has only grown more dangerous since the Senate last debated this issue and in an unstable world, we should not add to it an unstable weapon. The MX in Minuteman silos is an unstable weapon.

Mr. President, the purpose of this amendment is clear and simple. A vote to delete the MX with a movement of its funds into conventional forces is a vote for stability and enhanced deterrence.

The MX in the Minuteman silos actually creates insecurity rather than more security. It moves us down the road toward a launch-on-warning or launch under attack policy, one which is new to the United States of America and one which I think is dangerous and prone to nuclear war by miscalculation.

So by voting for the MX in its current deployment we move one step closer to the day when the MX might trigger a nuclear holocaust if by chance we are given false warning of a nuclear attack or if there is a nuclear incident precipitated by some third party.

I say to my colleagues, that is clearly not an acceptable strategic nuclear deterrence policy.

Mr. President, a nuclear hair trigger spells a clear and present danger for this country and the world. We must turn away from that danger now and vote against procurement funds for the MX.

Mr. President, I yield the floor.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I do not know how many times this makes now that we have debated this matter. Each time I had personally thought it would be the last time. As far as I can see, this is the last time we have any real opportunity to stop production of the MX missile.

Before talking about the MX, I would like to make a couple of observations.

I have been speaking in high school graduations in my State more than ever before this year, and the reason I have been is because I have increasingly discovered that the young people of this country are not participating in the political process. Now some may blame the educational system for that. You could say that this has become such a "me, too" generation, everybody is doing his own thing. But in any event, in order to try to pique the curiosity of our young people about the political system and try to encourage them to get involved, I made a few studies and I discovered two or three things.

No. 1, I learned from my distinguished colleague from West Virginia [Mr. RANDOLPH] that of all the nations on Earth that allow their people the opportunity to vote, only little Colombia in South America has a smaller percentage of its eligible people voting than the United States.

Think about that, Mr. President: The United States, the very behemoth of the North. Colombia is the only nation where fewer of its eligible voters actually vote than the United States, out of all the nations of the Earth that allow their people to vote at all.

Why is that relevant? The reason it is relevant is that it suggests the majority of our eligible voters think the system is no longer responsive to them and that it is no longer relevant to their lives. That leads me to this point: Here we are debating whether or not to build 100 missiles, each with 10 warheads—1,000 warheads in all, and all of which are much, much more powerful than the bomb we dropped on Hiroshima. We are talking about the survival of the planet Earth and the survival of civilization, and yet we have maybe five Senators on the floor. And this is the biggest crowd that has been here all day.

Mr. President, is it any wonder that the people who come to the U.S. Senate from all over the United States say, "What on Earth is going on here? I thought this was a parliamentary deliberative body."

You say, "Well, I am unhappy and I am sorry about that, but we are only debating about whether civilization is going to survive or not anyway." So no wonder they are discouraged. I am discouraged. But it is an institutional problem more than it is a personal problem. As long as the Senate continues to operate as it "always has," nothing is going to change. And I might say that, on occasion, we actually do have high water marks around here.

The other afternoon, we had a closed session. We were here to have a presentation, with the public and the press excluded, about the possibility of building an antisatellite weapons system, and it was a presentation made mostly by the Senator from Virginia [Mr. WARNER]—a slide presentation, the whole thing. Every Senator was in his seat and we had a good debate.

Maybe everybody was here and maybe the debate was high level because there was nobody to pay much attention other than just the Senators. There was no reason for anybody to perform; there was nobody to perform for. But there is absolutely no reason why the Senate does not debate all of its major issues—at least its major issues—in that kind of deliberative setting.

It was instructional. The questions asked by the Senators were high level, they were intelligent, and they got good answers. They may have agreed or disagreed, but at least it was, I thought, a fine debate.

That is a process thing I am talking about, not the substance of whether we are going to go forward with the MX missile.

It is not easy for any Senator to just keep fighting and fighting against something he feels makes no sense. The MX missile makes no sense from a cost standpoint, it makes no sense from a vulnerability standpoint, it makes no sense from a deterrent standpoint, and it makes no sense from an arms control standpoint.

Mr. President, we have been on this defense budget now all week—started last week. I know the majority leader wants to finish tonight or tomorrow; I do not see how that is going to be possible; maybe it is. But on this MX missile and this defense budget, we are talking about two things. No. 1, is the defense budget too large? That is a legitimate debate on which reasonable, sensible people can agree and disagree. I personally think the defense budget is too high; it is getting more than its share of the deficit.

The other thing is: Is the deficit weakening the country or is it strengthening it? If we have an economic apocalypse in this country, as some economists say we are going to have, there is not going to be that much to defend. But my point is, the most hawkish Senator in the U.S.

Senate, in my opinion, will not disagree with the biggest dove in the U.S. Senate on the $305 billion defense budget any more than $10 billion to $15 billion worth of difference; not any two Senators on either extreme in this body.

So this debate, not just on the MX but on the whole defense question, is not a debate between the patriotic and the unpatriotic. It is not a debate between those who favor a strong America and those who want us to disarm no matter what. Of 14½ years in public life, I have yet to meet a person who says he does not believe in a strong America, or that he wants a weak America. There is not a person in this body whose patriotism I question, whose concern for a strong defense that will deter any adversary is any greater or any less than any other Member's. So nobody should jump under his desk for fear that he is going to be called a dove or that he is weak on defense. There is not a soul in this body who favors a weak America.

So the question is not just how many dollars we are going to spend on defense. The debate here is what we are going to get for our dollars. So nobody should be worried.

Most of us remember the Vietnam war. On hindsight, we all know that Lyndon Johnson made a fatal mistake. He told the American people that we could fight the Vietnam war, go forward with all the social programs of the great society, and not raise taxes. Why that made any sense to anybody at the time is beyond me. On hindsight, it makes no sense at all. My guess is that if you went back and looked at the CONGRESSIONAL RECORD, you would find that a few Senators stood on the floor and said, "Mr. President, this is nonsense. You cannot fight that war, you cannot spend that amount of money and have all these social programs at the same time. It is fiscally irresponsible. You either must discontinue the war, stop those social programs, or raise taxes. You cannot do it all three ways."

And we went forward and we all know it was a bad mistake, it was fiscally irresponsible, and we have been paying the price for it ever since.

And with the utmost respect to the President of the United States, I never believed that you could cut taxes by $750 billion and increase defense spending to almost the magnitude of $2 trillion, all in a period of 5 years, and balance the budget. But there were a lot of people in this body who disagreed with that and said we could. I am not denigrating anybody because it turned out that we have these $200 billion deficits. But in my opinion, it was a mistake.

I want to say, "Mr. President, you cannot have this defense budget and you cannot have the spending programs that even you have submitted to us without raising taxes. And if you do not want to raise taxes, then you must cut spending, and that includes defense."

Can that be done in keeping with a strong America and a strong defense? The answer is yes.

(Mr. STAFFORD assumed the chair.)

Mr. BUMPERS. I say that without equivocation or reservation. I say these things about what happened in the Johnson administration because we should learn something from them. I have a speech I make quite often in which I ask why our public officials never tell us what they really think until they leave office. All these exit interviews that Senators and Presidents do when they leave office are just dynamite. I cannot help but think how wonderful it would have been if President Eisenhower had made his great military industrial complex speech in his first inaugural address instead of his farewell address 8 years later.

I think about Admiral Rickover, who served this country so well as our Navy atomic expert. I always had the impression, quite frankly, that Admiral Rickover thought plutonium ought to be sold in service stations. But when the President of the United States, Ronald Reagan, finally said, "Admiral, your time is over, you must go," Admiral Rickover held an interview, he testified before committees, and he said, "What insanity this is to keep building three atomic weapons a day. Why do you continue to build all of these weapons?" I cannot help but think how great it would have been if Admiral Rickover had said that 10 or 20 years ago.

Then there is the great exit interview of Gen. David Jones, who was Chairman of the Joint Chiefs of Staff and a man of immense integrity and intelligence, a man whom I personally liked very much. I did not have a personal relationship with him, but when he testified before our committees I admired his candor, I admired his obvious knowledge. And so when David Jones retired as Chairman of the Joint Chiefs of Staff he held an interview, and if you do not mind me embellishing just a little bit, he said: "It is impossible to do effective, efficient, sensible defense planning the way the Joint Chiefs of Staff operate." He said: "I sat there as chairman of the Joint Chiefs of Staff refereeing interservice fights day after day. If I gave the Navy $2 billion, I had to give the Air Force $2 billion, and if I gave the Air Force $2 billion, I had to give the Army $2 billion, and the Marine Corps always was willing to take a little less so that we would give them $500 million."

Well, I thank and applaud the distinguished ranking member of the Armed Services Committee, Senator NUNN, because he has not been sitting around doing nothing. He is developing his own legislation to reorganize the Joint Chiefs, which the House of Representatives has already done on their bill, to give the Chairman of the Joint Chiefs of Staff some leeway in determining what our defense needs are, what our missions are likely to be, and how we can best fulfill those missions.

So, Mr. President, that brings me down to the debate at hand. Where does the MX missile fit in our strategic posture? I favor the Trident submarine; I favor the D-5 missile; I favor the cruise missile; I favor the Stealth bomber. Those things make sense to me. I have never understood why it is, when we have not built a bomber in 30 years, that all of a sudden we are going to build two in 5 years, each at a cost of somewhere between $20 billion and $40 billion. The B-1 is a separate issue and I guess that one has already gone. I fought that one until I got tired of it.

Incidentally, I will never forget Secretary Weinberger making my case for me. He came to Capitol Hill one day and he testified before the Armed Services Committee. They asked: "Mr. Secretary, do you think the B-1 will penetrate the Soviet Union? Do the Soviets have a look-down-shoot-down capability yet on low-flying aircraft?" And he said: "Well, I wouldn't send any mother's son in this country into the Soviet Union in that airplane after 1990."

He went back to the Pentagon, and the Air Force generals got a hold of him and said: "Mr. Secretary, you have just killed the B-1 bomber." And so the next day he called a press conference and said: "I was only kidding." And so the B-1, like the MX, developed a life of its own—in a vacuum, in isolation to our strategic forces and what we really ought to be doing.

So here we are with the MX missile. Where does it fit? What is the strategic threat from the Soviet Union to the United States? We have 550 Minuteman III's in silos. President Reagan, in 1980, stated the proposition that by 1983 there was going to be what he called a window of vulnerability. To all the Pollyannas and the novitiates, that meant that in 1983 the Soviet Union would have the ability to knock out all 550 of our ICBM's and we would be left with no retaliatory capability.

It is no secret that as of this moment the Soviet Union can indeed destroy practically all of our ICBM's that are sitting in silos. They are already targeted. So from a vulnerability standpoint what do we get when we put the MX in silos that are already targeted? What we get is another missile that is targeted by the Soviet Union.

Mr. LEAHY. Will the Senator yield on that point?

Mr. BUMPERS. I yield.

Mr. LEAHY. We actually even get a worse deal. Before they were targeting a missile with three warheads; now with the same effort they can knock out a missile with 10 warheads.

Mr. BUMPERS. The Senator is absolutely right. The MX is a bigger missile and has 10 warheads instead of the 3 warheads on the Minuteman III that it is going to replace. So obviously it is a much more attractive target. But the most important point is it is vulnerable, it is vulnerable, it is vulnerable.

The other afternoon some of us met with General Scowcroft, and it was the Scowcroft Commission which General Scowcroft headed up that said we ought to build 100 MX missiles. I have immense respect for General Scowcroft, but I had the impression as I read the Scowcroft Commission report that what he was talking about and what the Commission was talking about was let us build a bridge from now to the Midgetman, the small, one-warhead, mobile missile, and 100 of these MX missiles with 10 warheads will not be perceived by the Soviet Union as a first-strike weapon but 200 of them would. That is an item on which reasonable men again can disagree. I personally think that the Soviet Union is not really very frightened of the MX. I do think they see it as a first-strike weapon. And I think, insofar as they see it as a first-strike weapon, it is definitely destabilizing and certainly lowers the threshold for nuclear war and further exacerbates a hair-trigger situation.

I think if the Soviet Union were all that frightened of that weapon, they would not have put a proposal on the table in the START talks that would allow us 680 MX missiles. Not 100, but 680. That used to be classified, but now it's not. If I were a Soviet strategic planner, I would divinely wish to say to the United States: "We hope you will put MX's, if you are going to modernize, in every one of your silos and slow down either the development of the Stealth or the Trident," I would divinely wish it.

Mr. President, let me tell you something. That is from a targeting standpoint. But do not overlook the fact that the Soviets do, indeed, see it as a first-strike weapon.

What is it going to cost? The Pentagon says that, at least by 1991, the Soviet Union will have the ability to destroy 99 percent of these MX missiles. So if we build 100 MX missiles at a cost of $30 billion and we get into a war and the Soviets launch a preemptive first strike and destroy 99 of our MX missiles, we will have one remaining missile that costs $30 billion; and that translates into $3 billion per warhead. Think about this. Think about the insanity of what we are doing here and compare it with what we could be doing.

I will repeat that: If the Pentagon is correct, that in 1991 the Soviet Union can destroy 99 MX missiles and leave us with 1, that 1 missile will have cost us $30 billion, or $3 billion per warhead—not per missile, but per warhead.

You can build a Trident submarine and a half, fully equipped, with 24 missiles, with 8 warheads on each missile, or 192 warheads on a D-5—192 D-5 missile warheads—for $2 billion; and we are opting for an MX which gives us just one warhead and costs 50 percent more.

I come from Arkansas, where, as we say: "You don't have to be broke out with brilliance to know that's dumb."

The beautiful part of it is that when you put them on the Trident submarine, the Trident submarine is invulnerable. The Soviets have done their very best in the START negotiations to constrain the D-5 missile and the building of Trident submarines because they cannot destroy them. They know they do not know where our Tridents are.

Why, in the name of all that is good and holy, would we spend $3 billion for one warhead that has survived, instead of spending 33 percent less money for 192 warheads?

So, I have covered the vulnerability of the missiles, and I have covered the cost of the missiles.

When it comes to arms control, the President said: "I want this missile as a bargaining chip." Even when the START talks were still going, before the Russians walked out, many of us tried our best to get the President to tell us this: "What are you going to bargain for? You want the MX for a bargaining chip. What are you willing to give up? What do you want the Soviets to give up in exchange for our giving up the MX?"

I invite any Senator in the U.S. Senate to answer the question, because the President of the United States refused to answer. Now we have no talks going.

It is very difficult for me to understand how we could conceivably think it is a bargaining chip now, when there is nobody to bargain with. There is no leverage in the MX.

Do you know something that really confounds me about arms control and our own proposal? Do you know what the proposal made by the President of the United States at the arms talks was? It was that we reduce the number of warheads on both sides to 5,000. Think about that for a moment. But let me tell you what that means. Suppose we deploy 1,000 warheads on top of the MX missile, and the Soviets suddenly say: "Mr. President, we think your proposal is wonderful. Where do we sign?"

We say: "Just sign right here. We're not going to renege on our deal. We are both going down to 5,000 warheads."

Do you know what that means? I will tell the Senator what that means. You will not only have to dismantle your Minuteman missiles and warheads; you will have to dismantle maybe six or seven survivable submarines, if you are going to keep the vulnerable MX.

If we get to the point where the Soviets accept our proposal and we still agree to it, even if we are going to dismantle a lot of Minuteman missiles, which we have just modernized, we still will have to dismantle six or seven submarines, with their 1,000 warheads, which are invulnerable, in order to keep the MX, which is vulnerable, simply because we just got through building it. What kind of arms-control sense does that make to anybody?

Why, in the name of all that is good and holy, are we going to build a vulnerable missile which, according to our own arms proposals, means we will have to dismantle survivable warheads in order to keep it?

I did not just wake up and dream this up. I am giving you factual figures in my argument against going forward with the MX.

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

Mr. BUMPERS. I yield.

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

The PRESIDING OFFICER. [Mr. GORTON]. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BUMPERS. Mr. President, I am not going to quote all the Senators in this body who in the past had criticized putting MX in silos. I did that once before. I do not want to cause any undue embarrassment or problems for Senators. It is a temptation to quote a lot of Senators who now think the MX is the greatest thing since night baseball but who, 2 years ago, were saying that this was the most stupid idea they had ever heard of.

What has happened from the time Members of this body whom we respect the most on defense issues were saying, one after another, "Surely, the President has lost his mind, talking about putting the MX missiles in existing silos which are already targeted"? The same Senators are going to march in here in the next hour and vote "No" on this amendment, or vote "Yes" on tabling this amendment. I ask them what changed their minds. I do not know what it is, because nothing has changed about the reasons why we should not build the MX. It does not have a single redeeming military value. It does not increase our deterrence. It is not a bargaining chip. It is vulnerable.

And the cost at a time when we are facing an economic calamity because of deficits is staggering.

Mr. President, others have spoken before me and have talked about what this amendment does. For those who I hope are listening in their offices, this amendment does not just delete the funds for MX. There is $2.6 billion in the budget. The House of Representatives has already virtually torpedoed the MX. There is $2.6 billion in this bill for producing the MX, and what we are saying is take half of that and put it on the deficit. Reduce the deficit. And take the other half and put it where General Rogers, the commander of all NATO forces in Europe, says he desperately needs the money.

It is not strange that we have just a 30-day supply of ammunition? If the Soviet Union for reasons which only they could know should decide to invade Western Europe tomorrow and they come across the border in those great hordes with tanks and all their manpower, our NATO allies have just a 10-day supply of ammunition and, as Senator NUNN has said, they run out about the time we get there, and we have a 30-day supply here and in Europe.

And the Joint Chiefs of Staff say it is unthinkable that we could stop a Soviet invasion of Europe with less than a 90-day supply of ammunition, and we have a 30-day supply.

But they say we have to have the MX and we have to have the B-1, and we have to have all these other exotic weapons systems.

What does that mean?

First of all, it means that we are going to use nuclear weapons, either tactical or strategic. If the Soviet Union comes across Western Europe and we run out of ammunition, there is not a Senator in this body who doubts for a moment that nuclear weapons are going to start falling, and once the first one falls, the war is on and, as the bumper sticker says, when you see one nuclear war, you have seen them all.

It is almost that old saw, for the want of a nail, a shoe was lost; and for the want of a shoe, the horse was lost, and for want of a horse, a kingdom was lost.

I am certainly not interested in a long, prolonged conventional war with the Soviet Union, but I do not want American boys to run out of ammunition if that unhappy day ever occurs.

People who are not familiar with this subject will say, "Why in the world do we not have a 90-day supply if that is what General Rogers says he has to have"?

It is not that simple. Do you know what it costs to increase the amount of ammunition from the 30-day supply to a 40-day supply? Fifty-five billion dollars.

That is the reason we cannot get the Pentagon interested in ammunition. It costs too much, and they want the B-1 and the MX.

You know what they want. They remind me of John L. Lewis, one time just before he went into a negotiation for the coal miners with the coal operators. Someone said, "Mr. Lewis, what do you want"?

He said, "Gentlemen," in that great stentorian voice, "I can sum it up in one word—more."

When you ask the Pentagon what they want, it is more. Why do they want it? Well, it is already being built, it is too late to turn back. And so forth.

The Senator was here when this happened. We built an antiballistic missile out in North Dakota on a one-vote margin in the Senate. Go back and look at the record on that debate. One vote.

Some Senators said it will not work. Others said it would. And others said, "I am not about to go home and tell my constitutents I voted against something the Pentagon wanted."

So we built it. It cost $6 billion and we started dismantling it the day we finished it, just as I got to the Senate. I got to vote to dismantle a $6 billion system—that is about like a $20 billion system today—that was just being finished.

These things take on a life of their own and they are just impossible to stop. They do not have to make any sense. They do not have to fit into the pie. They do not have to fit into any comprehensible strategic planning. We make them fit even though they do not make much sense.

Three weeks ago the New York Times did a very comprehensive article. It was on May 14, and I invite all Senators to read it. They found that there were more aircraft squadrons in the United States that were not combat ready today than 3 years ago.

How does that grab you? Combat ready means full scale, ready to fight 1 full day when the war starts. Go back and read the article.

And the commander of those tactical fighter squadrons tells us in effect, "Do not talk to me about the MX missile. Send me some spare parts."

Talk to General Rogers, and he says, "Do not talk to me about the MX missile. Send me some ammunition."

Well, there just is not much sex in ammunition. That is why. It is this MX missile we have to get built.

So, as I say, it takes on a life of its own, and it does not matter how badly our military needs something that is ten times more likely to be useful.

I hope to God that all we ever have on the face of this Earth is a conventional war, and I pray that we do not ever have that. But if we do, can you picture General Rogers saying, "I am sorry. We lost that war because we only had a 20- or 30-day supply of ammunition"?

So, that is what our amendment does. It takes half or a little more than half of the money we save here and it puts it into what we call readiness items—ammunition, spare parts, flying time to train our pilots, steaming time especially in the Indian Ocean and around the Persian Gulf, which is hotter than a firecracker.

If you are really concerned about the defense of this Nation, spend the money to defend it. Here is a chance to do it. And if you are really concerned about the deficits which are going to bring about an economic calamity in this country and an apocalypse, then vote for this amendment and reduce the deficits by $1.3 billion.

Everyone is so concerned about the deficits as long as we do not have to do anything about them.

Mr. President, this is a whole separate argument. I have favored the bilateral freeze and the production and deployment of nuclear weapons not because I think it is the greatest idea in the world, but almost out of frustration, because you cannot convince me that as long as we continue to build three nuclear weapons a day and the Soviet Union continues to build three a day we are not moving inexorably toward the nuclear holocaust. When I see the ASAT weapon being built, when I see the President proposing an antiballistic missile system which almost every scientist in this country says will not work, I know that we are moving inexorably toward a situation where all bets are off.

The only constraint right now on an unbelievable nuclear arms race is the President very thoughtfully saying 2 years ago we will continue to abide by the SALT I and II treaties as long as the Soviet Union does. That is not much but it is all we have.

And we are moving toward the violation of the treaties we have, the antiballistic missile treaty, and SALT II and SALT I.

When we get to the point where all bets are off and there are no limits, where do you think that takes us? I believe in the end to the nuclear arms race for a simple reason. I think if we do not end the arms race, it is going to end us.

But my children deserve more and your children deserve more. There is not any reason for your voting on an issue in the Chamber ever without thinking about their future and what it does to them.

I believe in the bilateral freeze on the production and deployment of nuclear weapons because I think peace is preferable to war. And I think life is infinitely preferable to death. That is not complicated.

There are two things I have done in the past 2 or 3 weeks—and I will close

on this. This is Harry Truman's 100th birthday. The publishers have come out with a paperback edition of "Plain Speaking," which is one of the greatest books I have ever read.

Did you know that Harry Truman was lower in the polls on the day he left office than Richard Nixon was? Do you know why? Because he did not put everything off until after the election. He called a spade a bloody shovel.

A woman came running up to him one time and said, "Oh, Mr. President, you are going to mongrelize the races with all these civil rights ideals of yours. What on earth are you trying to do to us?"

President Truman said, "Madam, I have got a plan and it has been working and I believe it will continue to work. I have a lot of confidence in it." And he reached in his pocket and pulled out a copy of the U.S. Constitution and handed it to her.

Well, Harry Truman said an interesting thing. The reason I am talking about this is because I am back reading that book again and it means much more to me now than it did the first time. But Harry Truman said, "You know people talk of how terrible some of these strong Presidents were." He said, "It occurs to me that the country has gotten in trouble because of weak Presidents." He said, "I always called them the way I saw them and I was willing to take the political risk of whatever that was."

He said, "You know, the Civil War could have been averted. There were a lot of men and women in the South that were ready to abolish slavery. But we had four successive Presidents leading up to the Civil War who kept catering and pandering to the mob who demanded those States' rights which involved keeping their slaves."

Harry Truman said, "If we had had a couple of strong Presidents before the Civil War that said, 'Let's work this out; we are going to abolish slavery and somehow or other we can avert this war,' it could have been done."

But, no, the politicians were catering to the clamor of the crowd.

The other thing I have just done was to read a wonderful book about Lee, the great Southern general. The author, for some strange reason I do not know though I sure am grateful, just sent me a book entitled "Lee, the Last Years." It is the life of Robert E. Lee, from the time he surrendered at Appomattox until he died as president of what is now Washington and Lee University.

Lee did not have much use for politicians. And the reason he did not is because of what Harry Truman said about those Presidents we had leading up to the Civil War.

Lee was brought to Washington to testify. There was still a question of whether or not Robert E. Lee was going to be tried for treason and be hanged. He came to Washington and they began to ask him incriminating questions. They decided he was too hot to handle, but he got a statement in before they turned him loose and said, "Go back to Lexington." He said, "I really think that a lot of this could have been avoided if it had not been for the politicians." He said, "The Civil War could have been averted if we had just had a few men of forbearance and good will."

We are talking about something so monumentally greater than the most destructive war this country has ever known, the Civil War. It is beyond our imagination. But there is not anything about it that could not be salvaged and saved and prevented by a few men of good will and intelligence and forbearance.

Mr. President, I yield the floor.

THE MX MISSILE AND U.S. MILITARY PRIORITIES

Mr. BIDEN. Mr. President, I am pleased to cosponsor and support this amendment to eliminate the $2.6 billion requested for production of the MX missile and to reinvest $1.255 billion in urgently needed improvements in our conventional forces, including the Guard and Reserve.

We are taking this approach for strategic, security, and budgetary reasons. The MX missile program as proposed by this administration is vulnerable, wasteful, unnecessary, and potentially quite destabilizing. Far from adding to our security, it makes us less secure, for only a handful—and perhaps as few as one—of these missiles could be expected to survive a Soviet first strike. Faced with such vulnerability, the President would have to put our forces in an immediate response posture. In a crisis, in a few minutes, on the basis of fragmentary and perhaps ambiguous information, he would have to decide whether to launch those missiles and thus a nuclear holocaust or to lose them if Soviet weapons perform with the capabilities we fear they have. That agonizing dilemma is avoidable if we do not produce or deploy the MX.

Canceling the MX is not unilateral disarmament, but recognition of that weapon's failure to meet its original design goal of survivability. Even without the MX, we would have several thousand surviving nuclear warheads which could be used to devastate the Soviet Union. In fact, an unclassified report by the Congressional Budget Office concluded that the MX would provide only between 1 percent and 5 percent of U.S. hard target warheads available for retaliation in the event of a Soviet attack in the 1990's. Thus, the MX offers only an illusion of strength.

Viewed from the Kremlin, however, the MX constitutes a serious first-strike threat against a substantial number of Soviet military targets. Soviet planners would react to our capabilities—rather than to our declared intention never to strike first with strategic weapons—by putting some of their own forces on a hair trigger, thus escalating the chances of inadvertant nuclear war.

If we want to add to our military strength, as I do, we should be putting greater emphasis on our nonnuclear forces, for they are the ones most likely to be called upon to protect U.S. interests, either by deterring or defeating a potential enemy. Our amendment does just that, by reinvesting $1.255 billion in readiness improvements, in underfunded programs needed to sustain and support our troops in a conflict, and in some equipment for the long-neglected Guard and Reserves.

Though these sums are small compared with the needs of our conventional forces, our amendment signals a change in priorities which I have been fighting for for many years. Instead of more nuclear overkill, I believe we should have a robust, flexible, combat-ready force that can prevail on land, sea, and air.

Our amendment addresses another matter of priorities as well, budget priorities, for it provides a net reduction in budget authority of $1.367 billion even after funding some conventional force improvements. That is a modest but quite useful reduction in this year's Federal budget, and it will save us additional billions in future years. It makes no sense to spend $26 billion, or more likely close to $30 billion, on an ineffective weapon system which reduces our security. The MX is no bargaining chip for arms control talks, for the Russians would undoubtedly be glad to see us pour such sums into vulnerable missiles rather than into survivable strategic weapons like the Trident submarine and Stealth bomber, or into a stronger Navy and more capable strategic airlift.

Mr. President, for these many reasons, I urge my colleagues to adopt this amendment and change our military priorities.

THE MX BASING MODE IS WRONG

Mr. DIXON. Mr. President, I want to make it clear why I shall be voting against the MX appropriation. My position has been consistent: I am not against the MX; I am against the MX with the present basing mode.

As I have said in other debates on this floor, this issue of the deployment of the MX missile presents many of us with a dilemma.

I have long supported the concept of this missile as a logical and defensible step in our national security effort.

But for just as long a time, I have maintained that the basing mode for this missile must be mobile or deceptive. To make this extraordinary expenditure of funds, only to place the

missile in the totally vulnerable, precisely targeted Minuteman silos, has always seemed to me an unacceptable proposal.

It just makes no sense to me to vote for the MX if we put that weapon in soft silos in our Western States, where their locations are already known to the Soviets. Such vulnerability is simply inviting disaster. The Soviets can very easily pinpoint and destroy our MX system in soft silos.

I cannot in good conscience vote for a proposal which says, "Put the MX where everyone knows where it is, and where it cannot be protected." That approach is a terrible waste of money, and a total waste of a weapons system that would otherwise offer a strong defense for our Nation.

It is my firm conviction that the American people want a basing mode offering deceptivity and mobility or at least, in the alternative, deceptivity of mobility. Unfortunately, the proposal we have before us today doesn't even come close to that view.

In short, Mr. President, with a mobile or deceptive basing mode, I could support the MX.

With the basing mode presented to us here, I cannot do so. For that reason, I shall once again vote against the MX.

Mr. SPECTER. Mr. President, I am voting against the amendment to delete funding for the MX missile because, at this time, I believe it is important not to eliminate all activity on the MX in the context of the Soviet Union's withdrawal from the Geneva arms reduction talks. The authorization in this bill is only a half step since funding will have to be completed in the appropriations process before the MX program can go forward.

Last year, I voted in favor of authorization for the MX as part of an arrangement where President Reagan took significant steps on arms reduction including commitments to support builddown, retaining the Scowcroft Commission as a permanent disarmament body and the beginning of work on the new Midgetman single warhead mobile missile. Later in 1983, I voted against appropriating funds for the MX program because it was my view, at that time, that the United States should be taking more affirmative steps on promoting arms reduction talks with the U.S.S.R. For the same reason, I voted in late 1983 in favor of the mutually verifiable nuclear arms freeze.

In my judgment, the international climate is substantially different at this time because of the Soviet's withdrawal from Geneva talks. The President has recently repeatedly stated his willingness to discuss nuclear arms reduction with the Soviet Union. President Reagan's personal appeal for support for the MX at this stage is compelling as he seeks this extra measure of strength and congressional support as an inducement to bring the Soviets back to the bargaining table.

The whole concept of armaments as a basis for deterrence raises subtle psychological factors as a matter of judgment and feel for U.S.-U.S.S.R. relations based on a wide variety of factors. After studying the matter intensely and talking to people about this subject, including thousands of Pennsylvanians at open house/town meetings over the past 3½ years, it is my considered judgment that the MX missile program should not be abandoned at this time.

Mr. THURMOND. Mr. President, I would like to voice my opposition to the pending amendment. Four administrations have requested funds for the MX missile and Congress has continually approved such requests.

We have received testimony from numerous defense experts from both Democratic and Republican administrations concerning the necessity for this weapon system.

In fact, President Reagan assembled a bipartisan group of these experts chaired by LTG Brent Scowcroft and after careful study, the recommendation of this group was to proceed with the MX missile.

The Senate Armed Services Committee has already reduced the administration request of 40 missiles to 20 missiles—and I doubt the wisdom of that, but it was done—and the House of Representatives had tied MX production to Soviet willingness to return to the negotiating table.

We are giving the Soviets more by not negotiating; if we have any hope for realistic arms control then we need to proceed with the programs that give us some leverage over the Soviets. The MX is one of these programs.

The distinguished Senator from Arkansas, who just spoke, spoke about Robert E. Lee and about the politicians interefering that helped to bring on the war between the States. Well, in this case, who is for the MX missile? I would remind him not only the President of the United States is for it, not only the Defense Department is to it, not only the chairman of the Armed Services Committee, Senator TOWER, is for it, and not only Mr. NUNN, the ranking member is for it, but I would remind him that the Joint Chiefs of Staff—they are the military people, they are supposed to be the experts—the Joint Chiefs of Staff favor this missile. The Joint Chiefs of Staff are opposed to the amendment by the distinguished Senator from Arkansas.

Now I do not know who you are going to follow. Are you going to follow the Senator from Arkansas and some of these people who say we do not want it or are you going to follow the experts who are supposed to be the experts—the finest we have in this country—the Joints Chiefs of Staff? I think we could well follow them in this matter. They make mistakes. Everybody makes a mistake. But their judgment is that we need this missile.

This missile will give the perception that the United States means business in dealing with the Soviets. It will help the President in his hand in dealing with the Soviets by letting the Soviets know that the Congress of the United States is back of him in the steps he takes to try to get to the negotiating table.

This missile will help the President of the United States. It will help our President, President Reagan, to get the Soviets to the negotiating table. He may not be able to do it this year because it is an election year. My judgment is, if we go forward with the MX missile and the defense programs that President Reagan has recommended, that the Soviets will come to the negotiating table after this election is over, if not before.

Mr. President, I hope the Senate will see fit to defeat this amendment. I do not know whether a motion to table is going to be made or not. I hope there will be. But, in any event, it seems to me that this is a wise step to go forward, as the Armed Services Committee has recommended, and defeat this amendment.

Mr. GOLDWATER. Mr. President, I sat here for quite some time today listening to the statements by different Members of the body. I heard a lot of political talk, a lot of condemnation of the President for not pressing forward with talks with the Russians. I heard a little bit about the cost of the missile. Once in a while, I would hear some comment made that made some sense as to why the missile was not needed.

Mr. President, I do not want to delay this at any great length. But I have lived with this missile, the MX, for some time. I will admit that we started out on the wrong basis. It was called the MX without explaining to the American people, or even to the Members of the Congress, that what we were doing in effect was replacing an old missile with a new one. It is like a hunter who has used a shotgun for many, many years and the shotgun begins to wear out. So he buys a new one. Not that our Minuteman missiles were wearing out, but it was felt—and felt rightly—that at the time it was within reach when we needed a new missile. So this was called the MX for no particular reason.

Then it got into a lot of trouble about basing mode. I have to admit that those who criticized the basing mode episode were absolutely correct. There was no need to go through that. I remember them looking, for example, in my own State in the middle of one of the most desolate deserts in the country for a site to put these missiles. It would have required water for

50,000 people. We do not have that kind of water out there. The Air Force and the Army should have known it. So we went through that long period of indecision.

Mr. President, all we are asking for is a replacement for the Minuteman missile, a modernized missile. Criticism is made that the Minuteman silos might not be acceptable for this MX.

Let me say something. We have never had any definite, provable, proof of the accuracy of the Soviet missiles. We have never even had proof of the accuracy of our own missiles, if we want to get down to the nitty-gritty of it. We think we can hit a target as small as the cover for a missile silo. I have my grave doubts about that. We have made simulated tests in the United States. We have never even test-fired a missile with a simulated warhead. So we are not so sure what our own missiles will do. We do not have the ability to correctly interpret or intercept the findings about the Russian missiles. But I am not going to stand here and say that these missiles will not hit their target, but I think far, far too much is made of the fact that they have to hit something about as big as this Chamber, and fly 5,000 miles to do it. That is quite a feat, if it can be done.

Mr. President, a lot has been made about what we are spending on strategic missiles. I want to go back to the days of my old friend, President Jack Kennedy, when we were spending nearly 25 percent of our Department of Defense funding on strategic weapons. That has now gone down to about 11.9 percent. In fact, it went from almost 25 percent in 1962; it dropped in 1966 to 10 percent, and it has never gone much above that ever since. So we are not spending, as some of the opponents intimate and say, vast sums of money on strategic nuclear weapons. We are spending more money on conventional weapons, which I think frankly is a proper procedure.

I want to read something that Gen. John Vessey, who is chairman of the Joint Chiefs, said on May 3 of this year. Speaking on this subject, he said:

> At the same time, it is fair to say that as we have discussed this matter (of fencing strategic nuclear programs and taking defense cuts out of conventional defense programs) with every one of our CINCs. Each CINC has told us that the number one priority is to go ahead with the strategic nuclear modernization, but there comes a point when you may have to slow all of it in order to keep a reasonably balanced program . . . We are not at that point with this program.
>
> You are at the point in strategic nuclear programs where we are marching along. Modernization is going ahead. The Joint Chiefs agree modernization needs to go ahead. If we start to cut it again, we induce the same sort of inefficiencies in those programs that we induce in any other programs by cutting them.

While it does not have any particular application to what we are debating here, I can cite the B-1 as a perfect living example of what happens when this body and the other body take it unto themselves, along with the urging of the President, to stop the production of a weapons system. The B-1 has been stopped completely once. It has been slowed down four times. What we are looking at today is a bomber that started out to be $27.5 million a copy that is now—who knows? It might be $200 million; it might be $225 million before we are through with it. But you do not start these things, stop them, have a new Congress come in and start them again, or have a new President come in and stop them again. The end result is the instability that I have heard so much about today, the instability insofar as what our potential enemies, whoever they might be—I do not point the finger solely at the Soviets and say they are our only potential enemy with nuclear force. I think any country in this world can develop a nuclear weapon. It is not that difficult. I have recited this before, but I asked Dr. Teller one day how long it would take him to teach me how to make a nuclear noise.

He said if you could get a square centimeter of fissionable material, and we could hide in the kitchen for 2 or 3 hours, I think we could make a slight noise. In other words, he could teach me in a few hours how I might become acquainted with the intricacies of making an atomic weapon.

In summing this up, Mr. President, I continue with the statement of Gen. John Vessey:

> It is the view of the Chiefs and the CINCs that without a strategic nuclear force that deters war effectively, which makes it very clear to the Soviets that they can't threaten war or try blackmail with strategic nuclear superiority, that the rest of our defense programs probably are not going to be nearly as effective as they ought to be.

I hope along with many, many Members of this Congress and many, many Americans that the time is coming when we might be able to see ourselves sitting down with a new generation of Soviets; younger men because the older generals are dying. They are leaving the service. They are being replaced by young men of much, much higher education than those who preceded them. Maybe they can see the same as we see, that these are expensive weapons, that if we want to make progress, we can make progress. We are trying to make progress, and again, we are turned down by exploring the avenues of space for defensive use by this country.

Mr. President, I hope that we do not turn down the MX program. I have put in the RECORD today an editorial out of the Wall Street Journal. I guess I should not mention it because it mentions a remark that I made the other night about a cookie farm, and everybody around the country will think that is the craziest thing Senator GOLDWATER ever said. I have said a lot of them. But when I was a boy, if we wanted to insult another young man, we called him a cookie. It meant he was a sissy or a weakling. When we said a cookie picnic, or a cookie farm, or a cookie party, it meant when a bunch of weaklings or a bunch of sissies got together. I will have to admit the other night when I was expounding I was getting pretty mad, and I was afraid I might say something I would regret, and my wife would give me hell about it. So I used the expression "cookie farm." I have received more cookies since that time. I am loaded. I am going to go out and have a big picnic this weekend, if we ever get out.

But this body has actually been doing for the Soviets, if they are our enemy, exactly what they would have us do. We stopped our operations in space. We are now playing with the idea of stopping a missile. We are talking about sending a defense program back to the committee for further work. I cannot think of anything better than having Chernenko on one of these bills as a cosponsor because we are doing his work for him.

I think this body ought to wake up and realize that our first job is to defend this country and not to work for those people who would destroy this country. I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Earlier during this discussion, Senator HART, Senator BUMPERS, Senator LEAHY, Senator SASSER, and others have challenged the supporters of the MX to give their justification for how it increases stability in the relationship between the United States and the Soviet Union. Over and over we have heard the answer, Mr. President, of the importance of the MX as a bargaining chip.

The fact of the matter is, Mr. President, as we know as a result of the declassification of various start proposals that were tabled in Geneva, that the Soviet Union was prepared to let the United States build as many as 680 MX missiles.

I think that is a good indication of how frightened and how scared the Soviet Union is about this particular weapons system.

The rationale, the justification, that has been used time and again throughout this debate that the MX was going to be used as a chip to force the Soviet Union to bargain is simply not accurate. The sum and substance of the argument of those who support this particular missile, Mr. President, is reduced to: "We have been talking about deploying it for 10 years and we made the decision a number of years ago to

go ahead and, therefore, we have to really go ahead with it or we will not show our national resolve or national determination."

Mr. President, that kind of logic is not good defense policy.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Mr. MITCHELL. Mr. President, as a candidate for President of the United States, Ronald Reagan claimed that the Carter administration had failed to eliminate the Soviet threat to our land-based missiles. He said that unless that threat was eliminated by making our land-based missiles invulnerable again, we risked a situation in which we would be susceptible to Soviet intimidation and unable to prevent Soviet adventurism. He said that President Carter's proposal to build 200 MX missiles and house them in a deceptive system, was not foolproof enough to do the job. He suggested that this failure seriously undermined our national security.

But Mr. Reagan since taking office has had no success in developing a feasible basing method for this missile which would make it, in fact, invulnerable. After more than 1 year of impractical alternative suggestions, the Scowcroft Commission was appointed to come up with a basing method which would make this new missile invulnerable and thus enhance our national security.

The Scowcroft Commission enhanced our security by the simple tactic of finding that the "window of vulnerability", which was such a useful compaign slogan, did not exist. But the Commission was unable to suggest how the MX would be made invulnerable.

So, reasoning that a nonexistent threat did not need to be protected against, the Commission recommended that we build only 100 of the missiles and speed up development of a small, single warhead replacement missile which could be either mobile, or produced and based in such quantity that a first strike could not knock it out. The Commission also recommended that we continue ongoing efforts to protect land-based missiles and negotiate reductions in the number of nuclear warheads.

There have been many high-level studies and recommendations since the MX was first proposed over 10 years ago. However, the Scowcroft Commission's Report was noteworthy because of the "about face" policy for which it argued. It deemphasized the problem which the MX is supposed to answer: the alleged vulnerability of U.S. land-based intercontinental ballistic missiles to a Soviet strike.

For a full 13 years—since the Strategic Air Command outlined the need to develop an advanced missile which would survive an attack of accurate and powerful Soviet missiles—the United States Government has been vigorously seeking a new system which would provide U.S. land-based missiles with the degree of invulnerability which the Minuteman ICBM force traditionally enjoyed.

The threat was called the "window of vulnerability." The administrations of Richard Nixon, Gerald Ford, and Jimmy Carter each attempted to "close it" by spending billions of dollars developing a missile which could be moved rapidly and thus would avoid being targeted accurately by our superpower adversary.

Candidate Ronald Reagan campaigned on the theme that his opponent had failed to eliminate the threat to the land-based component of our strategic system.

Ronald Reagan as President has had no more success in dealing with the invulnerability problem than did his predecessors. What sets him apart, however, is his decision to place the powerful new weapon in the very same silos whose increasing vulnerability had heretofore driven us to seek a survivable new missile.

The President's plan runs counter to logic.

As early as 1976, the Congress concurred with the Air Force's view that the MX should be developed solely to counter the growing problem of ICBM invulnerability. Accordingly, the conference report on Fiscal Year 1977 Defense Authorization Act stated:

> The rationale behind the development of a new missile system, MX, is to provide a land-based survivable strategic force. The development of an alternate basing mode as opposed to a fixed- or silo-based mode, is the key element in insuring this survivable force. Providing a survivable system should be the only purpose of this effort; none of this program's funds shall be expended in fixed- or silo-basing for MX.

In May 1977, the Senate Committee on Armed Services reaffirmed its concurrence with the view that the single purpose of MX was to insure ICBM survivability in the future. That report said:

> In recommending support of the requested $134 million for MX this year, the committee reaffirms its conviction that our deterrent depends on the continued survivability of our Triad of strategic forces. Providing a survivable system should be the only purpose of the MX program.

In 1981, President Reagan wanted to place the MX in Minuteman silos on an interim basis, while his administration and the Congress identified and agreed upon a permanent basing arrangement. This effort was blocked when my colleague, Senator COHEN, successfully offered an amendment barring this stopgap measure.

I supported the Cohen amendment in 1981 because I also agreed with Senator TOWER, the chairman of the Senate Armed Services Committee, who stated that "* * * by stuffing the MX's into fixed silos, we are creating just so many more sitting ducks for the Russians to shoot at—it is of little use to us unless the Soviets are convinced that it can survive an attack."

The chairman was right in 1981. His comment on the costs and benefits of MX deployment in Minuteman silos is just as relevant today.

Mr. TOWER. Will the Senator yield for a question?

Mr. MITCHELL. If I may finish my remarks, Mr. President, I shall be glad to yield.

In January 1981, the President's Secretary of Defense, Casper Weinberger, voiced the opinion that a vulnerable MX would accomplish little: "* * * simply putting it [the MX missile] into the existing silos would not answer two or three of the concerns that I have; namely, that these are well known and are not hardened sufficiently, nor could they be, to be of sufficient strategic value to count as a strategic improvement of our force."

The Secretary's concerns are just as valid in 1984 as they were in 1981.

The then Air Force Chief of Staff, Gen. Lew Allen, agreed with the Secretary: "* * * an essential feature of the MX deployment is that the basing mode be survivable. One does not obtain that through placing it in Minuteman silos. Therefore, I do not favor such a deployment."

Senator DOMENICI expressed a similar view: "By placing our most advanced strategic weapon—the MX—in silos which belong to an earlier era of nuclear technology, the President has reduced—perhaps even eliminated—the usefulness of the MX."

According to the Senate Strategic Forces Subcommittee chairman [Mr. WARNER]: "The MX would be too vulnerable to a Soviet first strike under that arrangement [MX in existing silos] * * *."

If it made no sense in 1981 to put MX missiles in vulnerable silos—as Senators TOWER, DOMENICI, and WARNER, General Allen, and Secretary Weinberger then emphasized—it makes even less sense now.

Despite that history, last year President Reagan persuaded a majority of the Congress to support initial production of the MX missile on the grounds that its production would proceed apace with the development of the new, smaller missile. In the meantime, it would also be an incentive at the START talks to demonstrate our determination and will to the Soviet Union, so that they would be encouraged to negotiate. It was also said that U.S. credibility with our allies would be undermined unless we went ahead.

Thus, in the space of less than 1 year, the rationale for the MX changed from a military rationale, in which the MX was a weapon that

would maintain deterrence and prevent nuclear war, to a psychological rationale to reassure our allies and prod the Soviets toward serious negotiation. A majority of the Congress bought that line last year, and the MX was approved.

This year, in the absence of any negotiations with the Soviets, the rationale for the MX has again changed. Today, the President says that eliminating this weapon would reward the Soviets for walking out of the Geneva talks or, alternatively, that without it, there is nothing to induce them to return to the negotiations.

Mr. President, this has been a confusing record of policy reversals and changes in rationale in support of this weapons system. What it demonstrates is that there is not a serious effort, a serious interest in this administration in meaningful arms control. The President's first arms control proposal, which demanded that the Soviets give up weapons of importance to them in exchange for no comparable action by us was, not surprisingly, rejected. The Soviets' clearly stated intention of ending negotiations in the face of NATO deployments was carried out. The President's continued rhetorical attacks on the Soviet system and its shortcomings have had no effect other than to increase Soviet intransigence.

The action in the House of Representatives—which provides for 15 missiles contingent on nonmovement in negotiations—shows that the political fallout of appearing to "reward" the Soviets is a potent one. After 3 years in which the Congress used the MX to encourage the administration to negotiate realistically with the Soviets, we have now reached the point where the administration is using Soviet intransigence to threaten the Congress.

This zig-zagging ought to be persuasive proof that it is well past time that we examine our weapons purchases with military criteria in mind, not the perceived state of mind of the Soviet Union nor the perceived political needs of an election year.

Militarily, the MX missile fails every test. Nuclear weapons have no purpose except to deter the use of other nuclear weapons. Deterrence means that a weapon must provide a credible threat of retaliation. The MX provides no such threat.

The administration is proposing to build 100 MX missiles and place them in the Minuteman III silos. If two missiles are needed to eliminate each silo, the Soviet Union would have to use just 200 of their warheads in a first strike to destroy the entire MX deployment. And since the new missile is going into existing silos, the Soviets would not even have to retarget their missiles. So the MX contains nothing that makes it more survivable and it fails the test of an effective deterrent.

The second element of any strategic nuclear weapon is that it must add to our deterrent capability. Our nuclear strategy rests on the ability to deter an aggressor. And to deter means to create a fear of retaliation to an attack. It does not mean to create a fear of attack in the first place.

The American nuclear strategy is not a war-fighting strategy; it is a deterrent strategy. The United States plans no nuclear war; we plan only to prevent a nuclear war. Preventing nuclear war in this age means preventing the Soviets' from initiating a nuclear war, since we do not intend to do so. Contrary to the apparent doctrine of the Soviets, our policy has never been to use nuclear weapons as a means of intimidating others or of gaining advantage for our own objectives.

Our reliance on deterrence—that is, on retaliatory threat, rather than initiated threat—rests on our understanding of our own best interests. It rests on the truest understanding of our Nation's security.

But the MX missile, because it combines the fastest, most accurate and powerful nuclear warheads with a totally vulnerable basing mode, is not a deterrent weapon. It is the quintessential use-it-or-lose-it weapon whose only practical use is in a first strike or an immediate response to a warning of attack.

The rationale stated so often here of demonstrating our will or our determination appears to be the only basis on which we are being asked to approve this costly and militarily pointless weapon.

But if we spend our Nation's resources to buy a weapon that adds nothing to our deterrence, we are not displaying will or determination or even commonsense.

Despite the enormous increase in our military spending in the last several years, essential elements of our conventional forces remain underfunded and unequipped. And those conventional forces are the forces upon which we rely to face the immediate threats which unfortunately abound.

In the European theater, the Soviet Union has an immense advantage in armoured equipment, primarily tanks. Yet antitank weapons have been cut from our defense budget this year. Threats to world peace are occurring in areas far removed from our shores and we need to maintain a ready fast airlift capacity. Yet the spare parts needed to sustain our C-130 airlift capacity are underfunded this year. Our Nation's security has always rested on our geographic location and on our untrammeled access to sea lanes. At a time when Iraqi and Iranian missiles are attacking ships in the Persian Gulf, our own Navy is short of the Phoenix missiles it needs to protect our carriers. Recent reports on the crucial question of readiness have shown that even though substantial improvements have occurred in conventional forces, readiness is not substantially improved.

Yet the strength, readiness, and credibility of our conventional forces are the first line of our defense, for they are the means by which we respond to military threats around the world. It is in the effectiveness and use of those conventional forces that our will and determination are likely to be judged, not on whether or not we can afford to pay for one more very expensive piece of nuclear hardware.

We cannot project our will and determination by making defense decisions that run counter to our own security interests. But that is exactly what the MX would do.

Both the Soviet Union and the NATO allies know that as an open democracy, there is a limit to the extent of peacetime military spending that the American people will tolerate. That is increasingly more evident in the face of massive budget deficits. So anyone can readily see that by forcing the expenditure of $20 billion for this useless system, we deprive other components of our Armed Forces and, not so coincidentally, we contribute to undermining the national consensus on improving our defenses.

The claim that we cannot abandon the MX because to do so will reward the Soviets in some fashion shows the same misreading of the Soviets that this administration has displayed since taking office. If the MX serves no valid military purpose for ourselves—and it quite clearly does not—then there is no reason for the Soviets to feel either rewarded or punished by our internal debate over it.

Instead of recognizing this obvious fact, the administration has again revived the discredited theory of incentive and reward as though Soviet arms negotiations could be moved along in that fashion to a satisfactory conclusion.

I believe they cannot.

The claim made in last year's debate that the MX represented a bargaining chip in the negotiations has been disavowed by the President himself, by our chief negotiator, and by the Director of the Arms Control Administration. The President has said he would not abandon it. Ambassador Rowny repeated several times in a television interview last month that the MX is no bargaining chip, that it is not "something you put it up or take it out. We have no intention, if we build these MX's, to give them up, you see. They're necessary * * *" He said that supporters of the MX were wrong in characterizing the MX as a bargaining chip.

The military rationale for the MX missile as a survivable land-based component of our forces has been de-

stroyed by this administration's decision to put it into fixed silos.

The political rationale for the MX, as an inducement or a threat to which the Soviets will respond, has been demonstrated to be ineffective.

What the President is now doing, with this talk of rewarding the Soviets for their intransigence, is making the MX into yet a third kind of psychological weapon, this time one aimed at ourselves. If we persuade the American people to believe that our decisions on our own defenses are tied to Soviet behavior, we will lock ourselves into a weapons system that adds nothing to our deterrent, diverts needed money from conventional force improvements, and gives the Soviets a virtual veto over our military decisions. This is, in my judgment, shortsighted. We should develop weapons to protect our Nation's security based on the threats we face and the capacity of the weapons, not on some perceived Soviet reaction to our decisions.

While the MX missile based in Minuteman silos fails to solve the problem for which it was intended, it succeeds in moving the United States closer toward adoption of a new policy concerning the way the United States would react to Soviet actions during a period of heightened international tension. If the vulnerability of our land-based missiles is as great as we have been led to believe for the last decade, the United States will be denied its ability to inflict unacceptable retaliatory damage on the Soviets, unless it launches its missiles on a warning of a Soviet attack.

The former Defense Director of Program Analysis and Evaluation, Mr. Russell Murray, has put the problem this way:

> The MX, in silos and unable to ride out a Soviet attack, would be useful to us only if we intend to rely on the highly unreliable and immensely dangerous policy of launch-on-warning, or if we intend to initiate thermonuclear war. The decision to build a weapon that would be as devastating in a first strike as it would be useless in retaliation marks a fundamental and ominous change in national security policy.

I believe that effective and lasting arms control will not magically result from the deployment of two new land-based missile systems, and a reduction in warheads will not be achieved while both superpowers substantially expand the number of land-based warheads in their arsenals.

I believe in a strong America. Plainly, American military strength plays an important role in deterring aggression. But maintaining, even improving, our strength is not inconsistent with reaching fair, balanced, verifiable agreements with the Soviet Union to halt the increase in nuclear weapons and bring about a reduction of such weapons.

We are overprepared to fight a nuclear war, but we are underprepared to defend ourselves against a conventional attack. Rather than escalate the nuclear arms race by pouring billions of dollars into ever-more nuclear weapons, we should be paying attention to the less glamorous aspects of conventional defense.

There is no security for anyone, anywhere, in a continuing escalation of the nuclear arms race. Our national interest will best be served by improving our conventional defenses while we engage in meaningful negotiations to achieve a fair, balanced, and verifiable agreement to first halt the increase and then bring about a reduction in nuclear weapons.

Over $20 billion to deploy the full MX missile complement ultimately in existing Minuteman silos cannot in my view be justified. Indeed, it will be a colossal waste of the American taxpayers' money. I believe the pending amendment should be approved.

Mr. TOWER. Will the Senator yield for a question?

Mr. MITCHELL. I yield the floor, but I will be glad to try to answer the Senator's question.

Mr. TOWER. The Senator was talking about sitting ducks. Of course, if the MX is a sitting duck, our entire Minuteman III force is a sitting duck. Does the Senator believe that force exchange ratio is an unimportant equation?

Mr. MITCHELL. I am sorry; I cannot hear the Senator.

Mr. TOWER. I said does the Senator believe that force exchange ratio is not an important equation in deterrence? I take it that is the thrust of the Senator's remarks, the force exchange ratio is not important.

Mr. MITCHELL. I cannot understand the word. The "force exchange ratio"?

Mr. TOWER. Force exchange ratio.

Mr. MITCHELL. And the question is do I believe that it is important?

Mr. TOWER. Yes. The implication is that the Senator does not believe the force exchange ratio is an important element in deterring the Soviet attack against us. Is that correct?

Mr. MITCHELL. It may be a factor, but I think in this case it does not justify going forward with the MX.

Mr. TOWER. Why? Then the Senator suggests that force exchange ratio is unimportant; that the Soviets will not calculate how much of our force will be remaining if they launched a first strike against us, in determining whether or not to launch such an attack, is that correct? That they discount force exchange ratio altogether? Does the Senator believe the Russians discount that? Does he believe that they would in effect commit nuclear suicide by disregarding force exchange ratio?

Mr. MITCHELL. I believe that that is certainly a factor, but they are much more likely to be influenced by the other elements of our nuclear defenses, as the Scowcroft Commission itself indicated.

Mr. TOWER. I do not think the Senator answered the question.

Mr. MITCHELL. Well, the Senator keeps imputing to me the implication that force exchange ratio is unimportant. I have said it is clearly a factor. I believe, however, that the principal factor in terms of their decision would be the capacity to retaliate by these other than land-based missiles. That is exactly what the Scowcroft Commission said.

Mr. TOWER. If we had a force that regardless of how decimated resulted after a first strike through modernization of greater capability to respond, would that not be a deterrent?

In other words, do you think the Russians would launch a first strike against us if they knew they would have to accept an unfavorable force exchange ratio?

Mr. MITCHELL. No, I do not believe they would.

Mr. TOWER. All right, you have made my point. Now let me go on to say——

Mr. MITCHELL. I do not believe I have made your point.

Mr. TOWER. Yes, I think you did.

Mr. MITCHELL. I think the force exchange ratio exists with respect to other than our land-based missiles and the MX.

Mr. TOWER. There are other aspects of it. That is why we have a triad.

Mr. MITCHELL. That is right.

Mr. TOWER. But the Russians might have to make some pretty tough choices. The fact is that if you have more capable systems with more warheads, even if much of your force is decimated, that which survives is going to be more capable.

Mr. President, the fact is that the MX will be deployed in vulnerable silos, just as the Minuteman III is now. If you have to make an argument against the MX, you have to make the same argument against our entire Minuteman III force. You might as well dismantle the whole thing.

The fact is that if the Soviets can destroy 90 percent of our land-based systems, if indeed those that survive are more capable, or some of those that survive are more capable than Minuteman III, that really raises the force exchange ratio somewhat in our favor and serves as a deterrent.

Mr. MITCHELL. If the Senator will yield——

Mr. TOWER. I will not yield. The Senator would not yield to me for a question. I will yield after I have completed my statement.

Much has been made of launch on warning. I think we have to make a distinction between launch on warning and launch under attack.

Launch on warning means that if you get some sort of signal, maybe even from human intelligence or from communications intelligence or signal intelligence, that the Soviets are about to attack, you launch. I do not think anybody advocates that.

We can determine very clearly if the Soviets have launched an enormous force against us and it is due to arrive at a given time. That would be launch under attack, and it might be only seconds before the missiles arrived which we launched. That is launch under attack.

I would never suggest that we launch unless we have gone beyond a shadow of any reasonable doubt that a first strike is about to arrive on the American Continent.

A lot has been said about bargaining chips. Most of us who talk about the value of the MX from the negotiating standpoint do not use the term "bargaining chip." That is the term that the detractors of the MX use most of the time. What we say is that it enhances our negotiating posture.

It may be that we would not deal away the MX in a negotiating session with the Soviets. But the fact that we possess it might mean that they would be more willing—I say might, and I do not say with certainty, because there are no certainties in this world—but I think it probably would mean that they would be more willing to negotiate limitation; and probably the systems that we would want to give away first, the chips that we would throw across the table, would be the Minuteman II, then the Minuteman III, and, last, the MX.

I do not see how the case could be made that improving the capability of our missile, even though we do not improve its survivability, is an inhibition on our ability to negotiate or reduces the likelihood that we could negotiate an arms agreement with the Soviet Union.

There is nothing in history or experience that suggests that if we act in unilateral restraint, the Soviets will respond, will be more willing to negotiate, and that we would be likely to get an agreement. Quite the contrary, in a most dramatic example, the United States finally—after much debate, bitter and rancorous debate—by a marginal vote in Congress, arrived at the decision to go into a full-scale development and engineering and deployment of a ABM system. Once we had begun that deployment, the Russion began to negotiate seriously, and we got an ABM agreement. That is history.

Those of us who were here and participated in that long debate over the ABM remember very clearly what happened. We remember very clearly the warnings, which are very similar to those we hear today: That if we proceeded with this, it would be destabilizing; it would enhance the prospect of nuclear war. It did no such thing. It resulted in an agreement that exists today.

There is nothing in history or experience that gives us any degree of certainty that imposing restraints on our President, prodding our President to negotiation and saying, "We will deny you the systems until you begin to negotiate, and when we begin to negotiate, you don't need them any more"—that that is going to lead to real arms reduction.

Boy, if that is not playing Russian roulette with the security of the United States of America, I do not know what is.

They keep talking about escalation. If you listen to congressional debate, you would think that the United States is responsible for the arms race; that because we modernize a system, we are escalating the arms race.

Some say that the Russians just follow us: Monkey see, monkey do. That is so much bunk. Again I will use the often quoted statement of Harold Brown, Jimmy Carter's Defense Secretary, who could hardly be called a super hawk, who could hardly be called an enemy of arms control, who said: "When we build, they build. When we don't build, they build."

We decreased our Nation's resources, in real terms, substantially in the decade of the 1970's, while the Soviets engaged in a relentless arms buildup and surpassed us in terms of urgent, hard target kill, represented by their intercontinental ballistic missile force.

That is what happened when we acted with restraint.

When we canceled the B-1, what did they do? No response. They continued to build Backfires and develop the next generation follow-on bomber to the Backfire. That was the Soviet response, not one of coming to the conference table and saying: "You have acted with restraint. We want to respond in kind."

When the United States possessed a nuclear monopoly, even under severe provocation, we did not attack the Soviet Union. We could have wiped them out. We did not do it.

Our restraint is historic. It has not been matched or reciprocated by the Soviets.

What kind of fools are we to think that if we keep suggesting to the world that our President is not serious about arms negotiations and therefore we have to prod him, we have to browbeat him, we have to mandate him, do you think the Russians do not exploit that? No, they are fellows of good will. They are just worried about their own security.

If they are just worried about their own security, why have they built a navy that is far beyond what is required by them to defend their own country, a force projection capability, a sealane interdiction capability, which is far beyond what they require? Why have they done that?

Could it be that they wanted to spread their influence over the world with a military threat? I think that is apparent.

Who demobilized after World War II? The Russians? No. We did. We did. We all came home. Millions of us came home. Our mothers wanted us home. We wanted to go home. We came home. Did the Soviets demobilize? No. What is the first thing they did? They violated the Yalta-Tehran accords by imposing political puppet governments in Eastern Europe through the force of arms.

Who escalated the arms race? Who started NATO? Us? No. The Russians started it by threatening Western Europe. That is why the Western countries got together.

We are not the ones who escalated the arms race. They started it. They started it, and they know they can beat us at it because there is no restraint on them.

Does the Supreme Soviet say to Mr. Chernenko, "You cannot have another SS-20 until you start negotiating with the Americans and then you cannot have it because perhaps then we will arrive at some sort of negotiation that will make the SS-20 unnecessary."

They act with no restraint.

Do they have the popular restraint? Oh, yes, there are a lot of people in this country who wants us to disarm, who think if we removed the destablizing weapons from our own inventory the Soviets may respond in kind and the world will be safe.

Is there any popular opinion in the Soviet Union that influences them? No, there is not. They act without restraint.

We are not the escalators. But we better have the prudence to do what is necessary to defend ourselves and to deter the Russians from ever thinking that they can think the unthinkable, and that is they can undertake a nuclear war with acceptable risk to themselves.

Mr. President, I move to table the amendment of the Senator from Vermont, and I ask for the yeas and nays.

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

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas to lay on the table the amendment of the Senator from Vermont.

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 North Dakota [Mr. AN-

DREWS], the Senator from Rhode Island [Mr. CHAFEE], and the Senator from Illinois [Mr. PERCY] are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Texas [Mr. BENTSEN] is necessarily absent.

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

The result was announced—yeas 55, nays 41, as follows:

[Rollcall Vote No. 131 Leg.]

YEAS—55

Abdnor	Grassley	Pressler
Armstrong	Hatch	Quayle
Baker	Hawkins	Randolph
Boschwitz	Hecht	Roth
Byrd	Heflin	Rudman
Chiles	Heinz	Simpson
Cochran	Helms	Specter
Cohen	Jepsen	Stennis
D'Amato	Johnston	Stevens
Danforth	Kassebaum	Symms
DeConcini	Kasten	Thurmond
Denton	Laxalt	Tower
Dole	Long	Trible
Domenici	Lugar	Wallop
East	Mattingly	Warner
Evans	McClure	Wilson
Garn	Murkowski	Zorinsky
Goldwater	Nickles	
Gorton	Nunn	

NAYS—41

Baucus	Glenn	Metzenbaum
Biden	Hart	Mitchell
Bingaman	Hatfield	Moynihan
Boren	Hollings	Packwood
Bradley	Huddleston	Pell
Bumpers	Humphrey	Proxmire
Burdick	Inouye	Pryor
Cranston	Kennedy	Riegle
Dixon	Lautenberg	Sarbanes
Dodd	Leahy	Sasser
Durenberger	Levin	Stafford
Eagleton	Mathias	Tsongas
Exon	Matsunaga	Weicker
Ford	Melcher	

NOT VOTING—4

Andrews	Chafee
Bentsen	Percy

So the motion to lay on the table amendment No. 3207 was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3208

(Purpose: To prohibit the deployment of the MX missile in favor of a system of small, single-warhead ICBM's)

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. MOYNIHAN. Mr. President, I send an unprinted 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 New York [Mr. MOYNIHAN] proposes amendment No. 3208.

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

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

The amendment is as follows:

On page 8, beginning with line 7, strike out all down through line 19 and insert in lieu thereof the following:

For missiles, $8,879,900,000.

For other procurement, $8,959,300,000.

For Air National Guard equipment, $20,000,000.

(b) None of the funds appropriated pursuant to any authorization of appropriations contained in this or any other Act may be obligated or expended for the sole source procurement of a strategic weapons loader, or the modification of an existing strategic weapons loader, in order to meet the performance requirements for the B-1 bomber aircraft or the Advanced Technology Bomber aircraft.

(c)(1) Notwithstanding any other provision of this or any other Act, no funds authorized to be appropriated under this Act shall be obligated or expended for the deployment of an MX missile;

(2) It is the sense of the Congress that efforts to modernize the land-based strategic force should be focused on a small, mobile single-warhead inter-continental ballistic missile;

Mr. TOWER. Mr. President, before the Senator proceeds, would he yield for a question? This is on the MX, is it not?

Mr. MOYNIHAN. That is correct.

Mr. TOWER. I thank the Senator for being agreeable to coming up on the heels of the other MX amendment. I hope, if there are other similar amendments, they could follow the Senator from New York. I think it is good if we can see the MX amendments all together so that everyone understands we are on the same subject. I hope we will be able to do that on some other matters, too, so we can take it up by subject matter. I think that would be a way for Senators to operate so that we can have more assurance about what is going on in the debate.

I inquire at this time whether the Senator would forbear further. If there are any other Senators intending to offer amendments on the MX issue, can they do so after the amendment of the Senator from New York?

Mr. CHILES. I have an amendment, Mr. President.

Mr. TOWER. Would the Senator from Florida be amenable to coming up with the amendment after the Senator from New York?

Mr. President, the Senator already indicated that he would be amenable. So I think the Senators can be on notice that the next two amendments deal with this same vitally important subject.

I thank the Senator for yielding.

Mr. MOYNIHAN. I thank the distinguished chairman.

Mr. President, the Senate finds itself at this point in almost exactly the situation we were in on July 26, 1983. We have just voted today, as we voted then, on a proposal to strike the funding for the procurement and deployment in Minuteman silos of the MX missile, and not to replace that with any other strategic modernization program.

The vote last year was 41 to do that, and 58 not to do that. The vote this year, a few moments ago, was 41 to 55. Last year the similar amendment was offered by Senator HART with a number of cosponsors, of which I was one. This year it was proposed by Senator LEAHY, with a similar array of cosponsors.

Following the vote last year, I offered an amendment having essentially to do with the strategic deployment question. My amendment stated simply that no funds authorized in the pending legislation would be used actually to deploy the MX in the Minuteman silos. I spoke, and others spoke, to the detrimental consequences to America's strategic posture of such a decision. I said then—I would say tonight—that, from the time Americans learned the Soviets had developed the capacity to deliver a nuclear bomb to the United States, a policy of deterrence has guided both our thinking about how to build nuclear weapons and our planning as to how to avoid nuclear war.

The central theory of deterrence is the proposition that war is deterred by making it clear that war cannot succeed. This is to be accomplished by deploying our nuclear weapons in ways that make them invulnerable to a first strike by an adversary—in this case clearly the only serious one being the Soviet Union. Being invulnerable to that first strike, the United States is in a position always to strike back in force if attacked. That is the theory of deterrence; the doctrine that war is to be deterred by making it clear that war cannot succeed.

This doctrine emerged during the administration of President Eisenhower and has been followed with great faithfulness by every President who has succeeded him until the present. It was precisely in order to sustain deterrence that the decision was reached that we had to leave the Minuteman silos of the high plains of the United States. With the advancement of Soviet technology, these Minuteman sites—we came almost 15 years ago to know—were increasingly vulnerable to a devastating first strike by Soviet missiles.

If I may offer a personal recollection, Mr. President, it happens that I was a member of the President's Cabinet during the time when the distinguished Secretary of Defense, Melvin Laird, found it to be his recurrent, sometimes uncertain but increasingly persistent, duty to inform the Cabinet that the Soviets were developing large land-based missiles with a degree of range and accuracy such that our Min-

uteman fields, originally immune to such a first-strike attack, were becoming very much so. Secretary Laird would conclude each such report by noting that, if this persisted, if this pattern of Soviet tests and the apparent accuracy of the tests was confirmed, we would have to leave those Minuteman fields, and find another missile that might be deployed in a deterrent mode such as the original Minuteman had been.

So it was decided—reluctantly, with no great rush to judgment—that a new missile would have to be developed, and deployed in a manner comparably invulnerable as the previous one.

It is the fact that our land-based missiles today are those which were ordered up, as you might say, under Dwight D. Eisenhower. We have not been mindless in our quest for new nuclear innovation; much less has there been a massive nuclear deployment by the United States over the past 30 years. But, finally, the decision was made to modernize, and the new missile, the new "M," was called X because it was experimental; and we set out to design it and to deploy it.

What we designed, Mr. President, could be called a treaty missile—much as during the 1920's and 1930's following the London naval treaties and the Washington Naval Conference, nations which had agreed to limitations on the number and size of their ships found it necessary to put more and more firepower into the same sized hulls. The pocket battleship was an example of that phenomenon, and became known as a treaty ship.

The MX is a missile that responds to the fact that the SALT agreements limit the numbers of missiles that either side can have, and so it became necessary to put as much power into them as was possible. It became a very valuable target with 10 warheads, and each of those warheads with almost 10 times the power of the warhead that was first exploded over Hiroshima.

So we designed that missile in this mode, and then set out to find a way to deploy it.

For 10 years, Mr. President, this missile wandered literally in the desert. The Air Force, with ingenuity, with conviction, and with sincerity, has sought ways in which it could be deployed in a deterrent mode, which is to say a mode not vulnerable to a first strike; 32 modes were considered. Each one turned out to have some insuperable shortcoming—such as President Carter's proposal for a racetrack scheme that might have worked had the citizens—and perhaps especially the Senators—of Nevada and Idaho been willing to see their States dug up for the purpose.

But they were not so disposed, as one might have predicted they would not be and, I do not doubt, ought not be.

Then, in the aftermath of an inquiry into this seemingly insoluble problem, a distinguished Commission was appointed by President Reagan, headed by Gen. Brent Scowcroft, the former National Security Adviser to President Ford, a man of the greatest integrity and respect in this field. He was asked what to do about the seeming dilemma that we had to get out of the Minuteman silos and we could not find a place to deploy the new missile. His Commission submitted a report in April 1983, which stated that "deterrence is essentially defensive in nature;" called for the establishment of modernization of our land-based force, focusing on a single-warhead small ICBM, to which the name "Midgetman" has been appended; and clearly, throughout the text of the report, made clear that this is by far the preferred approach.

The Scowcroft Commission proposed that we move as rapidly as possible to the deployment of a single-warhead small ICBM of approximately 15 tons. It became known as Midgetman. It is a wholly feasible missile. The Commission thought it might be deployed as early as 1992. General Scowcroft has recently given a group of interested Senators his judgment that 1991 would not force the issue in any particular manner. The Midgetman is out there; we can reach out and touch it. It has the virtues of a deterrent weapon: It is widely dispersed. It can be mobile. We are getting out of those holes which have been the basic tactical vulnerability of the fixed ICBM, as technology has made for a vastly more accurate missile on the other side and on our side as well.

The anomaly of the Scowcroft Commission Report, however, is that, even while stating the absolute need to proceed with a small, mobile, single-warhead missile, in an apparent mood of resignation, the Commission suggested that we also build and deploy the MX missile in those very Minuteman silos which, because they had become vulnerable to a first stike, had caused us to realize that we must get out of there.

In committee hearings, the Joint Chiefs were queried about the seeming contradiction in this decision. Our most senior military leaders were asked: if these missiles go into those silos, will they not invite a first strike by the Soviet Union? We and the Soviet leadership both know that the MX can destroy them. We both know that the Soviets, in turn can destroy the MX. We both know that the United States could be in a position of using them in a situation of crisis before the Soviets do so. Indeed, General Vessey, a military officer who has won the respect and regard of this body, did say when asked about this question last year: "Well, the Soviets have no assurance that we will ride out the attack." For which there is a translation, which we know as the policy of launch on warning.

I see my friend from Arizona is on the floor. There is no person in this body for whom I have greater affection and respect. I think he would agree with me that the doctrine of deterrence has not only kept the nuclear peace because of its inherent stability over the generation in which he has been so much involved in the defense of this Nation, but that it has had the overwhelming importance of contributing to what is termed crisis stability. In a situation of international uncertainty, the leaders of the Soviet Union know what to expect from us. Major periods of uncertainty, and potentially grave instability, such as we witnessed as recently as the Lebanon crisis, are recurrent.

The Soviets have always known that it was their choice whether to commence a nuclear exchange, that we were under no compulsion to do so, that our doctrine was rather to respond. They have never had to ask themselves: is the U.S. thinking that they are about to start something, so the Americans will feel they had better launch their Minuteman, so Soviet security requires a preemptive launch on warning. No; we've not yet found ourselves in this situation which, with pungency and directness, the military has described as use them or lose them.

It was this concern, this commitment to the enhancement of strategic stability, that has led a number of us to agree with the Scowcroft Commission report of March 21, 1984, that:

> The first goal of nuclear arms control efforts should be to ensure that the nature of the forces on each side does not provide a military incentive to strike first with nuclear weapons in a crisis.

The Commission went on, in this final report to the President, to say:

> The most destabilizing aspect of concentrating a large proportion of one's force in multiple independently targeted reentry vehicles—MIRV's—on ICBM's is that they make it possible to destroy ICBM's with numerous warheads at a cost to the attacker of only one or two warheads.

The Commission report went on to say that unless we "reduce the ratio of warheads to targets * * * there could be a premium on striking first."

That is exactly the kind of premium for instability we do not want and need not accept, which is why I prayerfully plead with this body not to bring it about.

Here stands a Senator—I doubt there are any save such as I in this body—altogether committed to the doctrine of deterrence, altogether committed to the necessity to build a small, mobile, 15-ton, single-warhead missile such as the Scowcroft Commission recommends. It will be the first land-based missile of its kind designed

and deployed since the 1950's. Nobody can accuse the United States of over much proliferation in these matters.

It happens that also in the 1950's, this Nation commenced to build the interstate and defense highway system which, in a crisis, offers the means to deploy these missiles if that moment should ever come—of course, the fact that that moment could come is the defense against coming.

The amendment I offer states simply that, while we have a number of the MX missiles now ordered and under construction, we shall not deploy them in Minuteman silos. We will not put ourselves on that 10-minute hair trigger. This is the view of so many persons of experience and respect in foreign affairs and strategic matters that it is almost unnecessary to ask the Senate to hear further repetition. I will cite one august authority, Prof. McGeorge Bundy, who testified to the Senate Committee on Appropriations with such persuasiveness against this MX in Minuteman decision. He said that—

> The very worst way to deal with the Soviet ICBM force would be to duplicate it. Let us simply consider how unstable the balance of terror would be today if our present strategic forces were the same as those of the Soviet Union. The existence of two, large, vulnerable MIRVed ICBM forces, each on a hair trigger, would be much more dangerous than the relatively stable balance we have today. It is important to make it completely clear in this current process of decision that we have no such intention.

For Mr. President, if we do deploy MX-in-Minuteman, whatever our intention, we have made a decision which can only be judged by our adversaries as based upon that intention.

Mr. Bundy continued:

> Once we build 100 MX-in-Minuteman, they will become too precious to trade at any price the Russians would accept * * *

He concluded by saying:

> We need only what we need, as President Eisenhower used to say, and what we need is a varied and survivable force with varied and survivable capabilities. Except for MX-in-Minuteman, all our existing modernization programs contribute to that basic requirement.

All of them—the new strategic bomber, the new submarines including the Trident class with its D-5 missile. These are deterrent weapons. They are made for crisis stability and they have kept the peace.

And so once again, Mr. President, just about 11 months after having done so last year, I again ask the Senate to consider an amendment that would refocus our strategic force modernization effort in a stability-enhancing direction.

There are those who would stop weapons projects altogether in hopes that the Soviets will follow our example. They will not follow our example. When we build; they build. When we stop building; they keep building.

There are others who hope that by matching the Soviet buildup of large weapons with potential first strike applications we can somehow intimidate them. They will not be intimidated, Mr. President.

All we can hope to do is what we have done, which is to make clear that our doctrine is always to keep the nuclear peace by insuring that there can be no successful prosecution of nuclear war.

As I stated a year ago and I state again today, war is deterred by making it clear that war cannot succeed.

If the Chair would indulge me, I have two final comments. With respect to the Midgetman, which we should move ahead with—steadily, directly, energetically—let us, even so, not devote so much effort to this such that, in order to get a small mobile missile deployed, we end up with a large and not very mobile missile.

It is the fact that by using systems already available for larger weapons we could hasten the day in which a smaller one would be deployed. It would not be that much smaller and in consequence would lose all the strategic advantages of mobility. An extra 12 months on the end of this period to get what we want and need will serve us no wrong.

Second, I hope it would be clear, and perhaps this is an unavailing hope, but I hope it would be clear that those of us who criticize the MX as deployed to be deployed, in the Minuteman silos, are not simply finding yet another case for avoiding the deployment of a new land-based missile system. We are not. It has been observed, and I think justly, of some frequent critics of the defense program that they are always for the next weapon system available but not for the one immediately available.

The Midgetman, I wish to emphasize, is immediately available. Work is being done on it now. We can deploy it in 5 to 6 to 7 years. In the meantime, we have a situation in our triad sufficient to maintain the stability of the nuclear standoff and to indicate to the Soviets which way we are going.

It happens also that this choice comes before us at a time—and this is my final thought, Mr. President—when the Soviets appear finally to be going in the same direction. It is well known to this body that the Soviets are developing and deploying two new, small, mobile missiles their SS-24 and SS-25. The very numbers of course suggest how many different varieties they have developed while we have stayed with essentially the same ICBM's since the late 1950's. President Kennedy deployed the Minuteman.

I doubt that we will ever get the Soviets to take those missiles out of their silos. They are sunk cost you might say in several senses of the term. They are the symbol of their nuclear force. But they do not work forever, they do not last forever. And if by watching our performance they come to judge that in fact there is greater strategic security to be got out of the mobile, small, single warhead missile, the time may come—I do not expect to see it, but the time could come—when both have deployed their forces in deterrent modes. That would be an enormous advance for mankind. It is an advance which we can at least take the opportunity to make possible by deciding tonight not to provide funds to deploy the MX missile in the Minuteman silo. Let us rather heed McGeorge Bundy.

Mr. President, I conclude by noting that I have sought to present this argument with an even greater sense of urgency than I did a year ago. Then it seemed possible that we might stop altogether this fateful decision. We did not. But it is not yet too late. We can still do so, and I very much hope we will make the judgment this evening to do so.

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

Mr. MOYNIHAN. I am happy to yield to my distinguished friend from Florida.

Mr. CHILES. Mr. President, I have listened with interest to the remarks of the Senator from New York.

I walked on this floor a year ago and became infected, listening to the remarks of the Senator from New York. I had voted for MX on every occasion until that time. On that day, July 26, I had voted against an amendment that at that time would have stopped the MX, and the Senator from New York at that time made—as he has made tonight—a very persuasive argument as to why MX in its present configuration, in the Minuteman holes, is a destabilizing weapon, is not a true deterrent, and does not improve the triad.

Therefore, while I think the Senator from New York was not for trying to unilaterally stop the weapon at this time or kill it, he was saying that we need to go slow, we need to continue the development and research, that it looked like the Midgetman was the better alternative, and he would delay the final step that had to be made.

I was one of the Senators who switched and voted with the Senator from New York. I believe we had 43 votes, which at that time was a sort of high-water mark.

Mr. MOYNIHAN. Indeed, I remember that, with gratitude for the Senator's timely support.

Mr. CHILES. Again I have listened to his remarks. I find myself more uncomfortable this year, after supporting the MX and working for something along the lines of what the Senator is talking about, which would terminate the program, which would allow us to continue the program but

at the same time to force a faster track for the Midgetman, to see if it is not really the viable alternative, and would leave MX as a bargaining chip.

I wonder if the Senator would consider joining in an amendment I have. Cosponsors are Senator JOHNSTON, Senator GRASSLEY, Senator EXON, and Senator BENTSEN, as well as some other Senators who supported MX in the past. Will the Senator consider allowing me perhaps to substitute my amendment for his and to join forces and see if we could bring some sanity into the debate we have here, in an attempt to try to strengthen the triad and strengthen the ability of this country to have a very strong deterrent?

Mr. MOYNIHAN. I take that to be an invitation. And my answer is yes. I will join forces with any Member of this body who is concerned that we not take the potentially fatal decision to deploy a 10-warhead intercontinental ballistic missile in a silo already targeted by Soviet missiles, with Soviet warheads already directed against them.

I am familiar with the Senator's proposal. It is my understanding it is consistent with the amendment I have offered. I wonder if he might expound upon it a bit further.

Mr. CHILES. I should like to expound at length when I start discussing it. Basically, it would allow for the missiles we have, which I voted for in 1984; that you continue all your flight testing, you continue all development, and go forward with those particular missiles. It would not add additional missiles on top of that for 1985. It would allow the production to stay intact.

Mr. MOYNIHAN. The production line.

Mr. CHILES. That is right, the production line. So that if it is necessary to go forward with this missile, if there is some reason why the Midgetman looked like it would not be the answer, by allowing the production line, you stay on track, and you have the so-called bargaining chip that the MX would provide. At the same time, it would save approximately $2 billion.

Mr. MOYNIHAN. That used to be a sum in this body.

In a sense, the Senator is saying, "Let us go forward with the Midgetman and hold the MX as a backup to be considered again if at some point it seems worthwhile, or if we have problems which we do not now anticipate."

Mr. CHILES. That is correct.

Mr. MOYNIHAN. If the Senator wishes to offer his amendment in the nature of a substitute——

Mr. CHILES. In effect, it would be a perfecting amendment.

Mr. MOYNIHAN. I would be honored to join him in that matter, and I would think it a wise measure. I hope we can do so.

Mr. GOLDWATER. Mr. President, will the Senator yield for an observation?

Mr. MOYNIHAN. I am happy to yield.

Mr. GOLDWATER. Mr. President, what I am about to say does not indicate that I will support any of these amendments. I just want to compliment my friend from New York. I have sat here the whole day listening to the debate on the MX. Your speech was not a political speech. You made some very sensible suggestions, suggestions that would not be difficult to find fault with. I just want to compliment you on not having gotten into the political this, that, and the other thing of why has not the President done this or that.

We are in the process of trying to figure out ways to defend our country; and I, as a member of the committee, want to thank the Senator for making some darn good suggestions.

Mr. MOYNIHAN. Mr. President, such a statement from the Senator from Arizona is a great honor. I thank him for his unfailing courtesy to the Senator from New York. Perhaps we might get a vote out of that. [Laughter.]

Mr. President, if the Senator from Florida wishes me to yield to him at this time, I will be happy to do so.

Mr. CHILES. I thank the Senator from New York, and I thank him for his support of the perfecting amendment that the Senator from Florida is going to propose.

The PRESIDING OFFICER. The Senator from Florida is recognized.

AMENDMENT NO. 3209

(Purpose: To strengthen the land-based element of the strategic triad by promoting competitive evaluation of new small ICPM alternatives with a restructured MX program)

Mr. CHILES. Mr. President, on behalf of myself and Senator GRASSLEY, Senator JOHNSTON, Senator MOYNIHAN, Senator EXON, Senator BENTSEN, and Senator HOLLINGS, I send to the desk a perfecting amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Florida [Mr. CHILES], for himself and Senators MOYNIHAN, JOHNSTON, HOLLINGS, GRASSLEY, EXON, AND BENTSEN, proposes an amendment numbered 3209 as a perfecting amendment to the Moynihan amendment numbered 3208.

Mr. CHILES. 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:

Strike all after the word "missiles," and insert the following:

$6,819,900,000.

For other procurement, $8,959,300,000.

For Air National Guard equipment, $20,000,000.

(b) None of the funds appropriated pursuant to any authorization of appropriations contained in this or any other Act may be obligated or expended for the sole source procurement of a strategic weapons loader, or the modification of an existing strategic weapons loader, in order to meet the performance requirements for the B-1 Bomber aircraft or the Advanced Technology Bomber aircraft.

PROMOTION OF TRIAD EFFECTIVENESS

(c)(1) Congress remains committed to improving the effectiveness of the strategic triad. In order that Congress may consider appropriate alternatives for strengthening the land-based element of the strategic triad and ensure its effectiveness in the future, not more than $3,070,600,000 of the funds appropriated pursuant to an authorization of funds in this Act may be used for development of the new small mobile intercontinental missile system and MX-related activities, in the following amounts:

(A) $596,000,000 for the development and maintenance of a ready production line for the MX missile.

(B) $1,716,300,000 (which sum is authorized to be appropriated in section 116) for research, development, testing, and evaluation of the MX missile in missile silos.

(C) $200,000,000 for the flight testing of the 21 MX missiles for which funds were appropriated for fiscal year 1984.

(D) $200,000,000 for the acquisition of support and other equipment as may be necessary to permit deployment of MX missiles in fiscal year 1985, in the event that funds for the production and deployment of additional MX missiles are provided after the date of the enactment of this Act.

(E) $358,300,000 (which sum is authorized to be appropriated in section 116) for research, development, testing, and evaulation of a new small mobile intercontinental missile.

(2) None of the funds appropriated pursuant to an authorization of appropriations contained in this or any other Act may be obligated or expended for the procurement of any MX missiles in addition to the 21 MX missiles authorized for fiscal year 1984.

(3) None of the funds appropriated pursuant to an authorization of appropriations contained in this or any other Act may be obligated or expended for the operational deployment of any MX missiles.

(4) In conjunction with submission to Congress of any request after the date of enactment of this Act for funds for the procurement or operational deployment of MX missiles, the President shall submit to the Committees on Armed Services of the Senate and House of Representatives a written report containing his assessment of the future requirements of the strategic triad of the United States and of the prospective alternatives for developing the most effective land-based intercontinental missile force to meet projected future needs. The President shall include in such report a comparison and evaluation of the various alternatives, including the MX missile and a new small, mobile intercontinental missile, with respect to the following:

(A) The ability to maintain a high degree of survivability in light of current and projected threat environments through the year 2000.

(B) The impact on developing an overall land-based missile force with a lower ratio of warheads to launchers, thus enhancing stability by creating a potential exchange ratio which is unattractive to an attacker.

(C) The degree to which current and projected international conditions require the development of particular alternatives, including the momentum, level of effort, and likely future directions of the Soviet Union's strategic programs.

(D) The progress of efforts to develop more feasible and effective basing modes for land-based intercontinental missiles.

(E) The cost and the ability of the United States to pursue multiple alternatives without impinging on expenditures for the development of a new small, mobile intercontinental missile system.

Mr. CHILES. Mr. President, I have long been a strong supporter of the triad defense—deterrent defense, I would say—it has long been our policy to protect ourselves against nuclear attack from any enemy. I believe that is a viable concept. It has served us well over the years. I think it can continue to serve us well.

It is very important that we have a strong leg of that triad to be a land-based missile system.

We need to recognize that we do not know how long our bombers will be a creditable delivery system. We do not know how long we can rely on the bomber leg. We think at this time that the submarine leg is in good shape, but if we have erred before, it has been on the side of failing to understand that the Russians could catch up much quicker than we anticipated in their defensive technology. At the same time, while we do not think they would be able to track and stop our submarines, that is something we never know. We do not know in what year they will be able to do that.

So far, I think a creditable land system is very necessary. For that reason, Mr. President, I strongly supported the development of MX. When we found that the Russians had caught up so quickly in their ability to point and aim their missiles, and knowing that they had tremendous, heavy throw weight in their missiles to start with, when it became apparent that in the mideighties they were going to have some kind of first-strike capability, a creditable first-strike capability, there was reason for this country to be alarmed, reason for us to go forward and try to come up with an answer for that.

MX was to be that answer. I supported the intital concept. I supported every provision to provide adequate funds for that concept.

I will have to say that I was a strong supporter until the decision was made that you were going to take that MX missile and you were going to stick it into a Minuteman hole which we know is vulnerable, which we know we cannot protect sufficently to insure that that weapon is going to be survivable.

So we find ourselves with a very, very expensive weapon, a very accurate weapon, it appears to be, but then we are going to turn around and put it in a vulnerable hole, and it does not make sense.

I thought, "We will never do that," when it happened. I thought, "Certainly I am not going to support that," but we found ourselves in the debate last year, and before we got to that debate, we had the Scowcroft Commission and that Commission said:

We recognize that there are problems; we recognize that there are vulnerabilities, but we are going to develop a certain number of these MX's; at the same time, we are going to start developing a midget missile single warhead capable of being hidden, capable of being mobile, or else able to be hidden, and we will really go into that direction.

Now, I was onboard as long as we were discussing racetrack or other means, not dense pack—I was not on board for that, because that did not appear to be a concept that we never know whether it worked until we shot it off, and there were all kinds of problems to consider, but even for some of the expensive solutions I was ready to go, but then we decided no, we are not going to stand the political heat or we are not going to stand the expense and so we are going to tuck it into that Minuteman hole.

I had a tough, tough time voting against stopping the MX last year, but I did not vote that way because I did not want to unilaterally stop. I thought what kind of signal would that be to send to the Russians. I think there were very strong arguments to be made in that regard. I did not want to send that signal. What do we do until we know whether we have a credible backup that is going to give us the triad again, and we know that with Midget there are some problems. We anticipate that those problems can be solved but to know that we are going to have the accuracy, to know that we are going to be able to deliver it is certainly a problem. Again, Midget seems to certainly need an arms control agreement that would limit the number of warheads so that we will be able to limit some of the Midgetmen if we had to build the numbers that will be necessary. Without an arms agreement we know it is going to be very expensive because every missile will have its own aiming device.

You do not get the economies that you would get with MIRV'ing missiles and also, of course, you have the security problems that go with that missile if you are going to put it out anyplace in which you are going to have it be mobile.

We have the further problem of if you needed to build that vast number of missiles, you simply do not have enough military reservations to house those missiles.

So then there will be a political problem of where you put the Midget missiles and how you deal with that.

I just have to recognize that while now everyone finds fault with the MX, if you did away with the MX, will everyone start finding fault with the Midget? Will it then be the target on the block? And so I have been trying to determine how can we go parallel, recognizing that the Midget seems to be the best bet now, given the problems that we have in basing the MX, but how can we go forward to not give up MX, but at the same time, send the message to the Pentagon that: we want you to speed up on Midget, we want you to really go forward on that. That looks to be the best thing.

Because of that, Mr. President, the amendment that we are talking about proposing would allow all of the testing, development flight testing and development and all of the research that we have been doing on the MX and so the present MX's that are authorized in the 1984 bill, the 21 missiles, would not be affected by my amendment. You could go forward, and we provided the money to go forward in the plans that were presented how you would deal with those 21 missiles.

What we have said, Mr. President, is that it does not make sense to add another 21, 15, or 40 missiles on top of that while we are going through this development and flight testing stage and while we are saying that we are going to Midget.

Now, the original proposition of the Scowcroft Commission was that we were going to have 100 missiles by 1992 and at that time Midget would be ready and MX would give us the bridge, and we would take off on Midget.

Under any figures that we have now, we are not going to have 100 in 1992. We will be lucky to have 40 in 1992 because the President has now signaled a willingness to take only 15 in the House amendment, and we know that is going to be slowed down, and so we are going to have that kind of bridge.

So does it make sense to be spending all of the money in procuring additional MX's when you could be putting some of that thrust into Midget and keep MX viable? How do you do that?

In searching around, one of the things we were told is you need to keep the assembly line hot. You need to keep the ability of the assembly to keep going. That is going to cost $600 million, and in the amendment I have, it provides funding for that, because that really is your chip and that is your credible thing that if something happens with Midget or if you were talking about arms control talks, here we are standing ready to go forward anytime that we want to turn on that line, and at the same time we are testing, flight testing, developing, we are going forward with the additional 21 missiles, and we are sending that

signal to the Pentagon, "Go forward as fast as you can with MX."

We had testimony by Bill Perry, who said by the year 1989, you could have Midget if you went forward on a full-scale basis. Well, that would certainly be before you could have any kind of number of MX's deployed, and it seems to me, Mr. President, it would make sense to go that way.

In going that way, we would save $2 billion.

So certainly I look at this from the budgeter standpoint, but more than that I look at this that we would be building again that credible triad, and that to me is the most important thing that I am talking about.

I do not think that those of us who are sponsoring this amendment want to disarm. I do not think that we want to send any kind of signal that we are disarming.

I think we want to send the strongest signal that we can, that we are persuaded that the triad is the way to go, and that is the direction in which we should be going forward at all possible speed.

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

Mr. CHILES. I yield to my distinguished friend from Louisiana who is a cosponsor of this amendment who I know suffered some of the same concerns last year as we agonized through these votes, and we have talked many, many times on that and in yielding I wish to thank him for his help in constructing this amendment and in guiding me as to what he thought was the direction in which we should be going.

Mr. JOHNSTON. Mr. President, I thank the distinguished Senator from Florida.

You know, Saul on the road to Damascus, saw the light and was converted.

Mr. President, my conversion has not been so complete. The light is not so clear, and the change is not so dramatic as that which occured to Saul.

But there has been a change in my thinking on this question of the MX, and I wish to share that with the Senate.

First of all, I say it is not a complete change because this amendment has the great utility and the great advantage of keeping all of the strong points that I have heard proffered for the MX because the MX at bottom is a bargaining chip; or, to use the terms that General Scowcroft, for which I have such great admiration, uses, he says it is a bridge to the small mobile missile. Whatever bridge means in that context, I have not been quite able to figure out.

But if the MX is a bridge, then this amendment would keep that bridge.

Mr. President, the first question I asked myself before I got on this amendment was the question of do we need an MX, and I am not nearly so learned in matters of strategic weapons as some of my colleagues, so I approached it on a rather simplistic basis, and I thought to myself stragegic weapons are divided into first-strike and second-strike weapons for the sake of simplicity. A first-strike weapon obviously is that which you can hit the other guy with if you are going to hit him by surprise. No one ever thought that the United States was going to take a first strike, but I guess we want some first-strike weapons just in case, just maybe to frighten or scare the Russians.

It is the second-strike weapons upon which our total strategy is based, the mutually assured destruction strategy, that is, you want to have weapons so that if the other guy thought about hitting you first, you would be able to deal to him unacceptable damage.

Mr. President, I do not know how many first-strike weapons you need, but we have over 20,000 nuclear weapons total if you include the tactical weapons and we are bumping on the underside of 10,000 nuclear weapons in our strategic category.

Now, is that enough? Well, it is a little bit hard to put yourself in the place of a Russian, but if you want to figure whether that is enough, reverse the tables and figure that they had 10,000 strategic nuclear weapons—which they do, or right at it—and figure that you are the policymaker in the United States, figure whether that is enough to frighten you.

Well, 10,000, that is about 100 per State. My State of Louisiana is about an average size. So that would be about 100 weapons for Louisiana. Well, that would give you about 5 or 10 of those weapons in New Orleans and all of its suburbs. You could have one for the World's Fair alone. You could ring Baton Rouge, and Shreveport, Alexandria, and Lake Charles with several weapons. You could have the military bases and all the little bitty small towns, Dry Prong, Bastrop, and all the little places. You could make a sender of the State of Lousisiana with 100 nuclear weapons.

Now I do not know the geography of Russia that well but I know you could deal unacceptable damage to the Russians with 100 nuclear weapons as a first strike.

The MX, Mr. President, where does it fit? Is it first strike or second-strike? Well, it was designed initially as a second-strike weapon. We had the racetrack out there and that was to give us that ability to respond to a first strike to us. But somewhere along the line, we decided we could not do that—the politics in Utah and Nevada, and the cost, and all those things. We know that long story. I think it was probably the right decision; maybe not. But for good or for evil, we made that decision. So now the MX is only a first-strike weapon.

So I ask you do we need more first-strike weapons? Is 10,000 strategic nuclear weapons not enough? No one has ever suggested that in the wildest state of imagination.

To be sure, Mr. President, the concept of a strategic triad does have a certain synergism to it so that, when used in combination, certain weapons become second-strike weapons because you cannot hit them all at the same time.

For example, if you have the Russian subs off the coast that hit first at our airfields, then perhaps in that context ICBM's become a second-strike weapon because you cannot take them out with submarine-based missiles because they are not accurate enough.

But that fine point does not exist in the argument here because MX adds nothing to the Minuteman when it comes to the synergism of the strategic triad. So you are just faced with a pure and simple question of whether or not we need more first-strike weapons. And I think the answer is so clear that it thunders at you. Of course, we do not need more first-strike weapons.

Now there are a lot of things we need in this country for our defense, but additional first-strike weapons are not in that category.

Moreover, first-strike weapons which are lucrative targets—and this has 10 MIRV's instead of 3, as the Minuteman has—are indeed just that. They are more lucrative, more tempting, and more destabilizing for that purpose.

So what we have, Mr. President, is a system, originally designed for another purpose, which has only one purpose now as a weapon and that is a first-strike weapon.

Our amendment, Mr. President, does serve a second purpose, and that is one of a bargaining chip.

Mr. President, I was sitting here talking to my distinguished colleague from New York about bargaining chips. I have been here only a dozen years and I have heard the term "bargaining chip" on just about every weapons system that has come along.

I have heard it about the Trident submarine when I voted for the third Trident submarine back in 1974, if I recall the year correctly. It was to be a powerful bargaining chip. I have heard it certainly about this weapons system. On just about everything that comes along on new weapons system, we hear the words "bargaining chip." But look at the record, Mr. President, the only bargining chips that have worked are those that have not been built but have been threatened to be built.

The only example that I can really think of and the most successful was the ABM system, which we threatened to build but did not build. Only then

were we able to achieve the treaty with the Soviet Union.

Once something is built, it is never disassembled, it is never thrown away, unless we figure it is obsolescent or unless we figure it does not do us any good anyway. Then we disassemble it. And we have some of the weapons in that category right now. Some of the tactical nuclear weapons in Europe ought to be disassembled and thrown away already. The 155 millimeter Howitzer is in that category. They have very little bang for the buck, very little bang, period, and they ought to done away with. That kind you can bargain away.

What this amendment, therefore, does, Mr. President, is put us in the posture really to bargain with the Soviet Union. If indeed a bargaining chip ever was a viable strategy, then this amendment gives us that strategy because it keeps the line hot.

It gives you $200 million for inflight testing. It gives you $1.7 billion for research and development total. It gives you $200 million for deployment of 10 missiles, if the Congress approves. It takes about 2 years to build one of these missiles. And this only gives you, therefore, a lag time of about 6 months, because that is sort of the startup time when you keep your line hot.

So, Mr. President, my conversion has not been complete. In the first place—I hate to admit this, but I guess we do it all the time in the Senate—we have to vote yes or no, but sometimes we vote yes with the confidence factor of about 51 percent. The late, great Scoop Jackson used that phrase with reference to the MX to me. And that was rather persuasive to me. I thought if he could be persuaded 51 percent, maybe that put me over the edge as well. My confidence in the MX as originally conceived is now less than 51 percent.

But this amendment, Mr. President, gives us, I think, the chance to have your cake and eat it too. If you think we need more first strike weapons, this gives you the surge ability to get them quicker. If you think it has some possibility as a second strike weapon, because they cannot take out all of our weapons—as the distinguished Senator from Arizona says, there has been no proof that they can take out all of our weapons. And maybe they cannot and maybe in that sense some small percentage would be a second strike, then again you have the surge capability to get that MX.

But most important, Mr. President, it puts you in the posture to have a bargaining chip without buying it, at least without paying the full price; of having a bargaining chip at the only time when a bargaining chip can work. That is when you have a demonstrated resolve, a demonstrated ability to build it but you have not yet built it. It is the only amendment I think, Mr. President, that really makes sense in this day of strategic madness.

And I hope my colleagues will support this amendment which keeps the bargaining chip and which saves the money.

Mr. DURENBERGER. Mr. President, I wonder if the Senator from Florida would yield to me.

Mr. CHILES. I yield.

Mr. DURENBERGER. Mr. President, I cannot recall an issue which has been redefined quite as often as the MX missile—even renamed. Coming to grips with the terms of debate is a little like trying to catch a greased pig, for the design, the price, and the justification of the MX missile system have changed on almost a monthly basis, over the last several years.

A weapon system which was originally designed to provide security during the so-called window of vulnerability is now being endorsed as a symbol of national resolve. A program which anticipated some 200 missiles has now been reduced to 100. This year's request has been cut from 40 to 21 by the Armed Services Committee, and to 15 by the House. At this rate of geometric regression we ought to be at about 1¼ in 3 years, and perhaps at a midget in 4. We have gone through countless proposals for basing the weapon. They have been recounted here this evening, and this afternoon. Now we have returned to square one with plans to place the MX in fixed site silos, something which only a few years ago we were told was the least desirable of possible options.

The essence of the Scowcroft Commission recommendation was simply this: every alarmist forecast offered in support of the MX was discredited by the Commission. The fundamental reason we were given for investing these tens of billions into the system was our national honor. The secondary reason was to provide leverage to our negotiators as the builddown is implemented. At best, in other words, the MX was being offered as the "stick" which is to accompany the "carrot" of de-MIRV'ing our force by a builddown. At worst, the MX was being offered as a way to let us avoid proclaiming that the emperor has no clothes.

Mr. President, now that the terms of debate have shifted to things like the builddown, it seems to me the case for MX is weaker than it ever was. The weapons system is incompatible with the logic announced by the Commission and the President—the logic of builddown. So the issue seems quite simple. If you accept the builddown as a path to security, you cannot support the MX as the horse that you ride. If you believe the MX is needed for our security, then you cannot have a builddown. The builddown proposal which President Reagan made on October 4, 1983, anticipates that for each new warhead deployed on a land-based ICBM, two existing warheads will be destroyed. Through this devise the force postures of each superpower would be systematically de-MIRV'd over a period of time with the result that the ratio between warheads on one side and targets on the other will decrease. Over time, therefore, we can obtain modernization as needed while also getting genuine reductions in overall warhead levels and at the same time reducing any possible incentive for a first strike.

A first strike is most likely when through MIRV'ing a nation can launch a few of its missiles against the entire arsenal of its opponent, thereby disarming the opponent while holding in reserve additional force for later use. So when the builddown reduces the warhead-to-launcher ratio, it acts to underwrite crises stability.

As Senators know, the builddown proposal was by no means readily adopted by the President or the Defense Department. It took considerable time, considerable study, and considerable work by some of our colleagues here, and by people in the administration before the President made that Rose Garden speech. But the effort paid off. I think we would all agree that the result is a far better President, a far better negotiating posture, and a far better set of plans for arms control and national security than we began with.

Mr. President, my problem is that I simply do not understand how to square the logic of the builddown with the MX missile because if we eventually build the 100 missiles we have called for, we will have added 1,000 warheads to our arsenal.

That means we need to destroy 2,000 warheads in return and a quick look at our existing force posture demonstrates that means the elimination of every one of 450 Minuteman II missiles that are in our arsenal, along with 517 of the 550 Minuteman III missiles. The result would be a land-based leg made up of 133 land-based ICBM's, certainly an attractive and vulnerable target for Soviet planners. And if we then decided at that point to add the Midgetman missile, the situation would become not much better. So some have suggested that the way out of the dilemma is simply to pull warheads out of our fleet of submarine-launched ballistic missiles.

Mr. President, I cannot imagine a worse idea. If we were to build the MX in order to destroy the most survivable element of the triad, the Russians would certainly start plotting over there in Moscow this move on our part and, of course, the situation would only get worse as we added the B-5

missile to the fleet necessitating still more builddown.

So to me, Mr. President, the case is fairly clear; that the full complement of 100 MX missiles is simply not sensible at least as long as we adhere to a policy of builddown. What is the answer, then? Is it to reduce the ultimate purchase of MX missiles? That appears to be the path on which we are now headed. But this is not a better idea because, if we reduce the size of our MX arsenal in such a way as to become compatible with the builddown, we then lose all of the military justifications—justifications I did not happen to accept in the first place—that have been offered by the MX.

Imagine, for instance, that we bought a total of 40 MX missiles. That would be 400 warheads meaning we needed to destroy 800. This is something we do by eliminating all 450 Minuteman II missiles along with 117 Minuteman III missiles leaving us a net arsenal surviving of 533 ICBM's compared with today's 1,000. The tradeoff might prove acceptable to some since the ICBM fleet would at least be large enough to complicate Soviet targeting. But would we really have gained anything in terms of net surviving firepower? I think not. And the situation would become even more foolish, if the size of the MX arsenal were to decrease.

So, at bottom, Mr. President, it seems that we face an impossible situation. So long as we remain committed to the builddown we cannot buy large numbers of MX missiles. Small numbers of MX missiles are simply a waste of money from everyone's standpoint. In short, it is either builddown or it is MX. But it cannot be both.

I have not bothered to discuss the points I have raised often in the past about the MX. I will not belabor you, Mr. President, nor my colleagues in the Senate with a lengthy discussion of some of the destabilizing arms balance potentials of the MX because others have done that. But I would request at this point, Mr. President, unanimous consent that I be included as a cosponsor of the amendment by the Senator from New York, and the perfecting amendment by the Senator from Florida.

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

Mr. DURENBERGER. Mr. President, let me conclude by endorsing the comments of those of my colleagues who have put forward the two amendments that we have before us and those of their cosponsors who will follow. It is the first time that I will have put myself in the position of supporting any spending for the MX missile but the reality on the basis of the votes taken here today is that we need to deal in a more practical sense with the future of arms control and national security.

I would remind my colleagues, Mr. President, as I conclude, that this body has played a very substantial role in moving our country toward the builddown proposal. The question we now face on these amendments is whether we intend to stick to those guns? If you believe in the builddown, I urge you to join your colleagues from New York, Florida, from Iowa, and from the rest of this country in supporting their amendment.

Mr. President, I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. WARNER. Mr. President, I would like to address questions to the distinguished Senator from Florida, who is the author of this amendment.

I have in hand a document entitled "Talking Points." I am sure the Senator is familiar with it. It apparently is a background document prepared to assist those who are considering the amendment. The pages are not numbered, but if the pages were numbered, my first question would be addressed to page 3.

Mr. CHILES. I have not been given the privilege of having one of those. The Senator might well understand how that happens, but if he will read it to me, there may be something familiar in it. If not, I will try to get prepared.

Mr. WARNER. I do not know the origin, but, nevertheless, let us see what we can do to have a meeting of the minds.

On the third page, the last paragraph reads:

It—

And I presume that refers to the amendment—

will provide a total of $1 billion in the MX procurement account allocated in the following manner: $600 million to maintain a ready or "hot" MX production line. Should Congress approve production of missiles beyond the 21 missiles approved in fiscal year 1984, this line would be able to produce missiles with a program slippage of no more than 6 to 12 months. At the present, it takes more than 2 years to build one MX missile.

The specific question goes to what is the definition of a ready or hotline?

Having spent some time in the Department of Defense, I am fully familiar with the usual definition of the term "hotline," but I am not sure, since we are stopping production here, what the $600 million directed funding would do.

Mr. CHILES. Primarily, that is the figure we were given by the Defense Department experts that would be necessary if we were not going to sort of shut down the MX; if you were going to keep the production viable so that you could start. It looks like from the way the direction is going down, the 1984 missiles to be procured are not on schedule. I think there might be something further said about that in debate, so I do not really want to go into that. Chances are it will be necessary for the line to be working on the 1984 missiles. In any event, what we were attempting to do was to keep the ability to continue to produce missiles, if it appeared that that was going to be something that had to be done, if for some reason the Midgetman was not going forward.

As the Senator knows, the whole scope of the Scowcroft Commission, which was the basis, I think, on which we went forward with the MX last year, was that we were going to use MX as a bridge. So we were going to produce 100 MX's by 1992. Then we would be ready to go forward with Midgetman.

Now we see that that bridge that General Scowcroft's Commission constructed is not going to be viable because there is no way that we could have 100 missiles by 1992.

What we are saying is that the bridge can still be done. It can be done at an expense of $600 million, which we are talking about in this bill, to keep the production going. Again, it sort of keeps your viable chip.

But you are saving $2 billion that you are not sticking into a procurement account by saying that you are going to produce another 21 missiles.

Mr. WARNER. My understanding is that the amendment calls for $1.7 billion to continue R&D. So there is no curtailment in the R&D funding. Is that correct?

Mr. CHILES. That is correct. It would be the same figure, $1.7 billion.

Mr. WARNER. And of the $2.6 billion requested in the committee bill for procurement, that would be reduced by $1.6 billion, if we added up the $600 million and the $400 million.

Mr. CHILES. By about $2 billion, the way we figure it. We have rounded off, so the Senator's figures may be more accurate.

Mr. WARNER. Again, I am looking at this document. I do not mean to ascribe any authenticity to the document.

Mr. CHILES. You would have $600 million for the hotline, $200 million available for deployment of the 10 authorized missiles to be deployed, and $200 million for the operational testing of the other $84 million.

Mr. WARNER. That is $1 billion.

Mr. CHILES. That is right, Mr. President.

Mr. WARNER. That comes out of the procurement account?

Mr. CHILES. That is right.

Mr. WARNER. So if you took a billion dollars out, that leaves $1.8 billion as opposed to the two the Senator has represented.

Mr. CHILES. Mr. President, my understanding was that the Senator had approximately $2 billion in the procurement account and we would be taking out a billion dollars—no, I stated that wrong.

I think what the Senator is referring to is the numbers that are left in.

Mr. WARNER. Let us try once again. Putting aside the 1.7 R&D, the bill has 2.6 for procurement. The Senator represents that his amendment will require $600 million to maintain a "hotline." I would like to come back to that.

Then there is $200 million to permit work to continue on operational inflight testing, then $200 million to permit deployment of the 10 missile program. So 6 plus 2 is 8 plus 2 is 10, $1 billion, so subtracting the 2.6 from the $2 billion leaves 1.4. I am trying to correlate that with the $2 billion savings represented by the sponsors of the amendment.

Mr. CHILES. I would get an answer for the Senator right now, but I do not have the paper he is talking about, I am sorry.

Mr. WARNER. Again, looking to this document entitled "Talking Points," the document reads:

This amendment would keep MX a viable program but would delay further production and deployment.

Let us dwell on the words, "delay further production." How does one delay further production, yet maintain a hotline?

Mr. CHILES. Well, Mr. President, the Air Force said to the committee that the amount of $600 million would be the amount necessary to keep the production lines in readiness so that we could, on short notice, begin to produce again.

Mr. WARNER. What would the workers be doing on that line?

Mr. CHILES. I think for an interim period of time, they are going to be working on 1984 missiles, because they are way behind in those.

Mr. WARNER. So the words "further production," would mean any missiles beyond the 21 in the 1984 bill. In other words, it may be, as we say—we are talking about the number of missiles in 1984. That would stop and there would be no additional missiles beyond that. Is that correct?

Mr. CHILES. In the amendment, we do not provide for additional procurement funds for 1985.

Mr. WARNER. So "futher production" is to be interpreted as meaning no production beyond the completion of the 21st missile now authorized under the 1984 act.

Mr. CHILES. Until further production would be authorized, yes, Mr. President. At the same time, you are keeping the line open there, so if you decided Midget would not be feasible, if for some reason, you decided to change your basic mode on the MX, you would be able to begin production.

Mr. WARNER. So again, the $600 million would be for purposes of completing the cost of the production of the 21 missiles authorized in 1984?

The difficulty this Senator has is that presuming the $600 million for the production of the 21 missiles. This amendment calls for an addition of $600 million. I am not able to reconcile the funds authorized to be appropriated last year for the purpose of 21 missiles, presumably fully funded, and the need for $600 million in addition.

Mr. CHILES. Basically, what I am trying to say is we have two things that we can do: One, it keeps the line that is available ready if we decided to provide additional procurement funds. At the same time, it is also there to take up the slippage the AGO report now indicates is going to be necessary in the 1984 period.

Mr. WARNER. Mr. President, I understand the Senator's report to maintain skilled workers, presumably qualified, although there are raised in my mind serious doubts about whether we can maintain quality control in the rest of the tests that are necessary to meet the standards set by the Department of Defense. But I am still not sure what the actual workers are doing on that production line after the 21st missile is completed.

Mr. CHILES. Of course, we said that they are working on the existing 1984 missiles.

I say to the distinguished Senator from Virginia that part of this came from General Scowcroft, who said one of the most important things that would be necessary in the MX, even if we were to limit the production figures, would be to keep the availability of the hot production line so we would have that as a viable alternative in case something was going wrong with MX, or Midget, and also so that that would add validity to the bargaining chip that you would have in any kind of arms negotiations.

Mr. WARNER. There is no correlation between the production line of the MX and Midgetman. They would be totally separate.

Mr. CHILES. The only correlation there is we are keeping those missiles parallel, the ability to go in either direction. If Midget works out, fine. That is your bridge. If it does not work out, you then have a production line that you can go back and produce the MX.

Mr. WARNER. Well, the production line for the Midgetman would have workers and dies and jigs and the like.

Mr. CHILES. Absolutely. We are not talking about the same production line.

Mr. WARNER. They are totally separate.

Mr. CHILES. Absolutely. It is the ability to go in either direction——

Mr. WARNER. The Senator means as a nation, the ability to reach the fork in the road and then decide which way to go.

Mr. CHILES. Exactly.

Mr. WARNER. I understand that concept, Mr. President, but I come back to what you do with $600 million in 1985 authorization appropriations for the production line now producing 21 fully funded under the 1984 act.

Mr. CHILES. It would be fine if you were on schedule and could do that, but the GAO indicates that there is a problem of slippage and they will not do this.

Mr. WARNER. The $600 million is for potential slippage.

Mr. CHILES. It could be, yes, Mr. President.

Mr. WARNER. Mr. President, I have the highest regard for—I am not sure I have the highest regard. I frankly cannot understand this thing, in all fairness. I am highly perplexed.

I would like to give it consideration, and perhaps I shall just have to sit down and get quiet and study it a little bit further.

Mr. President, I yield the floor. Seeing no Senator seeking recognition——

Mr. EXON. Mr. President, will the Senator withhold?

Mr. WARNER. I withhold. I yield the floor.

Mr. EXON. Mr. President, I have been listening to the debate on the amendment offered by the Senator from Florida. When I talked with him about this earlier today, I was pleased to join as a cosponsor of the amendment. It is not necessary, Mr. President, for me to go into any great detail about any change of heart on the part of the Senator from Nebraska.

The Senator from Nebraska has been against the MX ever since October 2, 1981, when the decision was announced to literally turn upside down all of the strategic planning of two former Presidents and all their military advisers. A decision was made that we were suddenly going to do away with the multiple-basing mode which was the heart and soul of why the MX was developed in the first instance. Why was the MX developed? We have to go back to that, it seems to me, when we talk about the future of the MX and how the Midgetman could fit in as a competitor, if you will, for the MX. I really think that above everything else the amendment offered by the Senator from Florida says that we will speed up the production of the Minuteman and make a choice eventu-

ally as to whether we want to go ahead with the MX as such or whether we want to go ahead with the Midgetman, which many of us prefer. But I do not have to apologize because I supported the MX very avidly during those times when it was designed to be in multiple protective shelters. The reason we developed that in the first place as I asked in a rhetorical fashion a few moments ago was that we had determined supposedly that the Minuteman II's and Minuteman III's were vulnerable in their silos and therefore we had to develop a new system that would be truly survivable as a deterrent.

It seems to me that when we changed our strategic planning and said that we were going to put it into vulnerable Minuteman silos, it defeated the whole purpose of the MX in the initial instance. It does not make any sense to this Senator, and I am a strong defender of this Nation and have avidly supported almost all of the weapons systems that have been advanced. I find myself, interestingly enough, possibly on opposite sides of the fence on this particular matter with my great friend and colleague from Virginia, who is the chairman of the Strategic and Theater Nuclear Forces Subcommittee, which shows we do have some independence of thought. If there is one thing I think is great about this body, despite all the time we seemingly waste, it is that we do have some independence of thought. And while I am not certain I am right that the MX is a mistake as presently planned for basing, I recognize that there are excellent people who do not agree with me and I recognize that I might not be right. I think I am right, though, and I believe that a wrong can be righted if we would adopt the amendment offered by the very thoughtful Senator from Florida.

What this actually does, then, bottom line, is to simply say that we have agreed to slow down the deployment of the MX missile. And when I say "we," I mean the Armed Services Committee of the House of Representatives and the comparable committee in the Senate that my friend from Virginia and I have the honor of serving, both have in conjunction with the President of the United States agreed that we are going to measurably slow down the deployment of the MX missile.

Now, if that is going to happen, what the amendment of the Senator from Florida says is that we must have some misgivings. If we do not have misgivings about the MX in the present deployment mode, then why are we not going ahead full scale with the original proposal, or at least a proposal that has been offered by the Scowcroft Commission and endorsed by the President of the United States.

Mr. President, there is grave concern, as you have heard expressed by my friend from Florida, and by others who have supported the MX in its present vulnerable silos. They voted for it. They have changed their mind. I would simply say that I hope every Member of the Senate recognizes that while this proposition might be defeated—and I hope it will not be because I think it is a very constructive amendment—it is in one way the best of all worlds. It simply says that we will go ahead, not stop the production line, not stop the MX in its tracks, go ahead, I believe, under the amendment and deploy 10 MX missiles. Is that correct?

Mr. CHILES. That is right.

Mr. EXON. We would go ahead with the deployment of the 10. So we are not shutting down the production line. We are not stopping the deployment of at least 10 of the so-called Peacekeepers. But what we are doing is reducing the cost——

Mr. WARNER. Will the Senator yield? The Senator says we are not stopping the deployment?

Mr. EXON. We are going ahead—this amendment would allow the deployment of 10.

Mr. WARNER. Allow the deployment of 10.

Mr. EXON. Right.

Mr. WARNER. Under what conditions?

Mr. EXON. Under the conditions, as I understand it, that presently exist.

Mr. WARNER. I fail to read that from the amendment. I hand the Senator the amendment and ask if he would be kind enough to point out the provision that would allow 10 missiles under the existing plan.

Mr. EXON. I have not studied the amendment. I suspect that the Senator who introduced his amendment would be able to answer.

Mr. CHILES. I think the answer is there is nothing under the amendment which says no, so you go under the 1984 provision which authorizes the deployment of 10 missiles. We do not change it.

Mr. EXON. I think the answer to the Senator's question is that we are not changing the present authorization, not changing it in any fashion. Therefore, they would continue to be deployed. But if I might continue, after answering that question, I would simply say the bottom line of this is simply that we would proceed with the deployment of 10 as presently authorized; that we would——

Mr. WARNER. Mr. President, will the Senator yield? I do not wish to interrupt. The Senator will kindly tell me if I am.

Mr. EXON. I will be glad to yield——

Mr. WARNER. I will read the provision——

Mr. EXON. If I could continue my statement, then I will be glad to yield to the Senator from Virginia. I did not interrupt him. I did not ask him any questions when he was making his statement and I am sure that he will be kind enough to accord me the same opportunity.

Mr. WARNER. Certainly. I apologize to the Senator.

Mr. EXON. It seems to me, Mr. President, in this particular case, as I say for the third time, the bottom line is that we would allow the production line for the MX to stay operational. Therefore, as General Scowcroft has said, we would have that as a deterrent, or another way of explaining it would be that if we make a decision later on that the Midgetman would not be the answer, we could very quickly produce more of the Peacekeeper missile and put them in the vulnerable holes that now hold Minuteman III's.

What it also does is encourages more rapid research and development and the deployment of the Midgetman in a much shorter period of time than now planned, therefore placing the Midgetman in a competitive position with the MX and at some later appropriate date we would be in a position to make a determination as to which of these missiles we feel would be in the best national security interests of our country.

I think the amendment is a good one. I will be glad to try to respond to any questions that anyone has, and with that I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. If my distinguished friend would be so kind—and I apologize for any interruption—I now have before me the amendment. I am reading from page 2 and I quote paragraph 3, which states:

> None of the funds appropriated pursuant to an authorization of appropriations contained in this or any other act may be obligated or expended for the operation or deployment of any MX missiles.

The question is: How does the Senator interpret that phrase—really, it is a full sentence—to permit the deployment of 10 MX missiles under the 1984 authorization?

I repeat it for the purpose of all those listening and it is a very clear, well-drawn, clear use of the English language:

> None of the funds appropriated pursuant to an authorization of appropriations contained in this or any other act may be obligated or expended for the operation or deployment of any MX missiles.

My interpretation of that is that those authorized by the 1984 act for deployment would be blocked by this subsequent act of the Congress should it be adopted.

Mr. EXON. Mr. President, there may be drafting language that should

be changed. At least, when this was discussed earlier——

Mr. CHILES. Mr. President, there may be some conflict here. If the Senator looks at subsection (D), he will see this:

> $200,000,000 for the acquisition of support and other equipment as may be necessary to permit deployment of MX missiles in fiscal year 1985, in the event that funds for the production and deployment of additional MX missiles are provided after the date of the enactment of this Act.

So we are providing specifically funds to allow you to deploy.

It may be that the Senator is offended by the language that says "or any other act." I think you have already permitted it in this act, and I would be happy to strike it.

Mr. WARNER. You giveth with one hand and taketh away with the other.

Mr. CHILES. What we are saying in subsection (3) is that after those 1984 funds and after the $200 million, there would not be deployment without further speaking of Congress.

Mr. WARNER. Again, the Senator is able to read as clearly as I can. Paragraph 3, in terms of a literal meaning of the English language, to me, proscribes any funding by any prior act.

Mr. CHILES. I beg the Senator's pardon?

Mr. WARNER. To me, the clarity of paragraph 3 completely proscribes any funding for deployment.

Mr. President, unless the Senator wishes to respond, I will suggest the absence of a quorum, so that, in a cooperative spirit, we can examine this together and give my colleagues a fair opportunity to provide an explanation.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. TOWER. Mr. President, I ask for the yeas and the nays on the Chiles amendment in the second degree.

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

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHILES. 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. CHILES. Mr. President, the Senator from Florida is prepared to make a clarifying amendment if there is some concern on the other side, if that would be objected to. I am satisfied that subsection (D) allows and sets forth the $200 million. It is allowed for the acquisition of support and other equipment for the deployment of the existing 10 missiles. The Senator from Florida is willing to do that either way the Senator from Virginia would like that clarified. If the Senator from Virginia does not desire that clarifying amendment, I will be glad to let him go forward with his debate.

Mr. WARNER. Mr. President, before we address the clarification of that section, I wonder if the Senator from Florida will enlighten the Senator from Virginia with respect to how the production line is kept hot without the continuation beyond 21. Are the workers to play pinochle?

Mr. CHILES. I say to the Senator that the production line is kept hot the same way the production line is kept hot now.

Under the GAO report, 12 percent of the funds having been obligated, zero percent has been expended, and yet we are in production of the missile. So we have a production line. We would keep the production line hot the same way it is being kept hot now.

Mr. WARNER. After the 21st missile is completed, what takes place?

Mr. CHILES. Can the Senator tell me when the 21st missile would be completed?

Mr. WARNER. Pending the date of the 21st missile being completed, I repeat the question: How would you expend the additional $600 million?

Mr. CHILES. Pending the date they are completed, we do not have to spend it. It is unobligated funds, just as all the other funds in the pipeline of DOD, the billions of dollars we have. But what we have done is to provide that the funds will be there, that we can keep this going if we desire to do it.

Again, the Senator from Florida was following what General Scowcroft, who is pretty knowledgeable in this field, said would be a reasonable thing to do. That is exactly what we were trying to do.

Mr. WARNER. The records we have indicate that the 21 missiles authorized under the 1984 act would be completed and the production line finished with them in the fiscal year 1986 or early 1987.

Mr. CHILES. I do not think that would match with what the GAO says we now have in regard to the way it is going.

That is a plan, I say to my good friend from Virginia, but when you look at the fact that only 12 percent of the funds that were set up have been obligated and zero has been expended, I would say that is a plan that proceeded too fast.

Mr. WARNER. I say to my good friend from Florida, I do not have the funding profile against the timeframe with me, but at some point in time, and I still believe it is in the 1986–87 timeframe, those missiles authorized to be produced under the 1984 act would be completed.

Mr. CHILES. Let us take the figure of the Senator from Virginia as 1987. At that time Congress would have from 1984 to 1987. That means that we would have 2 or 3 years to look at the situation to determine if we thought Midget was going forward, if we thought it was doing everything it said, if we thought that is where we should put our eggs. On the other hand, if we felt there were problems with the Midgetman, if there had been no arms control talks, if there was no way, if we decided that we wanted to go base MX in any more reliable basing mode we could turn around and do that. But at the same time the sort of funds would be there.

As the Senator from Virginia knows, if you do not provide some funds and at least provide a BA, an authorization for those funds, then someone would say you have to stop everything around here and then you are killing MX and you do not have a viable bargaining chip. Because of that I think is why General Scowcroft said for goodness sakes go ahead and put in the budget authority for the dollars so that you would keep the production line hot.

We thought that was sound advice and we decided to follow that.

It is kind of like saying what does the soldier do when he is not fighting the war? We know that we provide the money for the salaries. We know that we provide the funds all the time, yet the soldiers do not fight all the time.

Mr. WARNER. Mr. President, I say to my dear friend from Florida, there is a great distinction between keeping a U.S. service person in a state of readiness and keeping a production line hot with civilian workers playing pinochle waiting the outcome of the decision by Congress. That, to me, is the grossest type of inefficient expenditure.

Mr. CHILES. I wish the Senator would say that to General Scowcroft. Maybe it would be better if the Senator makes that kind of statement to him.

Mr. WARNER. I put a second question to my good friend from Florida. Where in the record—and my distinguished colleague, Mr. EXON, is here in the Chamber also—of extensive hearings conducted by the Armed Services Committee or any other committee is there a scintilla of factual testimony to the effect that we can begin to accelerate the Midgetman missile? Time and time again that question has been propounded and the witnesses have re-

plied that budgetary considerations are not the constraints, that it is technical limitations.

Mr. CHILES. I would just say to my distinguished friend from Virginia that I did not have the opportunity to sit in all the Armed Services hearings. He perhaps has greater information than I have. I can only tell him two people who I consider distinguished in the field who have said that they think you could make some acceleration of the Midgetman missile, and that is General Scowcroft and Bill Perry, the only two I know of, but I think they are both distinguished people and experts who have worked in this area.

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

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

Mr. WARNER. I yield to the distinguished chairman.

Mr. TOWER. Mr. President, General Scowcroft's name has been invoked here. There were some rumors floating aroung about what General Scowcroft said to a group of Senators, and I called him seeking clarification. I talked to him at 3:55 this afternoon. I do not know whether anyone else talked with him since. Maybe someone has.

He said to me what he had said is this:

That there is nothing magic about the number 100 MX missiles. Substantially more might conceivably be viewed as a first strike capability. But much less than that would be an expression of weakness and lack of confidence.

He said if we are to produce 21 then all 21 and all that we produce should go to the field and to do less would be an expression of weakness.

He said the worst thing to do would be to kill production.

If anyone thinks that this maintains the viability of the MX program, then they are mistaken. This amendment would kill the program.

I wish to quote a statement made by Harold Brown before the Armed Services Committee on April 18, 1983, just a little over a year ago. He said:

> Remember, we said in the early 1970's that we would modernize with the new missile, the MX, in the late seventies. In the mid-seventies we said we would do it in the early 1980's. In the late seventies we said we would do it in the mid-1980's.
>
> And so to say that the U.S. will modernize in the early 1990's with a strong single warhead missile if you do not do the MX deployment at all in the meantime is just not going to be believable. I will not believe it and I doubt that anyone else will either.

Mr. President, I move to table the Moynihan amendment.

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

Mr. TOWER. I withhold a moment.

Mr. CHILES. There were a few Senators on the side of the proponents of the amendment who wish to speak, and I hope that the Senator will not make that motion until they have had an opportunity.

Mr. TOWER. I would be delighted to withhold.

I understood we had two or three quorum calls and there has been a hiatus in the debate. I did not want to foreclose any Senator. So I will withhold.

Mr. CHILES. I thank the Senator.

Mr. TOWER. I think we should get to a vote in a reasonable period of time. If there are other Senators who wish to speak I would be glad to give them an opportunity to do so.

Mr. CHILES. I thank the distinguished Senator from Texas for providing that opportunity.

I would say that there have been a couple quorum calls but basically they have not been long and they have been just allowing Senators from either side to speak.

I know the Senator from Iowa has expressed a desire to speak, and I certainly did not want the debate cut off. He is a cosponsor of the amendment, and I wanted him to be able to speak.

I see that he is approaching the Chamber now.

Mr. MOYNIHAN. Mr. President, as the Senator from Iowa prepares his remarks, may I simply state for the record a brief passage from the report of the President's Commission. It states that the design of such a missile, to say that Midgetman as we described it, hardened against nuclear effects, can be achieved with current technology. There is no more important fact with respect to this issue of when we can have a small 15-ton mobile missile than the fact that we know how to build it and if we know how to do so, we can do so in a very short space of time, a period as I said earlier, that we can reach out with our hands and touch.

Mr. President, I yield the floor. I see the Senator from Iowa is here.

(The VICE PRESIDENT assumed the chair.)

Mr. GRASSLEY. Mr. President, if you will remember, the last time I addressed the Senate on the subject of defense expenditures, it was as part of the debate that we had on the budget freeze and, of course, we were talking about an across-the-board budget freeze, not just the freeze on defense. But most of the debate centered upon the area of defense.

At that time, if you recall, I was arguing that there were several structural problems in the way that the Defense Department does business and also by implication the way most departments of Government do business, that we should have a period of time when we are not shooting a moving target so that that target is stopped so that in fact after that target is stopped, then we can look at it and see why we always have programs costing more than they were projected to cost, always underestimating the cost of programs, and then constantly running up large deficits and then you know the end result of that on the entire overall budget is we borrow money.

Well, the situation in this debate, in a smaller more isolated part of the budget and in support of the Chiles amendment, is a little bit the same way. I do not know whether the Senator from Florida used this as one of his arguments, but if he did not I want to say so and if he did I want to repeat it.

I am not sure that we really know whether we need the MX and we need some time to come to that conclusion. The public at large does not know really what the MX is costing. And since we do not exactly what it is costing and we need to get a handle on that, for whatever arguments the Senator from Florida used for a 1-year period of time, I would like to say to you that we need a period of time for more than one reason, but the reason I want to emphasize is just simply cost and what the overrun on it is going to be and get that under control before we move ahead if we make a decision we do in fact need the MX missile.

I would like to point out to you that of all the money we are spending on the MX missile, only one out of five of those dollars, and possibly even less than that, goes to the MX based on the evidence I have here; only one out of five of those dollars goes to the national defense. The rest goes to pure waste. And I am willing to state what I mean by pure waste.

Of course, some of it, legitimately so, goes to profit. Maybe in some instances we could argue, compared to the domestic side, too much of it for profit, and maybe for even a lot of other areas.

I have come at most of this defense debate not as a member of the Armed Services Committee, because I am not, but as a member of the Senate Budget Committee. And for that reason I have had an opportunity to work with Senator CHILES closely on many things.

At this time, I would like to throw my support behind the amendment of the Senator from Florida, Mr. CHILES, who also happens to be the ranking minority member of that Senate Budget Committee that I serve on.

You have heard me say so many times about my concern that I have expressed in recent months about the enormous waste and inefficiency in the defense budget, not to mention the poor structure and management which leads to that inefficiency and which I argue that we ought to take some time to study and to correct. I just use the MX program this time as one more example of that.

It is unusual that cost information revealing gross inefficiency is uncovered by the Congress. What we normally see here in our debate and in all the stuff we study are symptoms of a problem. On last year's defense authorization bill, you will remember, I hope, that I raised the point that about half of the buy of the B-1 absorbed 80 percent of those funds. I raised suspicions about it. And, of course, at that time we passed an amendment to recertify the program's true cost.

Now, the General Accounting Office on this point has not yet verified the reestimate of the program by the Secretary of Defense. That is, as you maybe would guess, because either the cost data are not available or we do not have it or there is not enough access to it.

This year, I would like to say in regard to this issue now before us, we see the same phenomenon unfolding on the MX. The Senate committee bill has reduced the buy from 40 to 21, or reduced it by one-half. Yet the funding has been reduced only by 10 percent.

Mr. President, I would like to ask you, as well as all the Members here, why this has to be this way; how this can happen that we reduce so much in production and so little in cost?

If we want to know the answers to these questions, we have surely learned by now that we have to dig and dig and dig and we have to come up with this information ourselves rather than relying upon getting it from the bureaucracy. The Defense Department has not and will not volunteer this information.

In the last year, I think I have done my life's share of digging. I dug out information directly from defense contractor plants. What I found is incredible. And this was dug out in regard to the MX program.

I want to emphasize for anybody who might be paying attention that I am using the contractors' own information. I am not using something from the Defense Department or something from the Congressional Research Service or something from CBO or from OMB, but based on the contractors' own data from 14 different contractors working on the MX missile.

The MX missile program has absorbed hundreds of thousands of labor hours of pure waste. The range of inefficiency on this program reaches from 12 times what it should normally take in order to do the specified work by the contractor. And that, I want to repeat, is gauged by the contractors' own data, not my data. Moreover, there is some question as to whether or not these figures should not even be higher than what the contractors presented to us.

Mr. President, I would like to crystallize this point that I am trying to make. I am making a comparison between the amount of time that it should take to do specified work on the MX compared to what time it actually does take, again, using the contractors' own standards.

Now, any business in the private sector would in fact go out of business, would not be in business, if the inefficiency rate were as much as 50 percent above the standard. In some parts of the MX missile program, inefficiency on this program is not just 50 percent higher than the standard, not just 100 percent higher than the standard, but it can be as much as 1,200 percent higher than that standard.

I suggest to you that if you were going to buy a Sony TV set where the same labor inefficiency rate was applied, instead of paying for a $400 TV set, you would be charged $65,000 for that TV set.

Now who in the world would ever be foolish enough to pay $65,000 for a color TV set? Yet that is the kind of gross waste and inefficiency that we are asking the taxpayers of this country to absorb in this defense program. And, hence, a period of time to look at these problems is entirely justified to get the program under control, to get the taxpayers' money's worth. Then if, in the process, this system is used instead of the Midgetman, if this system is needed, then move forward with it. But let us move forward in the manner where we are in fact getting the taxpayer's money's worth, in fact where the defense contractors are building this system in the period of time they themselves set as a standard.

The numbers contained in these documents—and I would like to parenthetically say at this point that I am willing to show these documents to any Member that wants to look at them. I am not going to let them be copied at this point. I do not care to have staff go through them. But if you want to see what I am looking at here, I will give you some examples. I am not going to list these 14 contractors because I am not here to make a particular defense contractor look bad. I am not here to make any one person in the Defense Department look bad. But I am here to suggest to my colleagues that we have a problem, a very serious problem.

Here is one contractor. On the items they were building that should cost 370 standard hours in the second quarter of fiscal year 1983, it did not take 370 hours to build it. But they expended 5,050 hours. Let us take another contractor, because as I said there are 14 of them.

Here is one. The total standard hour for this part was 36,847 hours, and they expended 68,316 standard hours.

Mr. SYMMS. Would my colleague yield?

Mr. GRASSLEY. I would like to continue until I get done.

Mr. SYMMS. I want to ask a question on that particular point.

Mr. GRASSLEY. The chairman is suggesting that he wants to hurry this up. I am the last speaker.

Mr. SYMMS. I wonder if my friend would let me ask him one question about that point of 68,000 hours versus 40.

Mr. GRASSLEY. I will yield for the question.

Mr. SYMMS. My question is when you look at this chart showing the so-called "arms race," you see there really has not been an arms race in the seventies. It has been all one sided, and the Soviets have been building, building, and building. During the 1970's, the United States added only 1 new strategic system, the Trident I SLBM, while the Soviets deployed over 30. I hear the Senator's point about costs, and we are all concerned with high costs. But what is the relevance of that point of 40,000 hours versus 68,000 hours vis-a-vis what the needs of the security of the United States is? Is that what we are talking about? Is it going to save any costs in the future to stop, and halt the production now? I think we should look into those cost expenditures. Indeed, if these amendments pass, I think we will find that the unit cost and the system cost of the MX will rise significantly.

Mr. GRASSLEY. The answer to your question is we are never going to make that up being this inefficient. That is what it amounts to.

Mr. SYMMS. So we are going to stop now, and that is going to make it better?

Mr. GRASSLEY. The point of the matter is on any of these, we are talking about productivity. You yourself in the private sector have said so many times, and I have heard you in the Senate Finance Committee say we have to have tax policies that encourage investment, research, and increase the productivity. I am telling you that if we do not get more productivity out of the defense industry, we are never going to be able to defend this country. If the private sector was as inefficient, this whole country would be busted.

Mr. SYMMS. My good friend, I say you know and I know that if you think we are never going to get caught up by being that inefficient, how are we going to get caught up by making it more inefficient by stopping production in the middle of the process? Why do we not go in and correct the excess cost problems? Are you for or against the MX? That is the question. Being for these amendments is being for increasing the cost of the MX.

Mr. President, I would like to make the following brief points on why America needs the MX ICBM:

First, the Soviets now have deployed as of today 5,300 warheads for intercontinental ballistic missiles equivalent to or better than those on the MX in terms of yield and accuracy. Thus the Soviets already have a 5,300-to-0 advantage in MX-type warheads.

Second, MX will add only 700 new warheads, if all 100 now planned are deployed by 1989.

Third, it would require 4,500 MX warheads for the United States to have a first strike counterforce capability. Only 700 net additional MX warheads does not provide this capability, even when combined with 1,650 Minuteman III warheads. In fact, the United States would need 4,500 MX warheads to have a first strike counterforce capability.

Fourth, by fiscal year 1989, when 100 MX's are planned to be deployed, the Soviets will probably have over 8,000 ICBM warheads. Thus the Soviet advantage in MX equivalent warheads will grow.

Fifth, fast year alone, the Soviets deployed 1,000 MX equivalent warheads, which is 300 more warheads than would be added by MX deployment through 1989.

Sixth, the Soviets now have a 3-to-1 numerical advantage in ICBM warheads, and a 6-to-1 advantage in counterforce capability, giving the Soviets a clearcut first strike capability.

Seventh, the Soviets already have strategic nuclear superiority. They have 1,000 more intercontinental nuclear delivery vehicles than the United States and 1,000 more total missile and bomber warheads, as the second chart shows.

Eighth, finally, the Soviets have three times as many hard targets, which are three times as hard, as the United States. This factor means that the Soviets not only have a 6-to-1 counterforce advantage, but they also could shoot at fewer and much softer targets than the United States can shoot at in the Soviet Union. Thus the Soviet first strike counterforce superiority is even greater when the differing target sets are considered.

Ninth, the number of U.S. nuclear warheads has declined since 1964 by one-third, moreover, the megatonnage of our strategic warheads is now only one-fourth, one-quarter, what it was in 1964. And the command, control, and safety of our nuclear arsenal has greatly increased since then. In contrast, both the number and the megatonnage of Soviet nuclear warheads is growing.

Tenth, there has not been a strategic arms race during the 1970's. The chart shows that during the 1970's, the United States introduced no new strategic systems, zero, while the Soviets introduced 30 new systems in the same period.

THE SOVIETS HAVE SEVEN "MX EQUIVALENT" MISSILES, AND ALL OF THEM VIOLATE SALT I OR II

Mr. President, President Reagan stated at his informal press conference on Monday, May 14, 1984, that the Soviet Union is now flight-testing two new ICBM's, the MIRV'd SS-X-24 and SS-X-25, and have others under development. President Reagan's last statement is what is most signficant. There are now reports that the Soviets have three new ICBM's under development, two previously projected using liquid propellants, and most recently one with solid propellants.

Mr. President, I shall ask that one recent newspaper article be printed in the RECORD. It is from the Baltimore Sun of Sunday, May 13, 1984. It was the lead front page story, by Charles Corddry, entitled "Soviet Plans Giant Missile, Report Says." The article makes several significant points relevant to the vote on MX today.

First, it is now revealed for the first time that the Soviets have yet another new ICBM, dubbed by some intelligence experts the SS-X-26, which will evidently replace either the huge SS-17, SS-18, or SS-19 ICBM's carrying MIRV warheads. What is most significant about this first report of the new SS-X-26 is the fact that it is believed to use solid propellants. The new SS-X-26 will be the third Soviet new type ICMB, but SALT II allows only one. The Soviets have already told us that their SS-X-24 MX equivalent is there one allowed new type ICBM, but the SS-24 is being illegally encrypted. Their new SS-25 is their second new type ICBM, and it is illegal in at least three ways under SALT II. The SS-X-26 will be their third new type ICMB, also illegal. It too will probably also be encrypted, still another violation.

It will probably be quite easy to prove that the SSX-26 is a new type ICBM, because it evidently has solid propellants. Solid propellants reportedly can be detected readily by national technical means of verification, and reportedly, cannot be masked by encryption of electronic missile telemetry signals. SALT II's article IV specifies that a new type ICBM is defined by eight characteristics in distinguishing it from existing ICBM's, including type of propellant. If the SS-X-26 is designed to replace after the liquid designed to replace either the liquid propellant SS-17, SS-18, or the SS-19, and if it uses solid propellants, this will be a clear cut SALT II violation which will be readily detected on its first flight test.

Second, the Soviets now already have five MX equivalent missiles. These include 818 SS-19, SS-18, and SS-17 MIRV'd ICBM's, carrying almost 6,000 warheads. There are reports that each SS-18 carries 14 warheads, instead of the 10 allowed by SALT II, which would add over 1,000 more warheads for a total of 7,000 Soviet ICBM warheads. They also have the SS-24 MX equivalent ICBM, each reported to carry 10 MIRV warheads. This missile will reportedly be deployed in both silos and on railroad cars. Thus an initial deployment of about 200, carrying 2,000 warheads, can be estimated. This deployment would make 9,000 Soviet ICBM warheads. And now the Soviets are about to test their huge new SS-X-26, which would be their fifth MX equivalent ICBM and their third new type ICBM, two more than SALT II allows.

The Soviets already have deployed over 3,850 new warheads since SALT II was signed in 1979. The number of their warheads targeted against the United States has increased by a factor of about 75 percent since 1979. Indeed, the Soviets have been deploying over 1,000 ICBM MIRV warheads per year during the last few years, which is more warheads each year than the United States would deploy in its entire program of 100 MX's with only 700 net additional warheads, beginning in late 1986 and expected to be completed by as late as 1989. Thus by 1989, the United States would have 2,800 ICBM warheads, compared to as many as 9,000 for the Soviets.

And now we find that critics of the MX are even attacking it on the ground that because its throw-weight and range have been constrained in order to comply with the unratified SALT II Treaty, the MX is somehow an inferior missile. This is the height of irony. The U.S. MX is constrained to comply with SALT II, while the Soviets have seven MX equivalent ICBM's, all of which violate SALT II or SALT I.

The SS-25 and SS-X-26 violate article IV of SALT II allowing only one new type ICBM. The Soviet heavy SS-19 ICBM violates or circumvents article II of the SALT I Interim Agreement which prohibits heavy ICBM's from replacing light ICBM's. And the SS-24's full encrypton violates SALT II's Article XV. The SS-18 has also been illegally encrypted in tests during 1978 and 1979, and probably carries 14 MIRV's each, when only 10 are allowed. All the new Soviet ICBM's would presumably also be fully encrypted, in violation of SALT II. The SS-17 and SS-19 are likewise being encrypted in violation of SALT II.

There are reports of still more Soviet MX-equivalent ICBM's to come. The latest edition of Soviet Military Power for April 1984 also projects liquid fuel follow-ons to the SS-18 and SS-19.

This would make a total of seven Soviet ICBM's which are equivalent to the U.S. MX, and can be seen to violate SALT, either because of their probable or actual encryption or because of their probable or actual characteristics.

Thus it is fair to conclude that all seven Soviet MX equivalent ICBM's violate SALT, while the U.S. MX has been reduced in capability in order to comply with the unratified SALT II Treaty.

In sum, the Soviet MX equivalent ICBM's which violate SALT I or SALT II are as follows:

First, SS-17—encryption.

Second, SS-18—14 warheads and encryption.

Third, SS-19—heavy ICBM and encryption.

Fourth, SS-24—encryption. (SS-25—2d new type, RV to throw-weight ratio, and encryption.)

Fifth, SS-X-26—3d new type and encryption.

Sixth, and Seventh, Probable liquid propellant SS-18 follow-on and SS-19 follow-on—both probable encryption and new types.

The editorials follow:

SOVIET PLANS GIANT MISSILE, REPORT SAYS

(By Charles W. Corddry)

WASHINGTON.—The Soviet Union is believed to be developing a gigantic new intercontinental missile, comparable in size to its existing SS-18, that carries up to 10 nuclear warheads, according to an intelligence report circulating in the government.

The report, still subject to further analysis and confirmation, says the missile is believed to have rapid-firing, solid-propellant

rocket motors instead of the liquid-fueled engines powering the SS-18, at present the largest missile by far in either superpower arsenal.

The reported new weapon has not yet been flight-tested, according to the analysis circulating in government quarters.

Sources, who confirmed the report's existence and requested anonymity, said such a development would violate the terms of the 1979 strategic arms limitation treaty (SALT II). The pact was never ratified by the United States, but both Washington and Moscow say they abide by its terms.

The treaty allows each side to flight-test and deploy a single new type (the term "new type" being carefully defined) of intercontinental ballistic missile.

The Soviet Union already has notified the United States that its new type, as allowed by the treaty, is the SS-24, a weapon reckoned here to be the equivalent of the American MX.

The MX missile, expected to face a stiff new challenge soon in the House but not in the Senate, is to carry 10 warheads, as does the most heavily equipped version of the SS-18. But the lifting power of the Soviet rocket is such that it could carry up to 25 warheads.

Sources here said there is some evidence that the Russians are making the SS-24 mobile on rail tracks, somewhat in the way that was once envisioned for the MX.

U.S. analysts believe Moscow also has a second new type in its SS-25 rocket. The Soviets contend that weapon is an upgraded version of the existing SS-13, as permitted by SALT II. But American analysts say it exceeds the allowances for modifications.

Subject to further evaluation of the new report, some government sources said an improved behemoth of SS-18 size may be—or may be claimed to be—a modified SS-18.

Mr. GRASSLEY. The point is you are shooting at a moving target. You never find time. You sit here in these debates for a week, make these decisions, and say we have got problems. Everybody admits we have problems, but nobody ever corrects the problems. We have to correct these problems.

In other words, I guess we would say whether it is in regard to this or anything else we have a lot to learn about running the fiscal affairs of this Nation, Mr. President. The numbers contained in these documents I have before me are incredible, as I hope you would agree. We thought spare parts pricing was bad. It is just as bad if not worse on the entire weapons systems. There is no excuse for this, Mr. President, not when we find irrefutable evidence such as in these documents.

The Congress, of course, is ultimately responsible for this waste occurring, particularly when we know it is there and we do not do something about it. It is up to us when the information like this is uncovered to correct it. We must do so. The only language any bureaucracy understands is basically money.

Mr. President, I believe that this amendment offered by the Senator from Florida makes sense. It gives us time to study alternatives, and, more important, to study cost trends of the MX. I know that this is not the kind of thing that we who are professional politicians like to see, particularly in an election year. We would rather close our eyes, and wait for it to go away. But it is not going to go away. It has been going on for too long. It is right here for everybody to observe, and for everybody to review.

I intend to pursue matters like this in forums where it is appropriate—where I am a member of committees where I can do this—because it will serve to provide, for instance, the Budget Committee with more complete information needed for better decisionmaking. The Budget Committees are intended to be macro-planning committees, yet we have been making decisions at macro level without knowing how the macro is connected to the micro.

Instead, we have been acting on information that is false and misleading. The results have been larger deficits, costlier goods and services, and fewer goods and services than planned. This is a serious problem, and it is the kind of information which no Member in this body can refute. Furthermore, the information comes from the contractors themselves. I am making my case based upon the contractors date. I commend the Senator from Florida for taking this reasonable step in light of the evidence that I have, and in the face of intense political pressure. I know his motives are good and admirable from his position on the Budget Committee as ranking member. He is taking a position that is thoroughly responsible. I want to applaud him for his efforts, and urge my colleagues to support it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. TOWER. Mr. President, I yield briefly to the Senator from Kansas.

Mrs. KASSEBAUM. I thank the Senator from Texas.

Mr. President, I would like to speak briefly about an issue which is very important to us. Almost a year ago today, many of us debated long and hard on this question. I voted reluctantly to support the MX missile. I would like to explain my thoughts at that particular time.

Last year, we developed a tentative consensus from the report of the Scowcroft Commission. This consensus was based on a three-part package that called for deployment of 100 MX missiles as an interim step, a bridge to a smaller, new missile with one warhead. And, for the first time, we linked this program to a new arms control strategy aimed at limiting warheads rather than missiles.

I believed last year that this consensus, however tentative, was an important development. It offered possibilities to move us toward nuclear stability, which the Scowcroft Commission set out as our primary objective.

As part of that consensus, I was willing to support funding for the MX missile. I believed this would strengthen the President's hand in negotiating with the Soviets. And I believed that a consensus tying the MX to new arms control initiatives would encourage the President to move ahead in talks with the Soviets.

Since that vote last year, the President has put forward a new arms control proposal. However, our relations with the Soviets have deteriorated further. The Soviets have walked out of arms control talks in Geneva and their rhetoric has steadily turned from tough to bitter.

Here in the Congress, last year's consensus seems more fragile than ever before. The House of Representatives has effectively withdrawn from that consensus, and we will decide soon whether the Senate will do the same.

Senator CHILES' amendment is a thoughtful one. It has much to offer. It is not an anti-MX vote. I also say to my mind Senator GRASSLEY, who has spent a great deal of time, effort and thoughtful consideration on budget concerns regarding defense has given thoughtful consideration to this. But I would also say, Mr. President, that it changes the consensus at a most difficult time.

Soviet leaders have made very clear that they will not return to the negotiating table soon. They are waiting, as one put it, to see what emerges from the social forces of the West. We should all keep in mind that we are a key social force of the West.

Under these circumstances, I cannot abandon the consensus that I was part of last year. I have disagreed—sometimes strongly—with some of the rhetoric the President has used toward the Soviet Union, but I do not believe he has acted in bad faith.

I believe we cannot afford to return to the kind of divisive arguments of the past that unraveled our thinking rather than knitting it together in a long-term strategy that sets nuclear stability as its key goal.

Most of all, I believe we must not reward the Soviet Union for its intransigence in Geneva. If they find that their silence is rewarded with growing confusion and widening rifts in the West, then we may never again force a strong and effective arms control agreement. This would be a disaster of the first order.

I will concede that the MX has many flaws. I think everyone here would agree that large, land-based missiles with multiple warheads sitting in fixed silos are not the solution to our strategic problem. The Scowcroft Commission clearly said so. But abandoning this program at this time—under these circumstances—also is not a solution. It is a step backward. It is a

step away from any clear consensus among ourselves and our allies.

Much as I might wish to abandon this program, I am not willing to do so now. One of the great strengths of our society is free and open debate, a full airing of our differences.

There are valid disagreements on this issue. Reasonable persons can differ sharply about what we should do. I do not question the intentions or the motives of those who oppose the MX. I agree with many of their concerns.

However, I think two things are important here. One is whether we can demonstrate resolve in the face of apparent Soviet intransigence. The other, even more important to me, is whether we can forge a consensus among ourselves and then hold to it. Last year, we made a decision on this issue. Now we must decide whether to hold to that decision or whether to again change course. I believe we must move ahead with this program, and with our efforts to resume arms control talks with the Soviets.

Whatever the flaws of our present strategy, it is better than no strategy at all.

Mr. TOWER. I yield to the Senator from California for the purpose of making a statement.

Mr. WILSON. Mr. President, yesterday arguments were made that the United States should not vigorously but with only timorous caution pursue even a research program in strategic defense technology. It was argued, Mr. President, that strategic defense initiatives will prove provocative and be destabilizing.

Instead, the critics of strategic defense argue that we must continue to rely upon the deterrent of mutually assured destruction. They tell us that we must rely upon offensive weapons of destruction as the best hope of inhibiting both the Soviet Union and the United States from ever engaging in a first strike misadventure.

But today, Mr. President, many of those same critics of strategic defense technology argue that the MX program upon which the United States has embarked must also be abandoned because it too will prove destabilizing.

Presumably those who champion an offense-based deterrent understand that inherent in the concept of mutually assured destruction is the requirement for an offensive capability which, if it is to succeed in mutually inhibiting both sides from engaging in a first strike, must be a capability based upon three legs. This tripartite offensive capability, commonly described as the triad, is based upon the ability to launch offensive intercontinental ballistic missiles from the air, from the sea, and from the ground.

Yet those who argue either for total elimination of the MX program or urge this amendment which achieves effectively the same thing are engaged in converting the triad into a dangerous two-legged stool. They are giving us a prescription for a pratfall.

Pratfalls may be funny upon a vaudeville stage, but not upon the stage of national security.

But, no, say the proponents of this amendment, they do not intend such mischief. No, they protest that they are fully mindful of the necessity to preserve the triad.

They would have us do so by accelerating development of the Midgetman missile, though they cannot be certain how much an unspecified effort would in fact advance the date of operational readiness and deployment. Nor can they begin to be certain as to how to advise us as to the markedly increased costs of attempting such acceleration.

Perhaps, Mr. President, the proponents of this amendment should seek guidance from the Scowcroft Commission. In recommending development of the smaller mobile missile, the commission has also wisely counseled us that:

> . . . It is neither necessary nor wise to move precipitously in that direction. In part, this is because time is required to develop such new systems properly, in part it is because continued efforts on our current strategic programs are needed to encourage the Soviets to move in a stabilizing direction.

What we have been advised by the experts, Mr. President, is that to place the MX guidance system upon single-warhead mobile missiles, as would be required for Midgetman acceleration, would enormously increase the cost of the Midgetman program. Time will be required to develop a less expensive guidance system for the new missile.

We are also advised by the experts that notwithstanding the increased expenditure accompanying efforts to accelerate development of Midgetman, such efforts will produce a saving of only about a year in bringing the mobile mission program on line.

So let us not be deluded. This amendment would scrap the present program of deployment of the Peacekeeper and substitute a pallid provision that would only keep the MX production line standing on one foot but produce no missiles. It would indeed convert the triad into a dangerous two-legged stool during the critical period for implementation of the Scowcroft Commission recommendations by pursuing only the second half of them while defaulting upon the first.

During that critical period, Mr. President, in which this amendment would permit the deployment of no more than 10 Peacekeeper missiles, the ground-based capability of the U.S. triad would continue to be the existing Minuteman missiles which the Scowcroft Commission has urged us to replace with 100 MX missiles.

Yes, Mr. President, the essential third leg of our triad will continue to be the Minuteman—the Minuteman which will be no less vulnerable and no more survivable than the MX missile, the Minuteman which is desperately in need of improvements which MX will bring in accuracy, speed of retargeting, reliability and payload flexibility. In all of these categories, Mr. President, the MX represents a vast improvement over our aging Minuteman force.

Finally, Mr. President, let us consider the implications of this amendment upon the bargaining power of our arms control negotiators. Moments ago, my distinguished friend and colleague from Kansas stated eloquently that she would oppose this amendment. She stated that it was her wish to strengthen the hand of the President of the United States and not to reward Soviet intransigence at the arms control talks. The wisdom of her judgment, Mr. President, is echoed in statements of those who have reason to know best what is required for American arms control negotiations to succeed in achieving strategic security and peace for us and our allies—and indeed peace even for our enemies, and for all our children.

Ambassador Rowney, our distinguished chief negotiator at the START talks, has said both publicly and privately that if the bargaining power of the MX is taken from him by the Congress, the President might as well bring him home.

This painful truth is seen with equal clarity by the truly remarkable and courageous Andrei Sakharov. In the words of his long-time friend, Stanford University scientist and fellow arms control advocate, Sidney Drell, Sakharov is "a brilliant physicist, an eloquent and brave spokesman for human rights, and a stirring example of the freedom and dignity of the human spirit."

The citation for the Nobel Peace Prize awarded Sakharov in 1975 declares him to be "the spokesman for the conscience of mankind." Honored in the Soviet Union as the father of their hydrogen bomb, Sakharov was driven by conscience and concern for the lack of human rights in the Soviet Union. Courageously he has spoken out, giving voice to his fear that a lack of democratic institutions within the Soviet Union threaten the unleashing of a terrible nuclear exchange.

In an open letter to Dr. Drell, Sakharov speaks to us with a compelling wisdom of "The Danger Of Thermonuclear War."

> You consider it necessary to achieve a restoration of strategic parity in the field of conventional arms. Now take the next logical step—while nuclear weapons exist it is also necessary to have strategic parity in relation to those variants of limited or regional nuclear warfare which a potential enemy

could impose, i.e., it is really necessary to examine in detail the various scenarios for both conventional and nuclear war and to analyze the various contingencies. It is of course not possible to analyze fully all these possibilities or to ensure security entirely. But I am attempting to warn of the opposite extreme—"closing one's eyes" and relying on one's potential enemy to be perfectly sensible. As always in life's complex problems, some sort of compromise is needed.

Of course I realize that in attempting not to lag behind a potential enemy in any way, we condemn ourselves to an arms race that is tragic in a world with so many critical problems admitting of no delay. But the main danger is slipping into an all-out nuclear war. If the probability of such an outcome could be reduced at the cost of another ten or fifteen years of the arms race, then perhaps that price must be paid while, at the same time, diplomatic, economic, ideological, political, cultural, and social efforts are made to prevent a war.

Of course it would be wiser to agree now to reduce nuclear and conventional weapons and to eliminate nuclear weapons entirely. But is that now possible in a world poisoned with fear and mistrust, a world where the West fears aggression from the U.S.S.R., the U.S.S.R. fears aggression from the West and from China, and where China fears it from the U.S.S.R., and no verbal assurances and treaties can eliminate those dangers entirely?

I know that pacifist sentiments are very strong in the West. I deeply sympathize with people's yearning for peace, for a solution to world problems by peaceful means; I share those aspirations fully. But, at the same time, I am certain that it is absolutely necessary to be mindful of the specific political, military, and strategic realities of the present day and to do so objectively without making any sort of allowances for either side; this also means that one should not proceed from an a priori assumption of any special peace-loving nature in the socialist countries due to their supposed progressiveness or the horrors and losses they have experienced in war.

The history of the pacifist campaigns against the deployment of missiles in Europe is telling in many respects. After all, many of those participating in those campaigns entirely ignore the initial cause of NATO's "dual decision"—the change in strategic parity in the 1970s in favor of the U.S.S.R.—and, when protesting NATO's plans, they have not advanced any demands on the U.S.S.R.

* * * it seems very important to me to strive for the abolition of powerful silo-based missiles at the talks on nuclear disarmament. While the U.S.S.R. is the leader in this field there is very little chance of its easily relinquishing that lead. If it is necessary to spend a few billion dollars on MX missiles to alter this situation, then perhaps this is what the West must do.

Mr. President, there is no more passionate advocate for arms control than Andrei Sakharov. It is clearly his most fervent wish that nuclear-arms-control talks succeed in reducing the nuclear threat to mankind.

And, Mr. President, Sakharov is telling us not just to keep the MX production line open, not to deploy only 10 MX missiles. He is telling us that to be successful at the bargaining tables, the United States must have something to give up. Mr. President, the pending amendment would give away our bargaining power now—not as Sakharov admonishes us, in a bargained for exchange in which the Soviets match our arms reduction.

Mr. President, let us honor this brilliant and courageous man who is willing to suffer internal exile in Gorki in perhaps the one truly meaningful way we can. Let us heed his clear admonition. Let us recognize that it is necessary to spend a few billion dollars on MX missiles to alter the existing threat. The pending amendment ignores Sakharov's admonition. It is well intended but misguided. It would impair rather than advance the cause of arms reduction.

It must be defeated.

THE MX MISSILE

Mr. MATHIAS. Mr. President, in the past I have voted to grant the President's request for funds to develop and procure the MX missile. In a large measure my support represented the great personal confidence I reposed in the chairman and members of the President's Commission on Strategic Forces and my respect for their judgment as expressed in their report issued in April 1983.

While I did not agree with every particular of the report, I found that on the whole it was both reasoned and reasonable, informed and knowledgeable, and carefully balanced. In addition, it obviously tried to create a position that was broad enough and central enough to encourage the formation of a national consensus. I think that a consensus is highly desirable and was willing to adjust my own position to help make that possible.

One of the balancing elements of the Scowcroft Commission report was the emphasis it placed on the importance of arms control at a time when we proposed a program of arms modernization. The same kind of imagination and vigor invested in one effort was prescribed for both. The creativity and energy devoted to inventing arms should be equaled by the creativity and energy devoted to limiting arms.

The logic of that proposal was inescapable, and I supported it. I voted for the MX and the President prevailed. Procurement of the MX began.

But the other side of the bargain has not been fulfilled. There has been very little creativity exhibited in the field of arms control and arms limitation. The balanced policy recommended by the Scowcroft Commission has been lost.

In commenting on the state of arms-control policy in Washington, I am not forgetful of the state of arms-control policy in Moscow. Enormous obstacles to progress have been erected by the Russians, ranging from empty chairs to heavy rhetoric.

In all of this, President Reagan must feel a deep sense of disappointment because his goals of reduction and limitation of nuclear arms seem so elusive. But the administration is not acting to attain the goals that the President has enunciated.

There are three aspects to the arms-control problem, as there are to most human endeavors—past, present, and future.

Whatever may be said about denying results to current Soviet intransigence, it should not be an excuse for not keeping our word. The Threshold Test Ban Treaty and the Peaceful Nuclear Explosion Treaty are old business negotiated in an earlier period. They are carried as unfinished business on our ledger. To finish those jobs by ratifying the treaties would be the final answer to the taunts that Americans are unreliable and tricky.

The present agenda for arms control is obviously dimmed by the shadow of Russian policy. But such a situation demands a higher degree of creativity and ingenuity, and not a retreat into a position of rigid immobility. To achieve an arms-control agreement, we must propose terms of mutual interest. There must be skill and dedication in casting and recasting the language. If such efforts are going forward they must be carried by a prototype Stealth airplane, because they are not visible.

The future of arms control looks dimmer than either the past or the present. The planned deployment of nuclear-armed, sea-launched cruise missiles threatens all current systems of verification. A commitment to "Star Wars" takes the arms race out of this world and perhaps out of our ability to restrain and limit. Arms control may become so difficult as to be impractical.

As we consider the current situation, it seems to me that the promise exacted from the administration by the Scowcroft Commission has not been kept. The support of arms control and limitation has not equaled the support given arms modernization.

We made a deal and the Congress delivered on its side. The administration has yet to deliver. When it does, in any one of several appropriate ways, I would reconsider, but for now I cannot support further procurement of the MX missile.

Mr. SIMPSON. Mr. President, my deep interest in the MX missile system evolves from national perspective as well as the more parochial one. The people I represent in Wyoming will be among those presently most directly affected by the MX—as it is deployed in existing Minuteman silos under the command of F.E. Warren Air Force Base at Cheyenne.

I am very proud to state that Wyoming has always very willingly participated in the Nation's defense. Warren Air Base was activated on July 4, 1867, as Fort Francis E. Warren. In the 1800's it was a cavalry post and it has

changed its primary function a number of times in the intervening years, but it has never lessened in its resolve to be at the vanguard in providing for the Nation's defense. Neither have the people of Wyoming.

I can assure you that I have the same rich, strong, emotional, moral, and human feelings that have been expressed to me about the MX by many hundreds of my fellow Wyomingites. I feel the same ambivalence—the same tearing of loyalties—the same difficulty with the weighing of the continuing assessment of our national and personal priorities.

I have heard from a great many of long established organizations and the newly emerging groups who state to me that they oppose MX deployment because they "are horrified by nuclear weapons and their destructive power," and because they want the prospect of peace, not war, for their children and their grandchildren. So do I. Does anyone not want that? Every person in this Chamber and surely nearly every sensible soul in our Nation wants that. But when we probe beyond the well-meaning slogans and the catch phrases, I find there is much more to assuring the peace of the world than simply commending it to those who would destroy us—just as one would not reasonably hope to reduce crime by disbanding or reducing law enforcement agencies.

I do hear so very clearly those expressions which are often presented to me that we must take the first step in arms reduction—that we must at some point say "enough is enough" and that we must move toward weapons reduction even if it means placing us, initially, at risk. Ah, if only that could but be an effective way to reduce the world's supply of nuclear arms and the daily threats to our existence and our cherished way of life. But the adversary we are dealing with in the Soviet Union does not quite share our regard for human rights. Its stated support for arms reduction does not quite carry the same meanings as we attach. History has certainly shown us that we cannot and must not base our defense on the simple assurance that they will follow our lead. That would be negligently naive.

A May 26, 1983, letter to the President of the United States, which I joined in signing, says, in part:

> We wish to emphasize that our support for releasing fiscal year 1983 funds does not represent a consensus on the need to deploy 100 MX missiles in Minuteman silo launchers. Rather, yesterday we affected our part of an agreement with your administration to proceed with a military controversal program in exchange for a strong commitment to proceed seriously and immediately with a reformulation of the U.S. START proposal, a meaningful guaranteed build-down proposal, development of a more survivable, small, single-warhead ICBM, and creation of a bipartisan, durable arms control panel. . . . two factors will bear heavily on our position on these and any subsequent steps in the MX program: The administration's continued sincerity in developing and implementing a framework for weapons modernization and arms control—in particular, its attitude and actions on the build-down proposal—and developments in arms control negotiations with the Soviet Union.

The administration indeed "seriously and immediately" pursued those objectives. It laid every one of them on the table—just as we requested. The President also made every valid effort to bring the Soviets back to the bargaining table including various offers and concessions—and for that we got the bums' rush, the cold shoulder, and a pouting pullout from the Olympics. Are we now to generously give up on the MX in order to cheer the Kremlin on for those smarting jabs to the jaw? I suggest that form of a response might be somewhat dull witted and naive. I feel we can continue to pursue verifiable arms reduction negotiations with the Soviet Union and I believe that production and deployment of the MX missile—under present circumstances—is a necessary and vital move in encouraging that process to come to fruition.

On the issue of cost, no one has ever shielded from the public the cost of MX production. It is expensive. It is expensive to protect and defend this generous and remarkable country. It is an unfortunate but certainly very real fact that the Soviets are really not particularly impressed by weakness—they are, however, impressed and perplexed by a nation with the willingness, the guts, and the ability to defend itself. They have a pretty good track record of overwhelming those nations who don't possess those attributes.

I do not support each and every defense increase that may come down the pike. That is not true now and it never has been. I voted consistently against increases in the defense budget for there is indeed "waste" there and I did so again today—and I even supported a recent proposal of my fine friend Senator NANCY KASSEBAUM to freeze all increases in Federal expenditures at 1984 budget baseline levels. All of them. I just believe that now we must commit those resources and render those fiscal sacrifices that are absolutely required in order to preserve our remarkable society. We must match the commitment to the scope of the real threat. No more than that is required. No less than that is required. I believe that at this time, with all factors considered, support of the next installment of MX missiles is appropriate—indeed is required.

Mr. SPECTER. Mr. President, I am voting against tabling the Moynihan-Chiles amendments, because I believe they add a desirable balance to our land-based ICBM's. These amendments retain important aspects of the MX program while curtailing MX production funds with use of such funds for the Midgetman missile.

Given our huge deficits, choices must be made in our nuclear forces, and there is much to recommend accelerated development of the Midgetman which may turn out to be significantly preferable to the MX which has the appearance of a potential first-strike weapon in the absence of a satisfactory basing mode.

It is not an easy decision as to retention of any of the MX program, but I was persuaded to do so for reasons set forth in my floor statement on my vote against the Leahy amendment. In the light of the alternative pursued by the Moynihan-Chiles amendments, I believe our national interests would be best served by retaining certain aspects of the MX, but diverting significant funding to the Midgetman to achieve a better balance on our ICBM systems.

Mr. TOWER. Mr. President, I move to table the amendment of the Senator from New York.

The VICE PRESIDENT. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Texas to lay on the table the amendment of the Senator from New York. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. DECONCINI (when his name was called). Mr. President, on this vote, I have a live pair with the distinguished Senator from Texas [Mr. BENTSEN]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." Therefore, I withhold my vote.

Mr. STEVENS. I announce that the Senator from North Dakota [Mr. ANDREWS] and the Senator from Illinois [Mr. PERCY] are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Texas [Mr. BENTSEN] is necessarily absent.

On this vote, the Senator from Arizona [Mr. DECONCINI] is paired with the Senator from Texas [Mr. BENTSEN].

If present and voting, the Senator from Texas would vote "nay" and the Senator from Arizona would vote "aye."

The VICE PRESIDENT. Are there any other Senators in the Chamber who wish to vote?

The yeas and nays resulted—yeas 48, nays 48, as follows:

[Rollcall Vote No. 132 Leg.]

YEAS—48

Abdnor	Chafee	Denton
Armstrong	Cochran	Dole
Baker	Cohen	Domenici
Boschwitz	D'Amato	East
Byrd	Danforth	Evans

Garn	Kasten	Simpson
Goldwater	Laxalt	Stennis
Gorton	Lugar	Stevens
Hatch	Mattingly	Symms
Hawkins	McClure	Thurmond
Hecht	Murkowski	Tower
Heflin	Nickles	Trible
Heinz	Nunn	Wallop
Helms	Quayle	Warner
Jepsen	Roth	Wilson
Kassebaum	Rudman	Zorinsky

NAYS—48

Baucus	Grassley	Metzenbaum
Biden	Hart	Mitchell
Bingaman	Hatfield	Moynihan
Boren	Hollings	Packwood
Bradley	Huddleston	Pell
Bumpers	Humphrey	Pressler
Burdick	Inouye	Proxmire
Chiles	Johnston	Pryor
Cranston	Kennedy	Randolph
Dixon	Lautenberg	Riegle
Dodd	Leahy	Sarbanes
Durenberger	Levin	Sasser
Eagleton	Long	Specter
Exon	Mathias	Stafford
Ford	Matsunaga	Tsongas
Glenn	Melcher	Weicker

NOT VOTING—3

Andrews	Bentsen	Percy

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

DeConcini, for

The VICE PRESIDENT. The Senate being equally divided, the Vice President votes in the affirmative, and the motion to table is agreed to.

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

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

The motion to lay on the table was agreed to.

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

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

Before the Senator proceeds, the Senate will come to order.

Mr. COHEN. Mr. President, in a few moments, I intend to offer an amendment that would call for a 5.5-percent across-the-board pay increase for those in the military services. I have not as yet had an opportunity to talk with my cosponsor, Senator KENNEDY, and, pending that conversation, 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.

Mr. COHEN. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue the call of the roll.

The bill clerk continued the call of the roll.

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

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

Before the Senator proceeds, the Senate will come to order.

AMENDMENT NO. 3210

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

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Maine [Mr. COHEN], for himself and Mr. KENNEDY, Mr. MATSUNAGA, and Mr. BIDEN, proposes an amendment numbered 3210.

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

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

The amendment is as follows:

On page 25, line 8, strike out "4 PERCENT" and insert in lieu thereof "5.5 PERCENT".

On page 25, strike out lines 14 through 21 and insert in lieu thereof the following:

(b) The rates of basic pay and the basic allowance for subsistence for members of the uniformed services are increased by 5.5 percent effective January 1, 1985.

At the end of the bill, add the following new section.

"SEC. —. Notwithstanding any other provision of this bill, the authorizations contained in Part A of this bill are reduced by .6%".

Mr. COHEN. Mr. President, last evening, it was suggested that the Senator from Colorado, Mr. ARMSTRONG, and the Senator from Maine had offered a politically attractive amendment. Of course, "politically attractive" was a code word, apparently, because the Washington Post interpreted that as being politically inspired; namely, that several of us who are running for reelection obviously had been politically inspired to offer a GI bill.

I do not know how many bills have been adopted into law which were politically unattractive. I should like to have the chairman of the Armed Services Committee catalog for me at some time how many bills have been passed into law that were politically unattractive.

However, tonight I should like to offer an amendment that, like the Armstrong proposal of yesterday, is of great substantive merit, but it is politically unattractive.

I say "politically unattractive"—and that alone should gather the support of the Senator from Texas—because it has the strong support of the Secretary of Defense. What more could the chairman of the Senate Armed Services Committee ask for? It is a politically unattractive amendment supported by the Secretary of Defense.

At last, we have substance over superficial appeal; we have principle over politics; we have security over expediency; we have readiness and reliability over rhetoric. I do not see the Senator from Texas here to lend his support for this politically unattractive measure which is supported by the Secretary of Defense, so I will proceed until such time as the Senator appears.

Mr. President, yesterday during the debate on the GI bill which several of us offered, I outlined the reasons why I believe it is a mistake to cut corners in compensation for military personnel. The experience of the late 1970's should have taught us a lesson that we would not want to repeat.

It is difficult for me to understand why we would allow ourselves to go down the same misguided path of personnel program reductions when we know from the very recent past that such a course leads almost certainly to disaster. At a time when the defense budget is rising to record levels, how can we justify shortchanging service personnel? The most advanced weapons in the world will do us little good if they do not have the qualified young men and women needed to operate them.

For this reason, Senator KENNEDY and I are offering today, along with Senator MATSUNAGA and Senator BIDEN, an amendment calling for a 5.5-percent across-the-board pay increase for our men and women in uniform. This pay raise is necessary if our service personnel are going to avoid slipping either further behind their civilian counterparts in comparability.

As I noted at the outset, the Secretary of Defense, Casper Weinberger, twice in the last month has told the Armed Services Committee that the military pay raise is his No. 1 priority, and we should not ignore his request.

I am going to quote now from the Secretary's letter. He said:

I believe that it is absolutely essential that military personnel receive the 5.5 percent pay raise that we are seeking.

That is what the Secretary told the Armed Services Committee in his May 23 letter.

I quote further:

Military pay raises have been capped at 4 percent for the past two years. We are already 5.5 percent behind private sector pay, and the 5.1 percent growth in private sector pay over the last year would broaden the gap.

Secretary Weinberger went on:

The severe recruiting and retention problems of the late 1970's are a graphic reminder of what happens when military pay lags far behind private sector pay. A third consecutive military pay raise cap will start us down that road again. For example, the 3.5 percent raise proposed by the HASC, by our

estimates, would result in up to 30,000 fewer careerists by fiscal year 1989 without a make-up.

This Administration, from the President on down, is committed to preventing a repeat of that mistake. I urge you to support our efforts to pay our military personnel at fair and competitive levels by increasing military pay by 5.5 percent in fiscal year 1985.

That is the Secretary of Defense on record in favor of the increase, citing the commitment of the President of the United States to that particular goal.

That message from Secretary Weinberger was, unfortunately, not heeded by the Armed Services Committee. Rather, pay was capped at 4 percent for most personnel, and it was frozen altogether for E-1's with less than 4 months of service.

In taking these actions, the committee made a serious error, one which will, I fear, come back to haunt us. within the next few years. Efforts to recruit and retain adequate numbers of top quality people for our Armed Forces will be undercut badly and the viability of the All-Volunteer Force itself could be endangered if we allow these false economies to go uncorrected.

I am deeply troubled that the lesson of the late seventies has apparently not been learned. We cannot expect to meet our manpower requirements if we reduce incentives to serve.

Unfortunately, the rationale used for capping and freezing pay is the same one used when similar actions were taken in the midseventies. It is argued today, as it was argued then, that the services are meeting their manpower goals, outlay reductions must be found, and military pay is an area where we can achieve those savings quickly and with minimal risk.

As we should have learned, however, the risk is not minimal. Those of us who have followed this issue recall those same arguments from less than a decade ago. We remember when pay was capped, when the GI bill was terminated, and when recruit advertising funds were slashed, all of us looking to make short-term dollar savings. The result was devastating. Our manpower situation deteriorated so badly that the Army Chief of Staff, Edward (Shy) Meyer—you will recall him. He was Chief of Staff and is now retired and, therefore, I am told, has less credibility than he had as the Chief of Staff. But at that time, when he did have credibility, he referred to his hollow army and the Chief of Naval Operations Thomas Hayward was telling Congress of a hemorrhage in the Navy's ranks.

The services were falling short of their recruiting goals, and the quality of those recruits dropped precipitously. Worse, the exodus of quality noncommissioned officers caused serious readiness shortfalls, hampering the ability of our services to fulfill their missions.

Congress responded a few years ago with increases in basic pay aimed at restoring the comparability to civilian compensation which service personnel had been promised a decade before. We also approved increases in other special pays and incentives. The result has been the healthy manpower situation which we have today.

It would be especially tragic if, once again, the All-Volunteer Force's success would be permitted to encourage efforts to undermine it. Apparently forgotten are the problems of less than 5 years ago, when calls for a return to the draft were being made in the same corridors where decisions had been made which directly contributed to the decline of the All-Volunteer Force. So we cap pay, we terminate the GI bill, we cut the advertising for recruitment, and then we say the All-Volunteer Force is a failure, let us go back to conscription.

Those of us who said we could restore the AVF's health by again providing fair pay and removing the disincentives to serve were, fortunately, proven right. The AVF has prospered, and the quality of today's force is, by most reports, the best in the Nation's history.

But there are still warning signs on the horizon, ones which the committee acknowledged at the same time that it chose to ignore them. I repeat, warning signs the committee itself foresees, and at the same time, chose to ignore. The committee's report language makes a persuasive case for the 5.5-percent increase requested by the President and the Secretary of Defense.

Let me quote from our own report:

However, it is not clear how long the military services will be able to sustain the current recruiting momentum. As the economy improves and the unemployment rate drops, the services will face increasing competition for 18-21 year olds. The Services also must deal with the demographic reality that the size of the 18-21 year old youth population will decrease by approximately 15 percent between fiscal year 1983 and fiscal year 1992. Earlier this year, General John Wickham, the Army Chief of Staff—

I assume he has credibility, as long as he is still in the service—

testified that the Army had experienced a 22 percent decline in the first quarter of fiscal year 1984 compared to last year in the number of young people coming into Army recruiting stations to take the military entrance exams. General Wickham suggested that this 22 percent reduction "may be a harbinger of an upturn in the employment opportunities" for young people.

Well, that is the report language of the Armed Services Committee. So they cite it as a very potential problem, and then chose to ignore it.

In the face of this well-stated argument for adequate pay, it is difficult to understand a decision to cap pay and again freeze it for the top quality recruits Congress continues to call for through the quality standards we mandated in fiscal year 1981 and extended again this year. Congress must be willing to accept responsibility if the services have a hard time meeting these recruiting standards. It must also bear responsibility if potential career personnel choose to leave the service, as they did a few years ago because they can simply no longer afford to make the sacrifices required of them and their families.

And if they have given up on these promises of next year, we will be back with a 5.5-percent pay raise, only to find that Congress once again cuts it below that.

We need look no further than last month's unemployment statistics to see why we cannot be overly sanguine about the service's ability to recruit and retain quality individuals. The unemployment rate dropped to 7.5 percent, the lowest in 3½ years. This drop has been reflected in growing recruiting problems. In addition to the 22-percent decline which General Wickham alluded to in those taking entrance tests, Gen. Maxwell Thurman, the Army's Vice Chief of Staff—I assume he has credibility; he is still in the service—General Thurman told the Veterans' Affairs Committee that the Army is having a similar drop in new contracts.

In fact, the Active Army accomplished only 88.3 percent of its recruit contract mission in May, after achieving only 93.6 percent of its goal in April. The decline is clearly on the wall. The May shortfall represents the fifth month that the contract mission has been missed. Army officials have said that they will begin to experience accession mission shortfalls in the first quarter of fiscal year 1985—the last quarter of this calendar year—if this trend continues.

These troubling warning signs argue forcefully against a third consecutive year of pay caps and a second straight year of freezing recruit pay. Recruiting and retention will be increasingly difficult if we reduce the tools available to recruiters and military career counselors.

A reduction in the military pay raise is especially debilitating in that it is not an isolated action. A number of "quality of life" military construction programs remain unfunded, some special pay changes requested by the administration were not approved by the committee, and efforts to reinstitute effective GI bill educational benefits were once again thwarted on the Senate floor just yesterday.

In addition, service personnel and their families continue to pay out of their own pockets a substantial portion of the cost of moving when they receive their permanent change of sta-

tion [PCS] orders. The committee recommended appropriation of funds for an increase in the PCS allowance, and I am hopeful that this change will be made.

It is important to emphasize, as Secretary Weinberger did in his letter, that even with a 5.5-percent pay raise, service personnel would remain 5.1 percent behind their civilian counterparts in compensation. A reduction to a 4-percent raise would drop them even further behind.

If the pay cap results in the loss of 30,000 careerists by the end of fiscal year 1989, as the Defense Department suggests could happen, we will pay far more to replace these needed NCO's in the future than we would through the modest pay increase at this time. Former Secretary of Defense Melvin Laird estimated that the Department of Defense saves $25,000 for each first-termer retained, saves $60,000 for each second-termer retained, and saves $125,000 for each third-termer retained. Better to provide the few extra dollars represented by the 5.5-percent increase now than to have to pay that heavy price later.

If the AVF is to achieve continuing success, it cannot afford the kind of roller coaster ride which Congress seems intent on providing for it. What is needed is a consistent policy, one which provides fair compensation, comparable to that of the civilian sector. Our men and women in uniform make great sacrifices on their Nation's behalf. They deserve to be treated equitably.

It is important to emphasize that we are talking about a whole panoply of individual actions that are being taken which send a signal to service men and women that we are not going to measure up to the commitments that we have made. That is the reason Senator KENNEDY and I and others are on the floor this evening, to make sure that we call this to the attention of our colleagues.

This is something the Department of Defense wants very badly. It is something that our top military personnel say we need to keep that high quality up. It is something that the President of the United States supports. So we can choose to ignore the President's recommendations, we can choose to ignore the Secretary of Defense, we can label this, as I have labeled it before, politically unattractive—after all, DOD wants it. I think it not only has great merit, but I think it is imperative that we have to measure up and pay our service personnel if we expect to attract them and retain them.

Mr. President, promises of "catch up" raises are not enough. We cannot tell them, like Red Sox fans tell themselves, that we will be back next year. Every year we come back, there is another pay cap there. Every year, they fall further behind. Every year the families take a look at the bottom line and they say, "We can't make it anymore. We can't make it anymore."

Navy personnel find they are staying longer out at sea, and when they come back, their wives say, "You could work for Bath Iron Works and make twice the money, and be home every night for dinner, so why don't you leave?" And that is what they are going to start doing.

I yield to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, the able Senator from Maine presents a well-reasoned and, frankly, past-due action which he hopes the Congress will take in relation to a more adequate pay for the members of the Armed Forces of the United States.

If he feels that he could ask his conscience whether another sponsor could properly be included, I would want to serve in that capacity.

Mr. COHEN. Mr. President, I thank the Senator for his comments. I ask unanimous consent that the Senator from West Virginia, Mr. RANDOLPH, be added as a cosponsor.

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

Mr. COHEN. Mr. President, let me try to conclude this. As I said, promises of "catch up" raises are not enough. This is especially so when service personnel learn year after year that the pay increases they have been told they can expect are reduced significantly by the time they actually receive them.

And we cannot ignore the detrimental impact of freezing E-1 pay again. If this is implemented, it will mean that E-1 pay will not have been increased since October 1, 1982—and that it will not be increased until at least October 1, 1985.

This is all too reminiscent of what took place during the period of the draft, when pay of those in the lowest ranks was at unacceptedly low levels.

From 1946 to 1964, E-1 pay rose from $75 a month to $78 a month. Let me repeat those figures. From 1946 to 1964, E-1 pay rose from $75 a month to $78, an increase of $3, in 18 years. It was this situation which caused the late Representative L. Mendel Rivers to push for cost-of-living raises in military pay.

If we have a gap of 3 years or longer in recruit pay increases, the job of those recruiters is going to be that much more difficult: a smaller demographic pool, according to the Senate Armed Services Committee report; an improved economy, which the President predicts and we are seeing; lower unemployment; and rising youth wages, coupled with a pay freeze to make the achievement of recruiting goals an insurmountable challenge.

Congress has an obligation to our men and women in uniform. We cannot allow to happen what took place only a few short years ago. Recruit pay should not be frozen, and pay for all personnel should not be capped. Those who support these efforts must be prepared to accept the consequences of these actions when the All-Volunteer Force does encounter the problems that we have had in the past.

Simply saying that we can address the growing disparity between civilian and military pay at some later point is not good enough. Fair compensation for the sacrifices of military life should not be a budgetary matter, but a humanitarian one as well.

A failure to provide that fair pay now is simply not right and will, I fear, have repercussions which are going to come back to again haunt this body in the not too distant future. That is why I hope my colleagues will support the Cohen-Kennedy amendment, a pay increase of 5.5 percent. It is consistent with the administration's request, consistent with that of the Secretary of Defense, consistent with that of our top generals, and consistent with equity.

It is needed by the young men and women serving in this country's behalf, and I hope it will win the Senate's approval.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I rise to support my President on the issue of the pay raise for 1985. There may be a number of issues in which I differ with President Reagan but Mr. Reagan is absolutely right on this issue. I hope our colleagues are going to follow the position which has been so well stated by the Senator from Maine. I want him to know, and others to know, that there will be hopefully a number of the Members on this side of the aisle that will join in a bipartisan way to indicate our strong support for the military personnel of this country.

Mr. President, earlier in the day we addressed the issue of the percentage of real growth for the national defense of this country. Some of us argued at that time that we ought to set that limit at 5 percent, and that we ought to consider within that 5 percent the recommendations of the Armed Services Committee. The fact of the matter is, Mr. President, that the measure that we have before us this evening provides for a 7.5-percent real growth. But when it comes to the most important aspect of our military needs we are providing not just zero growth but actually a negative growth. I am talking about the military personnel who serve in the Armed Forces of our country.

We will spend a great deal of time, and have spent a great deal of time talking about various weapons sys-

tems. We will do so I am sure later this evening, and into the next few days. But the fact is, Mr. President, whatever weapons systems this country has—and we have many—no weapons system is more important than the quality of our military forces—the men and women, their training, their attitude, their moral, their dedication to this country and as a member of the Armed Services Committee. The Senator from Maine and I have been impressed by the testimony that we have received that has indicated that the moral, the standard, the quality, and the training for those that are in the Armed Forces of our country today is at an all-time high.

That has been indicated time in and time out in the testimony.

But we cannot get away from the fact, Mr. President, that this body dealt with issue of pay, in 1980 and 1981 as a result of the concern of those in the military services about the lack of enlistments and reenlistments in the Armed Forces.

So this body took into consideration a number of different measures.

I see the Senator from South Carolina on the floor now. I remember when he offered an amendment dealing with this issue that was targeted to certain groups within the certain services. We took action in 1980 and 1981. But since that time, there has been a significant deterioration in the commitment of this body on the issue of pay increase.

The fact remains, Mr. President, if the Senate should accept the amendment of the Senator from Maine, and myself, we will still not have kept up with the real employment cost index assessment about what is necessary or what is comparable in the civilian sector for our economy, and the ECI has been the best test for reaching a judgment on that comparison.

Mr. President, I know there will be a number of arguments that will be made that are in opposition to this amendment. Some will say that really we are doing fine with regard to the quality of individuals and the numbers that we are attracting to the services.

The Senator from Maine has outlined the recent statistics. They bear underlining here this evening.

The fact is the number to visits of Army recruiting centers are down by some 22 percent—as the Senator from Maine has pointed out. We are in the fifth month in a row of declining contract arrangements for the Army in relation to the mission goal, the key indicator which is used by the military in terms of military personnel.

The fact is those that say we are doing fine just have not taken into consideration the most recent statistics. Some will note, Mr. President, that we are providing an offset to consider this particular amendment. Some may say this is unsatisfactory to offset the cost of this amendment—which is approximately $600 million—by a reduction in the procurement account by six-tenths of 1 percent and putting that into undistributed reductions.

That means that the military services will make the judgments about where those particular cuts will be made in an account of some $100 billion. This is 0.6 of 1 percent. It is a procedure which has already been used by the Armed Services Committee to save $1 billion. All we are doing is adding 0.6 of 1 percent in procurement to make it $1.6 billion out of $100 billion procurement. Some will say, well, we need belt tightening across our society, including those that serve in the military.

Mr. President, the fact of the matter is we have not kept pace not only in the pay area, but we have not kept pace in moving allowances. We have not kept pace in housing allowances, and a number of other areas in which military personnel are already asked to sacrifice—and sacrifice they have.

Mr. President, we are fortunate in our Nation to have an extraordinarily dedicated group of men and women who serve in the Armed Forces of our country. They are patriotic. They are skilled. They are talented, and they are professional. I believe that unless this body is going to accept this amendment we will be undermining our commitment and our responsibility to them, and our ability to maintain the very best of those personnel in the military establishment of our country; to attract the best that would want to serve in their country.

I think the argument is best presented by the chairman of the Tactical Warfare Subcommittee, Senator GOLDWATER, who in a recent article said:

> Every year, Congress is faced with the continuing battle to make ends meet. Unfortunately, most of the proposed solutions would have their greatest impact on the worst possible area—people. In today's All Volunteer military, the most sobering thought is, what would happen to the quality and character of the military if these benefits are reduced or eliminated?

Senator GOLDWATER has stated it well and accurately. I do not think there is anything that we could possibly add that would summarize the case any more effectively.

PAY RAISE

Mr. President, when it comes to the defense budget, everyone is talking about what level of real growth should we have 3 percent, 5 percent, 7 percent.

But when it comes to providing for the men and women in our Armed Forces, we seem to forget all about real growth.

Instead, we seem unwilling even to allow them to stay even with inflation.

During the 1970's military pay lagged behind private sector pay raises. Severe recruiting and retention problems resulted from these limits on pay.

In 1980 and 1981 Congress approved significant pay raises to achieve comparability with private sector pay, 11.7 percent in 1980 and 14.3 percent in 1981. By 1981 we had comparability.

Since 1981 military pay has again fallen behind comparability. At the present time military pay lags 5.5 percent behind civilian pay increases.

For fiscal 1985, we need a 5.1-percent pay increase so that military pay will not fall even further behind civilian pay. According to the economic cost index, which is the best measure of comparability, civilian pay will increase by 5.1 percent; 5.5 percent will allow for a slight catch up to make up for some of the lost ground over the last three years.

The pay raise included in this bill is 1.1 percent below the comparable rate of pay increase in the private sector.

Ever since 1981, military pay has been falling further and further behind.

In fiscal year 1983 we needed an 8.1-percent pay raise—to keep up with inflation—but only provided 4.0 percent.

In fiscal year 1984 we needed 5.6 percent to keep from falling even further behind—and again we provided only 4 percent while providing no raise for E-1's with less than 4 months service as well as reduction in the variable housing allowance.

During the last few years, we have not had serious recruiting and retention problems—because the deep recession and high unemployment have limited private section options.

As the economic climate changes, we will begin to experience serious problems again if we continue to short-change the military in pay.

The danger facing us is not speculative. As the committee itself observed in its reports:

> However, it is not clear how long the military services will be able to sustain the current recruiting momentum. As the economy improves and the unemployement rate drops, the services will face increasing competition for 18 to 21 year olds. The services also must deal with the demographic reality that the size of the 18 to 21-year-old youth population will decrease by approximately 15 percent between fiscal year 1983 and fiscal year 1991. Earlier this year, Gen. John Wickham, the Army Chief of Staff, testified that the Army had experienced a 22-percent decline in the first quarter of fiscal year 1984 compared to last year in the number of young people coming into Army recruiting stations to take the military entrance exams. General Wickham suggested that this 22-percent reduction "May be a harbinger of an upturn in the employment opportunities for young people."

In fact, the latest figures for May raise a serious warning flag. May's active army contract mission was only 88.3 percent of mission goal compared with 93.6 percent in April. This is the fifth month that the contract mission

has been missed, and if this trend continues, the Army will begin to experience accession mission shortfalls in the first quarter of fiscal year 1985.

These alarming trends are a clear warning that the problems is not in the future, but with us now.

As I said earlier, our colleague, and the chairman of our Subcommittee on Tactical Warfare, Senator GOLDWATER, recently captured the essence of the problem in a recent article:

> Every year, Congress is faced with the continuing battle to make ends meet. Unfortunately, most of the proposed solutions would have their greatest impact on the worst possible area—people. In today's all-volunteer military, the most sobering thought is, what would happen to the quality and character of the military if these benefits are reduced or eliminated?

The Army Research Institute has concluded:

> If the jobless rate declines as fast as the administration projects, without corresponding increases in military pay or education incentives, the Army could miss its recruiting goal for male high school graduates by 34,000 (or almost 35 percent) by fiscal year 1985.

But rather than avert the crisis before it arrives, we are helping to bring it on. Our amendment will help put us back on the right course again.

Our amendment would not increase the size of this defense bill. To pay for the pay raise—a cost of $600 million—we propose a modest reduction—sixtenths of 1 percent—in the procurement accounts—which are slated to exceed $100 billion this year.

Procurement in this bill will increase by nearly $15 billion—9.5 percent real growth. Even with this amendment, procurement will still be at $100 billion—8.9 percent real growth over the 1984 level.

It seems only reasonable to limit real growth for procurement to 8.9 percent in order to prevent military pay from experiencing not real growth—but actually a real decline, which is what will happen under the 4-percent pay raise in this bill.

I know that some of my colleagues will say that this is the wrong way to cut the bill—that this is a meat ax approach. I want to respond by pointing out that this is exactly what the committee itself has done by including undistributed reductions in the bill.

Let me give some examples: Modification of aircraft—Navy, $200 million undistributed reduction; Aircraft support—Navy $100 million undistributed reduction; Other procurement—Air Force, $110 million undistributed reduction; and so on. All together in the procurement accounts, the committee has proposed a total of over $1 billion in undistributed reductions.

An undistributed reduction—which the committee supports—is identical to what we are doing here.

The bow wave of procurement threatens to drown us. When we obligate money for procurement this year, we lock ourselves into spending far into the future.

Approved but unspent funds have gone from $96 billion in 1981 to $239.9 billion this year.

By next year, 40 percent of the defense budget will be uncontrollable—spending of already-obligated funds.

Moderately the 9.5-percent real growth in procurement is a prudent way to assure steady, planned growth and not crowd out urgent readiness requirements—such as operations or maintenance.

Under this bill, procurement gets 9.5 percent real growth, while O&M is held to only 6.6 percent real growth.

If we do not act now, it will be even harder to preserve room for readiness in the budget later.

Mr. COHEN. Mr. President, there has been mention about what is going to take place in the very near term unless we take the kind of action we are recommending now.

I would like to repeat for the benefit of those on the floor now who were not here before, and I hope to distribute this letter to the Members who will be coming in during the course of the evening, a couple of lines from Secretary Weinberger's letter to the chairman of the Armed Services Committee.

> DEAR JOHN: On May 14, I sent you a list of the most important items that should be restored from the House Armed Services Committee markup of the fiscal '85 authorization act. A number one item on that list was the military pay raise. I believe it is absolutely essential that military personnel receive the 5.5 percent pay raise that we are seeking.

So for anybody who has any doubts about this, the No. 1 issue for the administration about what was done in the House was to correct those inequities and increase the pay raise to 5.5 percent. It has the support of the President, the Secretary of Defense, and all of those who are in the uniformed military. They support the 5.5-percent across-the-board increase. I hope our colleagues will take that into account.

Mr. JEPSEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. JEPSEN. Mr. President, I rise to express my opposition to the amendment offered by the Senator from Maine.

The Armed Services Committee has recommended that the basic pay and subsistence allowance of military personnel be increased by 4 percent on January 1, 1985. In making this recommendation, the committee decided that a pay raise for brand new recruits or E-1's with less than 4 months of active duty could not be justified.

During its consideration of the fiscal year 1985 Defense authorization bill, the committee had to make many difficult choices among competing defense needs. Although they have always enjoyed the committee's support, military pay and benefits were among those areas of the defense budget that had to be scrutinized for savings. The result of the committee's review was a recommendation that the pay raise request of 5.5 percent could be reduced to 4 percent without endangering military recruiting and retention. The Armed Services Committee approved that proposal by the wide margin of 13 to 5.

Mr. President, the chairman of the Armed Services Committee will address the importance of the large amount of savings that would result from the committee's recommendation. I would just like to emphasize that the $806 million in savings would be extremely difficult to achieve elsewhere in the defense budget.

As chairman of the Manpower and Personnel Subcommittee, I respectfully oppose Senator COHEN's amendment not only because it would eliminate a large pool of savings but also because it is unnecessary. The Congressional Budget Office has estimated that reducing the military pay raise from 5.5 percent to 4 percent would have an extremely small effect on recruiting and retention.

As chairman of the Manpower and Personnel Subcommittee, I can add to the Congressional Budget Office's estimates by saying that surveys have shown time and time again in the past years that recruits entering the service do not have the slightest idea of what they are getting paid. It has no effect on the reasons for whether they enter the service or their reasons for considering the service initially and signing up.

Certainly, pay does have an effect on retention. As we all know, several years ago we did pay some great heed to that in a targeted bill on which those in my subcommittee stood all alone in this Congress with regard to the opposition, resistance from the Pentagon, resistance from the White House, and resistance from various associations who said:

> No, we do not want a targeted pay raise. We want to have it across the board. Keep it the same all the way around. It will not work.

We went ahead with that targeted pay raise and now everyone knows what the results are. I can point out in spades that we have indications that the morale today is higher than it has ever been. The recruitment people are still filled up with their quotas and have people standing in line. The retention is higher than it has been in the entire history of the all-volunteer service.

I would further point out that the CBO has forecasted that the supply of high-quality recruits would only be between 1 and 2 percent smaller in each

fiscal year if the pay raise were 4 percent instead of 5.5 percent.

The retention effects of a 4-percent raise are similar. The enlisted career force would only be 1 percent smaller by fiscal year 1989. Therefore, reducing the pay raise request to 4 percent would not appear to jeopardize the recruting and retention gains that the Congress has worked so hard to achieve.

The amendment offered by the Senator from Maine would grant the higher 5.5 percent pay raise to recruits with less that 4 months of active duty service. For 2 years now, the Armed Services Committee has concluded that a pay raise for these new recruits is not warranted. Last year, this particular recommendation of the committee was sustained by wide margins in two separate votes on the Senate floor.

During the first 4 months of active duty, a recruit lives under very restricted conditions while undergoing basic training. At the same time, however, he is earning $573.60 in basic pay each month. His food value is estimated to be about $100 a month. His rent is estimated to be somewhere between $250 to $300 a month. His medical care and insurance would cost about $50 a month if he was to provide it and pay for it on the outside. Clothing is worth about $25 a month. So we have benefits worth somewhere in the neighborhood of $525 a month plus a $573 a month. So we have a 17- or 18-year-old basic recruit, which is the age group that most of them enlist at, making approximately $1,100 a month.

We find that many in the same age group, if they were to go to work on the outside, so to speak, at minimum wage, would have a total income of $536 a month. They would then have to pay for the rent, pay for their food, and pay for their medical expenses. I would suggest that $1,100 a month for basic training recruits in the first 4 months of active duty is pretty good pay.

Moreover, upon entering the military, he could qualify for an enlistment bonus of $5,000 to $8,000. Then, he can immediately begin to make contributions to an educational assistance fund which the services will match on a 2-for-1 basis. Finally, after the first 4 months of active duty, a recruit receives about a 4-percent pay raise before receiving additional pay raises, as he is rapidly promoted from pay grade E-1, to E-2, to E-3. This generous package of pay and benefits is more than enough to compensate a young man for his service during basic training.

Denying a pay raise to brand new recruits would have even less effect on recruiting and retention than reducing the pay raise from 5.5 to 4 percent. Several studies and surveys conducted for the Army Recruiting Command have consistently shown that the amount of entry-level pay is only a minor consideration in a highly qualified young man's decision to join the military. In fact, many potential recruits grossly underestimate the level of a recruit's pay. Much more important factors are the opportunity for skill training, educational assistance, and, thank goodness, a resurgence in this country today and this national renewal that is taking place today of good old-fashioned patriotism.

Mr. President, my colleagues and I on the Armed Services Committee have worked hard to improve the pay and benefits of our military personnel. In 1982, we fashioned an innovative pay raise that targeted pay raises as high as 17 percent to badly needed senior enlisted personnel. Just last year, the committee and the full Congress authorized a 4-percent military pay raise, even though the administration recommended no pay raise at all. This year, the committee has concluded that substantial savings of more than $800 million can be realized without undermining the progress we have made. Therefore, Mr. President, I urge my colleagues to support the Armed Services Committee's position by opposing Senator COHEN'S amendment and supporting the committee proposal that I point out was passed and supported by the Committee on Armed Services by a wide margin of 13 to 5.

I yield the floor.

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, as the ranking member of the Manpower and Personnel Committee, I support the amendment of my distinguished chairman of that subcommittee, who did an excellent job, in my view, throughout the hearings.

Mr. President, we have been debating all day long the opportunities to save money in a variety of ways. I want first to say that while all of us would like to do more for our military folks, it ought to be observed that what we are doing in this DOD authorization bill is better than we have done for Federal civilian personnel. We are recommending, first of all as a subcommittee and then as a committee, a 4-percent increase in military basic pay. We are also raising to 4 percent the increase for E-1's after the first 4 months of active duty.

Incidentally, Mr. President, there was a very spirited debate in the subcommittee on that matter, and we finally agreed to increase E-1's after the first 4 months of active duty, along with all other military personnel, to a basic 4-percent increase.

Mr. President, there have been a lot of speeches around here today about trying to save money, on both sides of the aisle. It is always popular to talk about saving money, but never very popular to do it. Every subject we talk about is the one that is of the highest priority where we ought not to save any money. I would like to say that this amendment, even though they suggest that it be taken from procurement, will save the Government $716 million if rejected. Three-quarters of a billion dollars will be saved if we vote to reject this amendment and to stick with the subcommittee and the full committee's full report, indicating a 4-percent increase for military personnel.

In the view of the subcommittee chaired by my distinguished friend from Iowa, the committee on which I am a ranking member, and in the full committee, the 4-percent pay raise will still allow the military services to maintain their current momentum in recruiting and retention. If it has not already been said, I might say CBO shares this opinion. CBO has estimated that reducing the fiscal year 1985 pay raise from 5.5 percent to 4 percent would have almost no impact on recruiting and retention.

I suggest to everybody here that will not improve our recruiting and retention policies in the military and will spend, in addition, three-quarters of a million dollars if we adopt this amendment.

Let me say in conclusion that there are very seldom situations in which saving money is popular. I have said that before. We had full hearings in the subcommittee and, after a careful examination of it, the majority voted to stick to the 4-percent increase. That is generous against what we are doing for our civilian employees.

My colleague and friend, the chairman of the subcommittee, has pointed out that this very same question came before the full committee, the Armed Services Committee. In the Armed Services Committee, on a vote of the committee, we rejected this amendment overwhelmingly, 13 to 5. I suggest that this is one of the significant opportunties for all of us to show that we are sincere about doing something to materially reduce Government expenditures.

The rejection of this amendment will save $716 million this year while, at the same time, I urge, being very generous to our military personnel. I urge my colleagues on this side to vote against this amendment.

Mr. KENNEDY. Mr. President, may we have the yeas and nays?

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

The yeas and nays were ordered.

Mr. COHEN. Mr. President, let me offer just a few comments here while there are no other Members on the floor who seek to address this issue.

It has been suggested recently that if you reject this amendment, you save

some $716 million. That is totally incorrect. We have provided for an offset. As a matter of fact, if you take into account the offset, we still are spending $1 billion more under the procurement account than the President even requested. So we have gone over the procurement account even after you take into consideration the reductions we are providing here, a 0.6-percent reduction.

What we have, Mr. President, is the Army recruiting problems appearing on the horizon. They expect a shortfall by the end of 1984. The Department of Defense estimate is a 30,000 careerist drop by 1989. Mel Laird, the former Secretary of Defense, has stated the cost of replacing a soldier. He estimated that $25,000 is saved for each first-termer retained; $60,000 for each second-termer retained; and $125,000 for each third-termer retained. Better we provide the few extra dollars represented by the 5.5-percent increase now than to have to pay a much, much heavier price later.

The offset still provides a billion dollars more than the DOD budget request in May, and it saves the same amount as the Jepsen-Dixon provision.

Mr. President, we have a chance to vote on something that is meritorious, that is substantive, that might be politically attractive if only, in the words of the chairman of the Senate Armed Services Committee, because it is supported by the Department of Defense, supported by the President of the United States. If you want to go on record as being in favor of those who support a strong military capability, you will vote for this amendment.

Mr. President, I yield the floor.

Mr. JEPSEN. Mr. President, I have a few closing comments, at which time, if there is no one else desiring recognition, I shall put in a quorum call. I am advised that the chairman of the Committee on Armed Services will be here forthwith to make a tabling motion.

Mr. President, I suggest that those of us who are standing fast on the proposal as it came out of the committee, the recommendation that was supported by the committee by a wide margin, are no less interested, nor has that been implied here in the welfare or the morale of the men and women of our armed services.

I know every Senator is vitally concerned about the state of readiness, about the morale of the men and women in our armed services. This Senator is a veteran and was an enlisted man and then later returned as a commissioned officer on a Reserve basis, I had a son who was in Vietnam as an enlisted man, and I have a son-in-law who is currently a recruiting sergeant. I am neither unfamiliar, nor unsupportive, nor unsympathetic, nor insensitive to the morale of the men and women in our services.

Mr. President, we have in the services today the highest level of patriotic young men and women we have ever had in our peacetime history. We have $806 million in savings that we would provide in these times which might have to be used in years to come to provide some form of compensation for our volunteer service. But at the present time this has been, after a large number of hearings and after a great deal of research, on a judgment basis carefully arrived and considered to be adequate.

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

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

THE NEED FOR A 5.5-PERCENT MILITARY PAY RAISE

Mr. BIDEN. Mr. President, I am pleased to cosponsor and support this amendment to increase military pay by the full 5.5 percent requested by the administration. This pay hike is needed for fairness to our men and women in uniform and for a full-strength volunteer force.

In the past 2 years, military pay caps have eroded the comparability with civilian wages which is necessary to assure high levels of recruiting and retention. In the short run, there have been few problems, because the depressed state of the economy made military service even more attractive. But in the long run, if we continue to deny military personnel an adequate cost of living pay boost, we will lose tens of thousands of experienced people and we will have increased difficulties luring qualified young people into uniform.

Holding down military pay is a shortsighted policy which makes a return to a draft more likely and which drives talented people out of the services and into less demanding, more remunerative civilian jobs.

Although I disagree with the size and shape of this defense budget, I do agree with Secretary Weinberger that the full 5.5-percent pay raise is absolutely essential. Indeed, it is the Secretary's No. 1 priority.

The $600 million cost of this full and fair pay raise can be accommodated within the Armed Services Committee's bill and even within a much lower total, especially by cutting funds for wasteful and unnecessary programs like the MX missile and B-1 bomber.

Since our defense debates so often focus on hardware, we tend to neglect the fact that people are the backbone of our military strength and preparedness. We need to attract, and keep, the best people in military service. And we must remember that even the most patriotic motivations have to be buttressed by adequate pay and benefits.

In my judgment, Mr. President, approval of this amendment will show that Congress puts people first and that we want to compensate our men and women in uniform fairly for the rigors and sacrifices of military service.

If we delay now, we will find the costs even higher in the future—and so, too, will be the risks to our national security.

Mr. TOWER. Mr. President, let me note that the proponents of this measure are correct when they say that this is a zero sum game so far as budgetary authority is concerned, because the amendment does provide that there will be a six-tenths of 1 percent reduction in procurement accounts to offset the cost of the 1.5-percent increase.

However, what is not noted is the fact that it is a net loss in terms of outlays. If we are worried about the deficit and if we are trying to apply some downpayment on the deficit for fiscal 1985, this is not the way to do it; because procurement has a low rate of spendout, about 14 percent, whereas pay has a higher rate of spendout, about 98 percent. So, actually, it means that you are adding more to the deficit next year with a fast spend-out item.

Those who want to impose restraints on spending to get the deficit down in fiscal 1985 had better vote against this amendment, because it means an escalation of outlays and a reduction in the amount that can be applied to the deficit.

Mr. President, I move to table the amendment of the Senator from Maine——

Mr. COHEN. Mr. President, will the Senator withhold?

Mr. TOWER. I will withhold always to accommodate my dear friend from Maine, but I will not give up the floor.

[Laughter.]

Mr. COHEN. I thank the Senator from Texas.

Let me say to my good friend that no one is more concerned about the size of the deficits than the President of the United States. I think you probably agree with that. You have stated your support for the President on this floor for the past week—and I assume perhaps into the next week. The President of the United States is as concerned and as committed as you are or any other Member of this body to lowering that deficit. No one is more committed to having a strong military capability than is the Senator from Texas or the President of the United States. But the President of the United States has specifically requested this as his No. 1 priority item—the 5.5 across-the-board pay increase.

So if you really want to support the President, who is committed to lowering the deficit, if you want to support the President, who is committed to a strong national defense, you will vote for this amendment and against the Tower tabling motion.

Mr. TOWER. Mr. President, the Senator from Maine, as usual, is enormously eloquent.

The Senator from Texas fundamentally supports this administration in all major policy matters. That does not mean that he is bound to agree with every recommendation and request made by the administration.

Mr. COHEN. Just the No. 1 recommendation.

Mr. TOWER. I believe the Senator from Texas has the floor.

Quite frankly, I do not really believe that the administration regards this 1.5-percent increase over what the committee authorized as a number one priority.

Mr. COHEN. If the Senator will yield——

Mr. TOWER. I believe the Senator from Texas has the floor.

Mr. COHEN. I should like to submit for the RECORD——

Mr. TOWER. The Senator from Texas has the floor, and the Senator has not yielded.

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

Mr. TOWER. I might further note that the Armed Services Committee reserves the right, when confronted with the necessity of reducing defense spending, even after having taken the testimony of the Department of Defense as to its recommendations as to where these reductions should come from, to make its own judgments.

In this particular instance, considering the fact that an additional 1.5 percent after taxes does not mean all that much to the average military person, it would not provide that much of an additional incentive.

May I note that the Armed Services Committee has always taken initiatives in pay raises. Back in 1980, we took an enormous initiative, and, absent the administration recommendation, increased pay substantially. That put us on the road to better recruitment and better retention.

However, it was the judgment of the committee—an overwhelming judgment, I might add—that this is not necessary and would not accrue that much in benefit to the service personnel.

I submit that providing them with modern weapons that make them more combat effective and more survivable in combat is also very great in importance. There are some who say, "Let us pay the soldiers everything. Let us raise their pay constantly. But let us not give them any weapons to fight with, because that is a destabilizer." The Senator from Texas does not subscribe to that view.

The Senator from Texas, therefore, moves to table the amendment of the Senator from Maine, and I ask for the yeas and nays.

Mr. COHEN. Mr. President, will the Senator withhold, so that I may put this in the RECORD?

Mr. TOWER. I yield for that purpose.

Mr. COHEN. Mr. President, I ask unanimous consent to have printed in the RECORD the letter of the Secretary of Defense, dated May 23, so that the Members will understand that, if they vote against this amendment, they are rejecting the Secretary of Defense and the President of the United States.

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

THE SECRETARY OF DEFENSE,
Washington, DC, May 23, 1984.

Hon. JOHN G. TOWER,
Chairman, Armed Services Committee,
U.S. Senate, Washington, DC.

DEAR JOHN: On May 14 I sent you a letter containing a list of the most important items should be restored from the House Armed Services Committee (HASC) markup of the fiscal year 1985 Defense Authorization Act. The number one item on that list was the military pay raise. I believe that it is absolutely essential that military personnel receive the 5.5 percent pay raise that we are seeking. Military pay raises have been capped at 4 percent for the past two years. We are already 5.5 percent behind private sector pay, and the 5.1 percent growth in private sector pay over the last year would broaden the gap. The 5.5 percent pay raise would match this growth provide a small incremental catch-up from where we are today.

The severe recruiting and retention problems of the late 1970s are a graphic reminder of what happens when military pay lags far behind private sector pay. A third consecutive military pay raise cap will start us down that road again. For example, the 3.5 percent raise proposed by the HASC, by our estimates, would result in up to 30,000 fewer careerists by fiscal year 1989 without a make-up.

This Administration, from the President on down, is committed to preventing a repeat of that mistake. I urge you to support our efforts to pay our military personnel at fair and competitive levels by increasing military pay by 5.5 percent in fiscal year 1985.

Sincerely,

CAP.

Mr. TOWER. Mr. President, I renew my 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. The question is on agreeing to the motion to table the amendment of the Senator from Maine. 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 announce that the Senator from North Dakota [Mr. ANDREWS] and the Senator from Illinois [Mr. PERCY] are necessarily absent.

Mr. CRANSTON, announced that the Senator from Texas [Mr. BENTSEN], the Senator from Missouri [Mr. EAGLETON], the Senator from Colorado [Mr. HART], and the Senator from Mississippi [Mr. STENNIS] are necessarily absent.

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

The result was announced—yeas 49, nays 45, as follows:

[Rollcall Vote No. 133 Leg.]

YEAS—49

Abdnor	Hecht	Quayle
Boren	Heflin	Roth
Boschwitz	Heinz	Rudman
Burdick	Helms	Simpson
Chafee	Humphrey	Specter
Chiles	Jepsen	Stafford
Cochran	Johnston	Stevens
Danforth	Kassebaum	Symms
Dixon	Laxalt	Tower
Durenberger	Lugar	Trible
East	Mathias	Wallop
Evans	Mattingly	Warner
Exon	McClure	Weicker
Garn	Murkowski	Wilson
Goldwater	Nickles	Zorinsky
Gorton	Nunn	
Grassley	Packwood	

NAYS—45

Armstrong	Domenici	Matsunaga
Baker	Ford	Melcher
Baucus	Glenn	Metzenbaum
Biden	Hatch	Mitchell
Bingaman	Hatfield	Moynihan
Bradley	Hawkins	Pell
Bumpers	Hollings	Pressler
Byrd	Huddleston	Proxmire
Cohen	Inouye	Pryor
Cranston	Kasten	Randolph
D'Amato	Kennedy	Riegle
DeConcini	Lautenberg	Sarbanes
Denton	Leahy	Sasser
Dodd	Levin	Thurmond
Dole	Long	Tsongas

NOT VOTING—6

Andrews	Eagleton	Percy
Bentsen	Hart	Stennis

So the motion to lay on the table was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I would like now to inquire of the distinguished chairman and ranking member as to their outlook for the progress of this bill this evening and tomorrow.

May I inquire first of the chairman, is there another amendment that will require a rollcall, or perhaps more than one amendment, that the Senator thinks we can deal with this evening?

Mr. TOWER. We expect one, perhaps two more.

Mr. BAKER. Mr. President, let me also ask the managers whether or not

there is any possibility that we can finish this bill this evening?

Mr. TOWER. I think it is becoming increasingly apparent that we will not.

ORDER FOR RECESS UNTIL 10 A.M.

Mr. BAKER. I regret that, Mr. President, but I agree with the Senator. And after consulting with the chairman, the ranking member, and the minority leader I think it was clear that while we have invested a lot of time and late hours on this bill that we are not going to finish it tonight. We will continue, however. As the chairman has suggested, we have another vote or two that we can do. So we will be here a little while longer. But we must also be here tomorrow.

So, Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 10 o'clock a.m. on tomorrow.

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

Mr. BAKER. Mr. President, I would like to bring up one other subject as well. I know we will work as long and as hard as we can. But would it be possible for the managers on either side when we reach the end of our rope tonight to lay down an amendment that would be pending when we return in the morning?

Mr. TOWER. I think I can assure the majority leader that that can be done; one on which a rollcall vote will be required.

Mr. BAKER. I thank the Senator. I can assure Senators then that there will be votes tomorrow. It may be that tomorrow will not be a long day. We are going to work as long as we possibly can. But Senators should know that there will be votes on this bill during the day tomorrow. Beyond that, Mr. President, I would like to also suggest that we may have reached the place in consideration of this measure where maybe we ought to explore the possibility at least trying to do what we have done successfully in many other cases; that is, to identify the amendments that remain, perhaps to try to clear unanimous consent agreement that only listed amendments would be in order, and then to try to establish a time certain for final passage of this measure.

Could I inquire of the minority leader if he has any views on that subject at this time.

Mr. BYRD. Mr. President, I cannot clear a time certain for final passage. I cannot clear that tonight. I would be happy to work toward that end tomorrow morning, and then confer with the distinguished majority leader as to what we find. That is about the only answer I can give the majority leader.

Mr. BAKER. Very well. Mr. President, I thank the minority leader, and I am especially grateful to him for volunteering that tomorrow he would explore that possibility as I understood his statement. I will do the same through our clearance process on this side. Senators should know then that it is possible that tomorrow during the day the leadership on their side might seek a unanimous-consent agreement for a time certain to finish this bill. Nor could I clear such an agreement tonight. So I will not presume to make such a request now. But let me say to Senators who are here, and who may be listening, that it is imperative that we finish this bill. I am advised by the two managers—and I believe they are together on this point—that for a variety of reasons it is virtually essential that we finish this bill some time on Tuesday. We have got to get the authorization done before the appropriation bills are marked up. In order to leave staff time enough to perform their functions, and meet the schedule, it is almost essential that we finish this bill on Tuesday.

So let me say one other thing. I hope Senators will cooperate on this side—as we will request clearance for a time certain to finish this bill, I would imagine on Tuesday at some time—by limiting their amendments, and limiting time on amendments so that we can make it fit in the available time.

Let me also say something that I never liked to say; that is, I fully expect that, if we need to do it, we will be in around the clock on Monday, Monday night, and Tuesday in order to finish. I have discussed this matter at length with the two managers. They have agreed that since we cannot finish tonight it would not be productive to try to stay in all night tonight, and tomorrow, but rather to do the best we can; and, while we are doing it, to explore the possibility of a unanimous-consent agreement for a time certain to finish on Tuesday during the day, or during the evening.

Mr. NUNN. Would the majority leader yield for just a brief comment that I would hope might facilitate the schedule that the majority leader has laid out? If we could make use of Monday morning, if Senators who know they are going to be here on Monday morning who have amendments—and some of those amendments do not require rollcall votes, but even on those that do—if we could get debate on those amendments starting rather early Monday morning, then we might be able to avoid an all-night session Monday night. I think we could utilize that time very well. If there is a rollcall vote that is demanded, or there is a rollcall vote that is needed, we could have the debate on Monday morning. Then, if Senators are worried about not having a full attendance for the rollcall, we could have a delayed rollcall that afternoon.

ORDER FOR RECESS UNTIL MONDAY, JUNE 18, 1984, AT 10 A.M.

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

I agree wholeheartedly with him. I would be willing if the two managers think it is useful, and the minority leader does not disagree, to bring us in at an unusually early hour on Monday, say, at 10 o'clock. We usually do not come in until 11, get on the bill until 12, and the like. But I agree. If we can decrease the likelihood that we will have to stay up all night Monday night, we ought to do that. So let me put another unanimous-consent request now. I ask unanimous consent, Mr. President, that when the Senate completes its business on tomorrow that the Senate stand in recess until the hour of 10 o'clock on Monday next.

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

Mr. BAKER. Mr. President, I would propose another unanimous-consent request later after we explore the requirement of the time for special orders, and the like; that we might be on this bill early Monday morning, say at 10:30 or thereabouts. But I will not put that request at this time.

Mr. BYRD. Mr. President, if the majority leader will yield.

Mr. BAKER. Mr. President, I am happy to yield the floor.

Mr. BYRD. I thank the majority leader. I would like to ask that I be present before any consent order is entered as to time on any amendment. I do not particularly intend to oppose but I want to be here. That is made because there is a danger, if we are not careful, that nongermane amendments can come in before a vote on an amendment when the time is laid out. Nongermane amendment will not be debatable. It will have to be voted on one way or the other before the vote occurs on the amendment. I just want to be here to protect against any such amendments. I will be in my office. I may not have the squawk box on. But I want to be sure that I am contacted before such an agreement is entered.

Mr. BAKER. Mr. President, I think the minority leader knows that I will consult with him before any such an agreement is entered into. I am sure the two managers will do as much. The minority leader is absolutely right. There are dangers that have not always been recognized, and that we have not always acknowledged, of this sort. But there are ways to protect ourselves. I will join with the minority leader in seeing that the order means what it says, and does what we intend. So from that standpoint, I join him in urging that the two managers, as I am sure they would in any event, would not put requests in respect to time limitations on amendments or the bill unless the two leaders are conferred with first.

Mr. TOWER. Mr. President, would the majority leader yield?

Mr. BAKER. I yield.

Mr. TOWER. Mr. President, I must say the Senator from Texas was remiss in that respect a day or two ago. I did propound a time agreement on an amendment of 1 hour without consulting the minority leader.

I am not sure I consulted the majority leader, as a matter of fact. I was remiss. I apologize for that. I think the Senator from West Virginia is absolutely right, that he should be present and should be consulted. I will endeavor so to do.

Mr. BYRD. I thank the Senator.

Mr. BAKER. Mr. President, if I may conclude by summarizing, I expect we will have at least one more vote tonight. We will probably be here another hour or thereabouts. There is an order for the Senate to be in at 10 o'clock tomorrow. We have an amendment on which there will be a vote when we return. I hope we can be on the bill early, say, at 10:30. We will do as much as we can tomorrow, though it is unlikely we will finish tomorrow.

We will resume Monday. We will shop for a unanimous-consent agreement to limit amendments to those listed, and for a time certain for final passage on Tuesday. If necessary, we will be in around the clock on Monday and Tuesday in order to finish this bill.

Mr. President, I hope that we might proceed with the further consideration of the amendment.

The PRESIDING OFFICER. The Senator from Wisconsin.

AMENDMENT NO. 3183

Mr. PROXMIRE. Mr. President, I ask that my amendment which is at the desk numbered 3183 be called up and read, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. PROXMIRE] proposes an amendment numbered 3183.

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

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

The amendment is as follows:

On page 41, strike out lines 1 through 20. Renumber the following sections accordingly.

Mr. PROXMIRE. Mr. President, I would accommodate the manager of the bill. I am willing to agree to a time limit of 20 minutes on the side.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. TOWER. Mr. President, I ask unanimous consent that the time on the amendment proposed by the Senator from Wisconsin be limited to 40 minutes, equally divided between the Senator from Wisconsin and the Senator from Arizona, and I further ask unanimous consent that no amendments in the second degree be in order to the amendment.

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

The Senator from Wisconsin.

A PAMPERED FEW

Mr. PROXMIRE. Mr. President, there is a national security crisis at hand. I am speaking now of a subject that demands a full page of language in this fiscal year 1985 Defense authorization bill. I have reference to a subject to which more language is addressed than for antisatellite warhead testing; to which more attention is paid than restrictions on the B-1 bomber program or a study of the MX missile.

This bill before us authorizes the end strength of all our active military forces in exactly seven lines of language. But it requires 20 lines of explanation for this national security subject.

What is this high priority national security issue that requires our attention? What subject is it that has the Pentagon hierarchy in such a state of alarm that they must seek immediate redress in statutory language?

Have the Russians invented and deployed a new space based ABM? Have they developed a new submarine of greatly improved capabilities? Are we falling behind in the comparative statistics of relative defense spending? Why are the Pentagon "lobbyists" so concerned over this Proxmire amendment?

Ah, Mr. President, what we have here is an issue that strikes close to home—very close to home. This No. 1 legislative priority is no less than a change in the permanent United States Code to authorize home-to-work chauffeured services for the Pentagon hierarchy. Specifically, this bill will create a special exemption in the law, applying only to the Pentagon, so that the Joint Chiefs of Staff, the Deputy Secretary of Defense, and the Under Secretaries of Defense can be chauffeured to and from home every day at a cost to the taxpayers of hundreds of thousands of dollars annually.

These poor, pampered Pentagon plutocrats are facing a threat worse than anything presented in the national security threat briefings. They are facing a deadline applied by the Comptroller General of the United States that they will have to give up their chauffeured services as of the first day of the 99th Congress.

Why will they have to give up this privileged position in life? Because they are in violation of the law—right now, today. The Comptroller General issued an opinion last year stating that all agencies must follow the law—including DOD. And the law states that only a handful of Federal officials are specifically given the authority to enjoy home to work chauffeuring.

Title 31, section 638(a) of the United States Code restricts the use of Government automobiles to "official purposes" only and "official purposes" does not include door-to-door chauffeur service. The only exceptions provided in the law are for the President, the Secretary of a Department, but not under secretaries or assistant secretaries, a doctor on outpatient duty, individuals in field service, and our diplomatic personnel abroad.

So very soon, all those who have been violating the law, including many in the Pentagon, will have to come in compliance. That is why this special exemption is contained in this bill. The Pentagon hierarchy just could not stand the thought of giving up their special privileges.

Let us listen a minute to their wails of complaint. Excuse No. 1: A chauffeured automobile enables me to conserve my valuable time and be more productive.

Excuse No. 2: I must often attend early morning and late night meetings and public transit is often unavailable.

Excuse No. 3: My use of a chauffeured automobile is in the Government's interest.

Well, each of these excuses has been examined in detail by the Department of Justice. In a 1979 opinion, the Justice Department found each of these excuses invalid. The Department concluded: "Nothing in (the law's) text, background, or prior interpretation supports a reading so contrary to its plain meaning."

This study even made a few suggestions to the poor, overworked bureaucrat needing chauffeur service:

A senior official may lengthen his or her working day, if necessary, by coming earlier, leaving later and living closer to the office. Using government transportation instead is a matter of personal convenience.

And what does this all cost? Right now the Department of Defense gives door-to-door chauffeured service on a regular basis to 12 people, the Secretary of Defense, the Deputy Secretary of Defense, the two Under Secretaries of Defense, the Secretaries of the Army, Navy, and Air Force; and the Joint Chiefs. The Pentagon also gives chauffered service to some 48 other officials on a less frequent basis.

With a total of 60 individuals eligible, the Pentagon runs the biggest and busiest chauffeur service in Government. In 1982 the Pentagon calculated that the average cost for a civilian

chauffeur was $35,290 and $15,980 for a military driver. The average annual cost for the cars is over $4,000. So, this little provision in this bill will cost the taxpayers in the neighborhood of $320,000 if civilians are used and about half that if military personnel are used.

Mr. President, people may scoff at that amount of money. But it is a symbol and it is the kind of spending that our people will understand.

Believe me, they understand it in Wisconsin, just as they understand when the Pentagon pays $10 for a bolt that should cost 50 cents.

This is the kind of thing, as we all know, that people do understand, and it enrages us.

Of course, I have not added inflation to these figures or any real growth increment which the Pentagon always insists on.

Mr. President, I recognize that this is as much a symbolic amendment as a financial—although I will not dismiss a third of a million dollars as an unworthy savings. But what we have here is the appearance of "let them eat cake." While virtually every other segment of our society faces budget cuts or restrictions, the Pentagon brass leads a different life—exempt from the need to economize; exempt from budget cuts; exempt from current law.

This double standard should be brought to a halt. My amendment strikes the committee language and thereby disallows the chauffeured driven service for these eight officials.

Mr. President, I reserve the remainder of my time.

Mr. GOLDWATER. Mr. President, I rise to oppose this amendment. 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. GOLDWATER. Mr. President, I usually find myself in concert with the Senator from Wisconsin in trying to cut down the cost of Government, but I think this is a rather foolish way to approach it. Let me start off my dissertation by reminding the Senate that we lease 19 vehicles and own 4 and they are used as follows:

Vice President BUSH, chauffeurs.

Dr. Cary.

Larry Smith, the Sergeant at Arms, he has a chauffeur but does not use him.

Don Massey, Assistant Sergeant at Arms.

Pat Griffin, secretary to the minority.

Howard Greene.

Bill Hildenbrand.

Stuart Balderson, the financial clerk of the Senate.

The majority leader, chauffeur.

The minority leader, chauffeur.

Majority whip, chauffeur.

Minority whip, does not use automobile much at all and does not use a chauffeur.

President pro tem, chauffeur.

Limousine for Senators with chauffeur.

Disbursing office.

Three cars used by the post office for use in running mail.

One car is used by the Senate Computer Center.

One Blazer, owned by the Senate.

One step van, owned by the Senate.

One club wagon which is used by the Senate Service Department, owned by the Senate.

One 1979 general delivery truck, owned by the Senate.

DOMICILE TO DUTY TRANSPORTATION

Mr. GOLDWATER. Mr. President, title 31, United States Code, section 1344 restricts the expenditure of funds for motor vehicle transportation to official purposes and specifically provides that an official purpose does not include "transporting officers or employees of the Government between their domiciles and places of employment * * *" except for the following named individuals, the President; the heads of executive departments; and principal diplomatic and consulate officials.

Interpretations of this statutory language by DOD General Counsel and State Department Legal Adviser held that the phrase "heads of executive departments" was synonymous with "principal officers of executive departments." This interpretation was relied upon to allow domicile to duty transportation for Deputy Secretary of Defense, Under Secretaries of Defense, Chairman of the Joint Chiefs of Staff, and the Chiefs of Staff.

That has been changed, Mr. President.

In a decision issued on June 3, 1983, the Comptroller General rejected the prior State and DOD interpretations and held that no one other than the Secretary of Defense and the Secretaries of the Army, Navy, and Air Force could be permitted domicile to duty transportation.

In the decision and in subsequent correspondence with DOD General Counsel, the GAO agreed not to question continued use of vehicles for domicile to duty transportation for the Deputy Secretary of Defense and the Joint Chiefs for the remaining term of the present Congress.

Mr. President, this was discussed rather thoroughly in the full committee hearing and the committee believed that it is appropriate to permit the use of Government vehicles to provide domicile to duty transportation to certain officals in the Department of Defense in addition to those authorized that transportation under title 31, United States Code, section 1344. Therefore, the committee has included a provision to authorize the providing of domicile to duty transportation for the following defense officials: Deputy Secretary of Defense; Under Secretaries of Defense; Chairman, Joint Chiefs of Staff; Chief of Staff of the Army; Chief of Naval Operations; Chief of Staff of the Air Force; and Commandant of the Marine Corps.

Mr. President, let me remind my colleagues that these gentlemen I have mentined spend almost 10,000 hours a year on this Hill testifying. If we could eliminate half of that, we would more than pay for the cost of these automobiles. Each of these officials, I remind my colleagues, is entrusted with tremendous executive responsibility for out national defense, and each official must be able to exercise the duties of his office at a moment's notice at any time day or night. The American people have the right to expect that when a member of the Joint Chiefs should be making a military decision that he is available to do so, instead of sitting in traffic on the highway while driving himself home from the Pentagon.

Mr. President, I think this is sort of being penny-wise and pound-foolish when we ourselves in this body own or lease 23 vehicles and at least seven or eight officers of the Senate have drivers. I admit that some do not use the drivers. But if we want to save money where it can be really saved, let us eliminate all the transportation for the Senate. I drive to work. I have been doing it for 30 years. I think it would be nice to have a chauffeur, but I kind of like driving along that Potomac. It is a beautiful drive at night.

Mr. President, I oppose this amendment. I do not think it is necessary and I think it would work a real hardship on those people that we depend on.

We are not depending on a bunch of corporals and sergeant here, we are depending on men who are going to spend this $299 billion we are talking about. That is one big responsibility.

To have these men who have to work from 7 o'clock in the morning until late at night then have to drive themselves home and be available at any time of the night to traipse back to their office, or to come over here for committee meetings, I just do not think is right.

Mr. President, I reserve the remainder of my time, but I do oppose this and very strenuously.

Mr. DENTON and Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. GOLDWATER. How long does the Senator want?

Mr. DENTON. Three minutes.

Mr. WARNER. Two minutes.

Mr. CHAFEE. Two minutes.

Mr. GOLDWATER. I yield to each.

Mr. DENTON. Mr. President, in my great respect for the Senator from Wisconsin and his long efforts to economize, I appeal to him on this basis: Is he aware that in the case of the chairman of the Joint Chiefs and the chiefs of the military services, the Nation requires, by necessity and by administrative procedure, that each of those gentlemen be within 3 minutes of communication with the Pentagon in connection with their transcendent responsibilities with respect to the discussion of the SIOP?

I am not interested in appealing on the basis of the civilian involved, that the Secretary of Defense is the principal one involved, although I would make a case for the deputy, since he falls in the chain of the chairman, the Secretary and the President. Here we are talking about four service chiefs and a chairman who are involved with decisions on what to do about pushing the button, what to do about major decisions which involve the safety of the world and the security of the United States. I do not think that the Senator would intend that they be without the capability to respond to that necessity of 3 minutes' communication. Actually, I think that is too long a time.

I ask the Senator, before I oppose his amendment, if he would consider excluding the four military men, the service chiefs, and the chairman from his amendment?

Mr. PROXMIRE. Mr. President, I must resist that, may I say to my good friend, they can physically respond now. They can use the very, very large number of cars the Pentagon has on official business day and night, any time. They are always in communication.

Mr. DENTON. With telephones?

Mr. PROXMIRE. Certainly. They can have telephones, or radio, or other communication equipment in their own car. Thousands of Americans do. Nothing in my amendment would affect that.

Mr. DENTON. With telephones which would permit them to conform to the law, the necessity of communicating with SIOPS?

Mr. PROXMIRE. I am not sure I understand the Senator's position. They can have communication equipment with them constantly at all times. That does not require chauffeurs or Government-provided limousines.

Mr. DENTON. If they have to drive their own automobiles, they are not. That is the only basis on which I deal with it. If he does not, I simply am going to oppose his amendment.

May I offer this, Mr. President? There is a duty officer now among the four Chiefs who acts in place of the chairman and Joint Chiefs. They are now assigned on the basis of quarterly assignments. Right now, P.X. Kelley, Commandant of the Marine Corps, is acting for the chairman.

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

Mr. DENTON. I am asking a question now, Mr. President, I am not making a speech.

Mr. GOLDWATER. Mr. President, we have two former Secretaries of the Navy here, I think it would be well to hear from both of those. I yield to my friend, the Senator from Virginia [Mr. WARNER].

[The following proceedings occurred after midnight:]

Mr. WARNER. Mr. President, I thank my distinguished colleague from Arizona.

Mr. President, it was a privilege for me to serve for many years as the deputy to my distinguished colleague from Rhode Island, and between the two of us we have I think 10 years of service in the Department of Defense. We worked side by side with the very men who are the subject of the amendment we are now considering. Without going into the specifics, I hope that the Members of the Senate would entrust and repose in us to say, without giving the details, that this amendment is unsound and it should be rejected.

I yield to my distinguished colleague.

Mr. CHAFEE. I second what the distinguished Senator from Virginia said, and I think we should get on with it.

Mr. GOLDWATER. Mr. President, I have no more argument. I would be very glad to yield back the remainder of my time.

Mr. PROXMIRE. Mr. President, I will be finished shortly. I only have 2 or 3 minutes more.

Mr. GOLDWATER. Then I will reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. PROXMIRE. Mr. President, the Senator from Alabama makes a very good point. I understand that. But the fact is that these officers are constantly in touch, in communication, and this does not require them to have a chauffeur to drive them to and from work regularly every night. In fact the chauffeur drops them off at home at 7 or 8 at night and picks them up in the morning. The chauffeur doesn't sleep in the limousine. He goes home. If an emergency should occur in the middle of the night, the general or Under Secretary could come back to work far more quickly in his own car without waiting for the chauffeur.

Mr. President, I think what we should keep in mind is that these chauffeurs and limousines have been badly abused in our Government.

A couple of years ago the head of the Veterans' Administration was a man named Max Cleland. The head of the Veterans' Administration had been permitted to have limousines in the past. Max Cleland rejected his limousine, although he was a man who had lost both his legs and his arm in Vietnam, falling on a grenade to save his comrades. It was very difficult and painful for him to drive his car, but he did it. It seems to me, if the head of the Veterans' Administration, representing veterans from all over the country, can make that kind of a sacrifice, able-bodied men, including the top generals of our military forces, top generals and admirals should be able to get along without being carried from home to work and back every day by a limousine, and a chauffeur at a cost of thousands of dollars.

This is the kind of expenditure that our people can really understand. Providing chauffeurs every day to take these people from home to work, as has been pointed out by the General Accounting Office, is a clear violation of the law. The only way they could be accommodated is by 20 lines of exceptions in the law. I hope under these circumstances the Senate will see its way fit to deny this wasteful expenditure.

Mr. NUNN. Will the Senator from Wisconsin yield for a question?

Mr. PROXMIRE. Yes, indeed.

Mr. NUNN. Will the Senator consider a possible compromise of leaving the bill as it is with the military representatives who are in the chain of command and who would, I think, regret if they were stuck in a traffic jam on Shirley Highway when a war broke out and could not be found. Will the Senator accept that?

Mr. PROXMIRE. Will the Senator specify which he is talking about?

Mr. NUNN. It would be the service chiefs and the chairman of the Joint Chiefs.

I am just suggesting we eliminate the three civilians; they are not in the chain of command, and have a compromise and take the services and leave them where they are.

Mr. PROXMIRE. All right, I will be happy to modify my amendment.

Mr. NUNN. I am just suggesting that.

Mr. DENTON. Mr. President, the Senator from Arizona has yielded his time to me. I am agreeable with that. I am interested not in who gets what luxury. I am willing to eliminate that. We are talking about operational exigencies of transcendent importance. If they drive their private automobiles, you should not require them to buy a telephone. That is the only way they are going to be able to communicate.

Mr. PROXMIRE. No. No. The Federal Government can and should buy them a phone, a radio, whatever they require for emergency communications. But, Mr. President, there is a technical problem. Unless the Senator from Arizona would agree to a unani-

mous-consent request to modify my amendment, I cannot do it.

Mr. TOWER. Mr. President, I object to the modification.

Mr. GOLDWATER. Mr. President, we discussed this in the committee at great length. It has been a long time changing, and we decided to change it. I see no reason for us changing any of this language unless we also want to change the 23 cars the Senate drives around, and God knows how many the House drives around.

I might remind my friend from Wisconsin that most of these commanders live just a short distance from the Pentagon. It is not a case of driving all over Virginia and Washington.

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

The PRESIDING OFFICER (Mr. MATTINGLY). Does the Senator from Wisconsin yield back his time?

Mr. GOLDWATER. Mr. President, I yield 1 minute to my freind from Texas.

Mr. TOWER. Mr. President, I think this amendment is outrageous. It is one of these mischievous things that perhaps sounds good. I suppose a lot of people would think, "Well, I have to drive to work. Why shouldn't that dad-burned admiral have to drive to work."

That is hardly the point. This is one of these demagoguing amendments, in my view. It perhaps was not intended that way by the Senator from Wisconsin, but in my view that is what it is. I drive to work, and I am delighted to drive to work. However, I believe that the Chief of Naval Operations, the Chief of Staff of the Army, the Chief of Staff of the Air Force, and certainly the chairman of the Joint Chiefs ought to have available to them Government vehicles.

The amendment of the Senator from Wisconsin would prohibit them even using a Government vehicle if they drove it themselves from home to work. I think that is taking it too far. I hope the Senate will treat this amendment with the kind of deference it deserves by walloping it good.

The PRESIDING OFFICER. Who yields time?

Mr. GOLDWATER. I yield back the remainder of my time, if my friend from Wisconsin does.

Mr. PROXMIRE. Mr. President, I yield back the remainder of my time, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. TOWER. Mr. President, I move to table the amendment of the Senator from Wisconsin, and I ask for the yeas and nays.

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

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment of the Senator from Wisconsin.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from North Dakota [Mr. ANDREWS], the Senator from Nevada [Mr. LAXALT], the Senator from Oregon [Mr. PACKWOOD], and the Senator from Illinois [Mr. PERCY] are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Texas [Mr. BENTSEN], the Senator from Colorado [Mr. HATCH], the Senator from Hawaii [Mr. INOUYE], the Senator from New York [Mr. MOYNIHAN], and the Senator from Mississippi [Mr. STENNIS] are necessarily absent.

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

The result was announced—yeas 85, nays 6, as follows:

[Rollcall Vote No. 134 Leg.]

YEAS—85

Abdnor	Garn	Mitchell
Armstrong	Glenn	Murkowski
Baker	Goldwater	Nickles
Baucus	Gorton	Nunn
Biden	Grassley	Pell
Bingaman	Hatch	Pressler
Boren	Hatfield	Pryor
Boschwitz	Hawkins	Quayle
Bumpers	Hecht	Randolph
Burdick	Heflin	Riegle
Byrd	Heinz	Roth
Chafee	Helms	Rudman
Chiles	Hollings	Sarbanes
Cochran	Huddleston	Sasser
Cohen	Humphrey	Specter
Cranston	Jepsen	Stafford
D'Amato	Johnston	Stevens
Danforth	Kassebaum	Symms
Denton	Kennedy	Thurmond
Dixon	Leahy	Tower
Dodd	Levin	Trible
Dole	Long	Tsongas
Domenici	Lugar	Wallop
Durenberger	Mathias	Warner
Eagleton	Matsunaga	Weicker
East	Mattingly	Wilson
Evans	McClure	Zorinsky
Exon	Melcher	
Ford	Metzenbaum	

NAYS—6

Bradley	Kasten	Proxmire
DeConcini	Lautenberg	Simpson

NOT VOTING—9

Andrews	Inouye	Packwood
Bentsen	Laxalt	Percy
Hart	Moynihan	Stennis

So the motion to lay on the table Mr. PROXMIRE's amendment (No. 3183) was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

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

The motion to lay on the table was agreed to.

Mr. TOWER. Mr. President, we have some amendments that can be rapidly disposed of and then I believe it is the intention of the Senator from West Virginia to lay before the Senate an amendment which will become the pending business for action tomorrow morning on which there will be a rollcall vote.

Mr. President, on June 8 the Senator from West Virginia proposed an amendment establishing Competition Advocates General. The Senator from Indiana [Mr. QUAYLE] recommended two modifications to that provision which the Senator from West Virginia graciously accepted. One of these modifications established two tests by which an agency may waive submission of a noncompetitive procurement to the Competition Advocate General—in the case of a highly classified program or for reasons of extreme emergency. Reviewing the record of June 8, it has come to my attention that it is not clear whether these two tests must both be met or whether either can be met for the waiver to be issued. It was clearly the intention of the Senators from Indiana, West Virginia, and Michigan, who were involved in this matter, that the tests were separate and that if either test were met, the waiver could be obtained. Therefore, Mr. President, I ask unanimous consent that subsection (c)(3) of amendment No. 3164, as modified, be further modified to insert after the semicolon at the end of subsection (c)(3)(a) the word "or." This will have the effect of making either test a satisfactory basis for the issuance of a waiver.

Mr. BYRD. Mr. President, reserving the right to object.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BYRD. Mr. President, I remove my reservation.

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

AMENDMENT NO. 3213

(Purpose: To correct clerical errors in title 10, United States Code)

Mr. TOWER. Mr. President, I send an amendment to the desk and ask for its immediate consideration. This amendment corrects clerical errors in title 10, United States Code.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. TOWER] proposes an amendment numbered 3213.

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

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

The amendment is as follows:

On page 146, between lines 7 and 8, insert the following new part:

PART K—CLERICAL AMENDMENTS TO TITLE 10, UNITED STATES CODE

AMENDMENTS TO CORRECT CLERICAL ERRORS IN TITLE 10, UNITED STATES CODE

SEC. 1201. Title 10, United States Code, is amended as follows:

(1) Section 125(a) is amended by striking out "section 401 of title 50" and inserting in lieu thereof "section 2 of the National Security Act of 1947 (50 U.S.C. 401)".

(2) Section 138(g) is amended by inserting "(22 U.S.C. 2795 et seq.)" after "Chapter 5 of the Arms Export Control Act".

(3) Section 139 is amended—

(A) by striking out "thirty" both places it appears and inserting in lieu thereof "30"; and

(B) by striking out "ninety" and inserting in lieu thereof "90".

(4) Section 175(c) is amended by inserting a comma after "Reserve Affairs".

(5) Section 177(a)(1) is amended by striking out "sec. 29-1001" and inserting in lieu thereof "sec. 29-501".

(6) Section 191(a) is amended by striking out "such use in" and inserting in lieu thereof "such use is".

(7)(A) Section 264 is amended by striking out "Reserve components" in subsection (b) and inserting in lieu thereof "reserve components".

(B) The heading of such section is amended to read as follows:

"§ 264. Reserve affairs: designation of general or flag officer of each armed force; personnel and logistic support for Reserves".

(C) The item relating to such section in the table of sections at the beginning of chapter 11 is amended to read as follows:

"264. Reserve affairs: designation of general or flag officer of each armed force; personnel and logistic support for Reserves.".

(8) Section 280 is amended by striking out "5597,".

(9) Section 374(a)(3) is amended by striking out "(19 U.S.C. 1202)".

(10) Section 378 is amended by striking out "prior to the enactment of this chapter" and inserting in lieu thereof "before December 1, 1981".

(11) Section 630(2) is amended by striking out "eighteen-month" and inserting in lieu thereof "18-month".

(12) Section 633 is amended by striking out "twenty-eight" and inserting in lieu thereof "28".

(13) Sections 634 and 635 are amended by striking out "thirty" and inserting in lieu thereof "30".

(14) Section 636 is amended by striking out "thirty-five" and inserting in lieu thereof "35".

(15) Section 637(a) is amended—

(A) by striking out "twenty" in paragraph (2) and inserting in lieu thereof "20"; and

(B) by striking out "twenty-four" in paragraph (3) and inserting in lieu thereof "24".

(16) Section 673c(b)(1) is amended by inserting "of this title" after "or 673b".

(17) Section 680(a)(2)(D) is amended by striking out "Reserve Officer" and inserting in lieu thereof "reserve officer".

(18) Section 701(g) is amended—

(A) by striking out "sixty-day" and inserting in lieu thereof "60-day";

(B) by striking out "ninety-day" and inserting in lieu thereof "90-day"; and

(C) by striking out "one hundred and fifty" both places it appears and inserting in lieu thereof "150".

(19)(A) Section 1034 is amended by striking out "member of Congress" and inserting in lieu thereof "Member of Congress".

(B)(i) The heading of such section is amended to read as follows:

"§ 1034. Communicating with a Member of Congress".

(ii) The item relating to such section in the table of sections at the beginning of chapter 53 is amended to read as follows:

"1034. Communicating with a Member of Congress.".

(20) Section 1035(b) is amended—

(A) by striking out "per centum" and inserting in lieu theeof "percent";

(B) by striking out "Act" and inserting in lieu thereof "subsection"; and

(C) by striking out "ninety" and inserting in lieu thereof "90".

(21) Section 1040(a) is amended by striking out "thirty" and inserting in lieu thereof "30".

(22) The heading of section 1077 is amended by striking out the semicolon and inserting in lieu thereof a colon.

(23) Sectioin 1079(e) is amended by striking out the period at the end of the matter preceding clause (1) and inserting in lieu thereof "as follows:".

(24) Section 1087(b)(2) is amended by inserting "(42 U.S.C. 1395c et seq.)" after "the Social Security Act".

(25) Section 1216(b) is amended by striking out "of this section".

(26) Section 1401a(f) is amended by striking out "prior to the effective date of this subsection" and inserting in lieu thereof "before October 7, 1975".

(27) Section 1464(c) is amended by striking out "section 1466" and inserting in lieu thereof "section 1465(c)".

(28) Section 1465(c)(1) is amended by striking out "(A)".

(29) Section 1586 is amended—

(A) in subsection (b)—

(i) by striking out "thirty" and inserting in lieu thereof "30";

(ii) by striking out "of this section" after "subsection (c)"; and

(iii) by striking out "of this subsection";

(B) in subsection (c)—

(i) by striking out "thirty" and inserting in lieu thereof "30";

(ii) by striking out "ninety days" both places it appears and inserting in lieu thereof "90 days";

(iii) by striking out "ninety-day" in paragraph (5) and inserting in lieu thereof "90-day";

(iv) by striking out "of this subsection" each place it appears in paragraphs (3), (4), and (5);

(v) by striking out "such" in paragraph (5); and

(vi) in paragraph (6)—

(I) by striking out "of this subsection" after "paragraph (1)"; and

(II) by striking out "of this subsection," after "as applicable,";

(C) by striking out "of this section" in subsections (d), (e)(1), and (g)(1); and

(D) by striking out "of this subsection" in subsection (e)(2).

(30) Section 2002(b) is amended by striking out "For the purposes of this section, the word" and inserting in lieu thereof "In this section,".

(31) The item relating to section 2003 in the table of sections at the beginning of chapter 101 is amended by striking out the semicolon and inserting in lieu thereof a colon.

(32) Section 2031(a) is amended by striking out "the date of enactment of this section" and inserting in lieu thereof "October 13, 1964".

(33) Section 2107(b) is amended by aligning the second sentence flush with the left margin.

(34) Section 2233 is amended—

(A) by striking out "subsection (c) of this section" in subsection (a) and inserting in lieu thereof "to subsection (c)"; and

(B) by striking out "or Territory, Puerto Rico, or the District of Columbia" both places it appears in the second sentence of subsection (b).

(35) Section 2381(c) is amended—

(A) by striking out "section 486 of title 40" and inserting in lieu thereof "section 205 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486)"; and

(B) by striking out "section 481(a) of that title" and inserting in lieu thereof "section 201(a) of that Act (40 U.S.C. 481(a))".

(36) The heading of section 2394a is amended to read as follows:

"§ 2394a. Procurement of energy systems using renewable forms of energy".

(37) Section 2577(a)(1) is amended by striking out "purposes" and inserting in lieu thereof "purposes".

(38) Section 2668(a)(10) is amended by striking out "section 961 of title 43" and inserting in lieu thereof "the Act of March 4, 1911 (43 U.S.C. 961)".

(39) Section 2672a is amended—

(A) by designating the first sentence as subsection (a);

(B) by striking out "operation" in such sentence and inserting in lieu thereof "operational";

(C) by designating the second sentence as subsection (b); and

(D) in the fourth sentence—

(i) by striking out "provision will" and inserting in lieu thereof "section shall"; and

(ii) by striking out "Armed Services Committees" and inserting in lieu thereof "Committees on Armed Services".

(40) Section 2675(b) is amended by striking out "thirty" and inserting in lieu thereof "30".

(41) Section 2687 is amended—

(A) by striking out "one thousand" in subsection (a)(2) and inserting in lieu thereof "1,000";

(B) by inserting "(42 U.S.C. 4321 et seq.)" in subsection (b)(2) after "National Environmental Policy Act of 1969";

(C) by striking out "sixty" in subsecton (b)(4) and inserting in lieu thereof "60"; and

(D) by striking out "three hundred" in subsection (d)(1)(B) and inserting in lieu thereof "300".

(42)(A) The heading of section 2734a is amended to read as follows:

"§ 2734a. Property loss; personal injury or death: incident to noncombat activities of armed forces in foreign countries; international agreements".

(B) The item relating to such section in the table of sections at the beginning of chapter 163 is amended to read as follows:

"2734a. Property loss; personal injury or death: incident to noncombat

activities of armed forces in foreign countries; international agreements.".

(43) Section 2777(c) is amended by striking out "of this section".

(44) Section 2822(b)(3) is amended by striking out "section 2833" and inserting in lieu thereof "section 2832".

(45)(A) Section 2857(b)(1) is amended by striking out "use of" and all that follows through "the potential for" and inserting in lieu thereof "use of such forms of energy has the potential for".

(B) The amendment made by subparagraph (A) shall take effect as if it had been included in the amendments made by section 801 of Public Law 97-321.

(46) Section 3579(a) is amended by striking out "subsection (c)" and inserting in lieu thereof "subsection (b)".

(47) Section 5897(b)(5) is amended by striking out the semicolon at the end and inserting in lieu thereof a period.

(48) The item relating to chapter 661 in the table of chapters at the beginning of subtitle C is amended to read as follows:

"661. Accountability and Responsibility ..... 7861".

(49) Section 7227(a) is amended—

(A) by striking out "routine" both places it appears and inserting in lieu thereof "Routine";

(B) by striking out "miscellaneous" and inserting in lieu thereof "Miscellaneous";

(C) by striking out the semicolons at the end of clauses (1) and (2) and inserting in lieu thereof periods; and

(D) by striking out "; and" at the end of clause (3) and inserting in lieu thereof a period.

(50) Section 7421(b) is amended by striking out "naval petroleum reserves numbered 1 and 2" and inserting in lieu thereof Naval Petroleum Reserves Numbered 1 and 2".

(51) Section 7422(b) is amended by striking out "of this section".

(52) Sections 7426(a), 7431(b)(1), and 7431(c) are amended by inserting "of this title" after "section 7422(c)".

(53) Section 7430 is amended—

(A) by striking out "of this section" in subsection (d)(4);

(B) in subsection (g)(2)—

(i) by striking out "thirty days" and inserting in lieu thereof "30 days"; and

(ii) by striking out "thirty days" and inserting in lieu thereof 30-day"; and (C) by striking out "of this section" both places it appears in subsection (1)(4).

(54) Section 7572(b)(1)(B) is amended by striking out "onboard" and inserting in lieu thereof "on board".

(55) Section 8851(c) is amended by striking out "of this section".

(56)(A) Sections 2127(b), 2388(c), and 6154 are amended by striking out "section 3324(a) and (b)" and inserting in lieu thereof "subsections (a) and (b) of section 3324".

(B) Section 7522(b) is amended by striking out "Section 3324(a) and (b) of title 31 does" and inserting in lieu thereof "Subsections (a) and (b) of section 3324 of title 31 do".

(57) Section 9512(b)(1) is amended by inserting "App." after "49 U.S.C.".

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from Texas [Mr. TOWER].

The amendment (No. 3213) was agreed to.

Mr. TOWER. Mr. President, I believe the Senator from Maine [Mr. MITCHELL] has an amendment that can be disposed of expeditiously.

AMENDMENT NO. 3214

(Purpose: To express the sense of the Congress with respect to survivors of the drilling ship *Glomar Java Sea*)

Mr. MITCHELL. 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 Maine [Mr. MITCHELL], for himself and Mr. COHEN, proposes an amendment numbered 3214.

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

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

The amendment is as follows:

On page 128, between lines 12 and 13, insert the following new section:

SURVIVORS OF THE "GLOMAR JAVA SEA"

SEC. 1019. (a) The Congress finds that—

(1) on October 26, 1983, the United States registered oil drilling ship *Glomar Java Sea* was reported missing during stormy weather at its drilling site ninety-six kilometers off Hainan Island in the South China Sea and was found sunken near its drilling site on November 1, 1983;

(2) no evidence has been found of forty-six of the eighty-one crewmen, including citizens of the United States, or of the lifeboats which, reportedly, were launched from the *Glomar Java Sea*, despite an intensive cooperative search involving United States military search and rescue aircraft and commercial vessels;

(3) the Chairman of the United States Coast Guard Marine Board of Investigation has concluded that it is possible that crewmembers of the *Glomar Java Sea* survived and drifted into waters near the coast of Vietnam; and

(4) the Government of Vietnam has refused to allow an independent search for the possible survivors to be conducted in waters within twenty miles of such coast.

(b) Considering the findings set out in subsection (a), it is the sense of the Congress that the President should instruct the Permanent Representative of the United States to the United Nations to request the Secretary General of the United Nations to seek the cooperation of the Government of Vietnam with the Governments of the United States, the People's Republic of China, the United Kingdom, Singapore, Australia, Canada, and the Philippines in ascertaining the fate or locations of the forty-six crewmen of the sunken United States registered vessel *Glomar Java Sea*.

Mr. MITCHELL. Mr. President, this morning the "CBS Morning News" and the "Today Show" each carried stories concerning the possibility that there may exist in Vietnam survivors from the sinking last October of the *Java Sea*, a drilling vessel owned by the Global Marine Corp. of Houston.

According to CBS, attorney Douglas Pierce, the father of a member of the *Java Sea*'s crew, is now in the Philippines saying that his son Jonathan and five other Americans from that ship are alive and are being held in a Vietnamese prison.

Though all of this is denied by the Government of Vietnam, Mr. Pierce offers evidence which suggests that the story in his letter may be true. Specifically, Mr. Pierce emphasizes:

That at least one *Java Sea* lifeboat got away from the sinking mother vessel and was sighted;

That 9—probably 11—SOS signals are reported to have been received, with the last one coming from about 14 miles off the Vietnamese coast; and

That in the salvage operation which has occurred since the October tragedy, the bodies of only 35 crewmen have been found.

While it may seem fantastic that 8 months after the sinking of the *Java Sea*, possible survivors may exist in Vietnam, Members of the Senate should be aware that many crewmen families have good reasons to believe that their loved ones, in fact, may be alive.

On March 22, I introduced, with Senator COHEN, a concurrent resolution which, if approved, would express the view of Congress that the President should take further action concerning the *Java Sea* incident. specifically, the resolution calls on the President to request the United Nations Secretary General to assist the United States in obtaining Vietnam's full cooperation in determining what has happened to the 46 people who have not yet been located. A similar resolution has been introduced in the House and is cosponsored by over 100 Members.

It is this resolution, now cosponsored by 17 Senators, in addition to myself and Senator COHEN, that we now propose as an amendment to the pending bill.

Quite simply, the goal of the amendment is to obtain the information necessary to put this horrible incident behind us.

Unless further actions are undertaken, nagging questions will remain.

Mr. President, this is a noncontroversial sense-of-the-Senate resolution that has been cleared on both sides.

Mr. COHEN. Mr. President, I am pleased to join my colleague, Senator MITCHELL, today in submitting this amendment calling for intensified efforts to determine the fate of as yet unaccounted for crewmembers of the U.S.-registered oil drilling ship *Glomar Java Sea*.

After *Glomar Java Sea* sank in the South China Sea during Typhoon Lex last October 25, the families of the 81 men who were on the ship lived with uncertainty over their fate. A search effort several months ago succeeded in recovering more than 30 bodies.

This left the fate of more than half the members of the crew uncertain. Repeatedly over the last several months, there have been tantalizing hints that there were survivors of that disaster. Two 30-foot lifeboats launched from the *Glomar Java Sea* have not been located. The sea currents in the area of the South China Sea are such that wreckage from the ship, and any lifeboats from the ship, would likely have been washed onto the shores of Vietnam. And indeed, a British search helicopter received a distress signal, giving the identification number of *Java Sea*, from approximately 14 miles off the Vietnamese coast.

But the Government of Vietnam refused to allow search aircraft from the United States, or indeed those of any of the nations concerned—China, Singapore, and the Philippines—to scour any closer than 20 miles from the Vietnamese coast. The Government of Vietnam further claimed that they undertook several searches of the relevant area and turned up nothing—no lifeboats, no wreckage, no survivors, no bodies.

But rumors persisted that the Government of Vietnam was not telling the truth in this matter, that at least a few men did survive the sinking and were being held inside Vietnam. A few days ago, a refugee from Vietnam said that he had personally seen six of the men from the ship; according to this man, these survivors are being held in a Vietnamese prison camp at this very moment.

What is the truth about the men of the *Java Sea*? Several months ago, in an attempt to discover the fate of these men, we wrote to administration officials, including President Reagan and Secretary of State Shultz. We were assured that our country was doing everything that it could to determine the fate of these men. Ambassador W. Tapley Bennett, Jr., Assistant Secretary of State for Legislative and Intergovernmental Affairs, told me that: "we have no independent evidence confirming or disproving that there are survivors of the sinking. The Vietnamese Government has denied repeatedly that it is holding any survivors. We share your deep concern, and assure you we will vigorously pursue any lead that offers hope of locating survivors."

The measure we are submitting today will, we hope, give added support to the international search effort that took place after the sinking of the *Java Sea*. What the amendment does specifically is express the sense of the Congress that the President should instruct our delegation to the United Nations to request the Secretary General to seek the cooperation of the Government of Vietnam with the United States, the People's Republic of China, the United Kingdom, Singapore, Australia, Canada, and the Philippines in ascertaining the fate or whereabouts of the crewmen still unaccounted for. This amendment will, I believe, give a clear demonstration of the ongoing commitment and concern of the Congress. Vietnamese officials and officials of the other countries which have joined us in trying to learn what happened to these men will know that we are united in our determination to know the truth about what happened to these men.

I know that none of us will be satisfied until each of these men's fate is accounted for. This is a difficult goal. It took over 4 months before the searchers were able to account for any of the missing men from the sinking. But we cannot ignore the essential human dimension that is involved. The families of the men still missing have been in anguish for over 7 months now. They want to know—we all want to know—the fate of their loved ones.

My special awareness of this human dimension has been through the courageous example of the wife of one of the crewmembers. Linda Reynolds, of Kennebunk, has been working with my office, and Senator MITCHELL's since the ship, with her husband Russell on board, capsized in the October typhoon.

Mrs. Reynolds, the mother of 2-year-old twins, believes that some of the crewmen may have been on the lifeboats and could have made it to the Vietnamese coastal waters. She has shown great determination in her contacts with our offices and with the State Department, as she seeks the answer of what happened to these men and tries to learn whether they might have survived the typhoon's winds and made it safely to Vietnam. As I mentioned earlier, there are strong indications that some of the crewmen may well have done exactly that.

We must not rest until we can account for all of the 81 men who served on the *Glomar Java Sea*. If there is any possibility that any of these men survived this tragic incident, we must pursue that possibility with every resource and through every channel we have available to us. Most importantly, we must have adequate reassurances from the Vietnamese Government that any of the crewmen who may have survived the sinking will be reunited with their families as soon as is humanly—or should I say, humanely—possible.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from Maine [Mr. MITCHELL].

The amendment [No. 3214] was agreed to.

AMENDMENT NO. 3215

Mr. WILSON. 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 California [Mr. WILSON] proposes an amendment numbered 3215.

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

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

The amendment is as follows:

On page 8, line 8, strike out "$8,959,300,000" and insert in lieu thereof "$8,939,300,000".

On page 9, between lines 2 and 3, insert the following:

"(e) not more than $145,000,000 is authorized for procurement associated with the Consolidated Space Operations Center."

On page 9, line 26, strike out "$13,972,507,000" and insert in lieu thereof "$13,992,507,000".

On page 11, between lines 10 and 11, insert the following:

"(e) $345,764,000 is authorized to assure the earliest practicable launch of the Space Shuttle from Vandenberg Air Force Base."

Mr. WILSON. Mr. President, my amendment authorizes an additional $20 million in Air Force research and development funds for the space shuttle program, which would restore the total authorization for this program to the levels originally requested by the Department of Defense. Based on information now available to the Armed Services Committee, full funding of the original request is necessary to prevent a slip in the schedule of the first space shuttle launch from Vandenberg Air Force Base, which would adversely affect important Department of Defense payloads. Offsetting funds for this purpose have been identified from Air Force other procurement associated with the consolidated space operations center. This amendment would reduce the $31 million previously recommended for authorization for the shuttle operations planning complex to $11 million. I am assured by the Department of Defense that this reduction will not have an adverse effect on shuttle operations and planning complex schedules that now appear achievable. Mr. President, I understand that this amendment is agreed to on both sides and move adoption of the amendment.

Mr. NUNN. Will the Senator yield for a brief question?

Mr. WILSON. Yes.

Mr. NUNN. As I understand the amendment, it does not add any money to the bill but roughly is a shifting of $20 million from one account to another account and really is to correct a technical error that was

made in interpreting some of the bill language. Is that correct?

Mr. WILSON. My friend from Georgia has an absolutely correct understanding.

Mr. NUNN. I thank the Senator. I have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California [Mr. WILSON].

The amendment No. 3215 was agreed to.

AMENDMENT NO. 3185

(Purpose: To express the sense of the Congress relating to certain burdensome restrictions on the personal vehicles of members of the Armed Forces stationed in Japan)

Mr. LEVIN. Mr. President, I call up my amendment numbered 3185 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 3185.

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

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

The amendment is as follows:

On page 128, between lines 12 and 13, insert the following new section:

PERSONAL VEHICLES OF UNITED STATES MILITARY PERSONNEL IN JAPAN

SEC. 1019. (a) The Congress finds that—

(1) the Government of Japan does not permit members of the Armed Forces of the United States to take their vehicles into Japan for their personal use while assigned to a duty station in Japan unless such vehicles are modified to satisfy certain requirements of the Government of Japan;

(2) as a result of the restriction referred to in clause (1), members of the Armed Forces typically need to sell their personal vehicles before departing the United States to report to a duty station in Japan, to purchase vehicles in Japan for personal use while stationed in Japan, to sell such purchased vehicles before departing Japan to return to the United States, and to purchase vehicles in the United States upon the return;

(3) members of the Armed Forces incur a substantial financial burden in connection with the repeated sales and replacement of personal vehicles;

(4) the United States permits members of the Armed Forces of foreign nations to bring unmodified vehicles into the United States for their personal use while assigned to duty stations in this country; and

(5) the United States provides a substantial contribution to the defense of Japan and the waters surrounding Japan.

(b) Considering the findings set out in subsection (a), it is the sense of the Congress that the President, acting through the Secretary of Defense and the Secretary of State, should enter into negotiations with the Government of Japan for the purpose of obtaining the agreement of such government not to require the modification of the personal vehicles of members of the Armed Forces of the United States brought into Japan for their personal use while stationed in Japan.

(c) Not later than 90 days after the date of enactment of this Act, the Secretary of Defense and the Secretary of State shall transmit to the Congress a written report on the actions taken as a result of subsection (b). The report shall include—

(1) a description of the negotiations carried out with the Government of Japan, if any; and

(2) a description of the other actions the Government of the United States can reasonably take to obtain the agreement described in subsection (b).

Mr. LEVIN. Mr. President, this amendment would seek to correct a rather anomalous, almost bizarre situation where our service personnel assigned to Japan are, as a practical matter, unable to bring their automobiles over to Japan, even though they are helping to defend the islands.

The Japanese Government has certain stringent air-quality control measures which they apply to our servicesmen's automobiles. The cost of correcting the automobiles is such that, as a practical matter, they cannot take their automobiles over there.

We have 50,000 American troops helping to defend Japan and its waters. We think the Government of Japan ought to be willing to allow our soldiers to bring in their cars just the same as we allow all foreign members of the military forces of all foreign countries stationed in the United States, to bring in their cars and to be exempt from auto emission and safety standards here.

There are about 40 million vehicles in Japan that are owned by the Japanese. If every single member of the armed services wanted to bring in a car, it would constitute one-tenth of 1 percent of the vehicles on the Japanese highways. In other words, it would be a drop in the environmental bucket.

We think Japan ought to reciprocate our hospitality in welcoming the military forces of foreign countries with exceptions from these standards for automobiles. What this amendment does is ask the Secretary of State to sit down with the Japanese and seek to negotiate a modification of the Japanese requirements so that our personnel, who again are helping to defend the Japanese islands and the surrounding oceans, will be allowed to take in their automobiles.

The PRESIDING OFFICER. Is there further debate?

Mr. LEVIN. Mr. President, I understand this has been cleared on both sides of the aisle.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Michigan [Mr. LEVIN].

The amendment, No. 3185 was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3216

(Purpose: To limit procurement set-asides in certain circumstances)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 3216.

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

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

The amendment is as follows:

On page 92, between lines 22 and 23 insert the following:

"§ 2322. Limitation on Set-asides"

"The head of an agency shall not authorize the use of a set-aside for exclusive small business participation—

"(a) in the case of the Foreign Military Sales Program, where the foreign government specifies the sources qualified to meet the requirement and only one of those sources is a small business concern, or

"(b) in the case of a prequalification requirement, where only one small business concern has met the standards for qualification.".

On page 93, before line 1, insert at the end of the items in the table of sections "§ 2322. Limitation on Set-asides".

Mr. LEVIN. Mr. President, the amendment I am offering has been cleared on both sides of the aisle. It would limit the use of a set-aside for small businesses in those relatively few instances where competition among small businesses is not possible.

As a member of the Armed Services, Small Business, and Governmental Affairs Committees, I have been a supporter of increased competition for Government procurements to increase opportunities for small business participation. I also support the Small Business Set-aside Program, which is intended to help small business concerns obtain a fair share of the Government's procurements by providing an opportunity for small businesses to compete.

Section 15(d) of the Small Business Act establishes as the priority the award of contracts under the set-aside program to small business concerns located within labor surplus areas where it is determined "that there is a reasonable expectation that offers will be obtained from a sufficient number of eligible concerns so that awards will be made at reasonably prices." The phrase "sufficient number of eligible concerns" has been interpreted to mean "two or more small businesses," and has been extended to set-asides

where the small business concerns are not located in labor surplus areas. To my knowledge, nothing in the Small Business Act or its legislative history provides authority for a set-aside where only one business is permitted to make an offer on the set-aside portion.

However, section 19.502-3(a)(5) of the Federal Acquisition Regulations (FAR) has been interpreted to allow a set-aside even though only one business concern can respond. I think this provision has no basis in the Small Business Act and is contrary to the intent of the set-aside program as established in that act because its effect is to guarantee that a sole-source award will be made.

The amendment I am offering—which, again, has been cleared on both sides of the aisle and I understand with the chairman and ranking members also of the Small Business Committee—would prevent the head of an agency or procuring activity from using a set-aside, where competition among small business concerns for a government requirement is precluded. The prohibition would apply where, under the FMS program, the foreign government specifies the sources qualified to meet the requirement and only one of those sources is a small business. It would also apply in cases where a military department has established a prequalification requirement and only one small business concern has met the standards for qualification. It should be noted that this amendment is prospective, and thus would not apply to any existing contracts awarded under this section of the FAR.

It is my belief that this amendment will correct an unintended anticompetitive effect of the set-aside program.

Mr. NUNN. Would the Senator yield for a brief question?

Mr. LEVIN. I would be happy to.

Mr. NUNN. I understand the Senator is saying a foreign government specifies only two concerns, one of them a large company, one is a small company, and the set-aside applies I believe to half of the contract. That means there is no competition at all on that half. Is that correct? Or there would have been no competition on that one-half of the set-aside?

Mr. LEVIN. There would be no competition on the portion of the set-aside, if there is only one small business that is bidding. That is not the purpose of the set-aside program which is to stimulate competition among small business, and by its description at the time it was adopted it is intended to promote competition among small businesses. If there is only one that is bidding, it would mean you would have a sole-source contract unintendedly achieved.

Mr. NUNN. I agree with the Senator. I agree with his amendment as I understand it. But I have one other question. What about the other half of that? Is that other half going to be automatically not set aside because the large business was not eligible for a set-aside, but was that other one-half of the contract just for the specific case going to be bid between the two companies, the small and the large, or was it going to be since the large business is getting half and the small business getting half?

Mr. LEVIN. The intention is to produce competition among more than one bidder. So both would be able to bid.

Mr. NUNN. So both of them would have been able to bid?

Mr. LEVIN. That is the intent.

Mr. NUNN. There would be no restriction of competition? There would simply be a broadening of competition?

Mr. LEVIN. Exactly.

Mr. NUNN. Does this admendment apply generically across the board, domestic as well as contracts that would come under the small business set-aside?

Mr. LEVIN. I think under this particular amendment it only applies to FMS, but I happen to support it in a much more generic way because I think the purpose again is that we stimulate competition. I would have no objection to its being broadened to the other.

Mr. NUNN. This is just foreign military?

Mr. LEVIN. It is because that is the more closely related to the section and the title in this bill.

Mr. NUNN. I know the Senator is very effective and active in the small business arena community. This may be a matter the Small Business Committee wants to take a look at to determine whether there are terms in domestic instances where we are basically by setting aside a program ending up with a sole-source contract without competition?

Mr. LEVIN. I think we ought to. I would not want to broaden it tonight without the Small Business Committee participating.

Mr. STEVENS. Mr. President, what is the effective date of the Senator's amendment?

Mr. LEVIN. The date the act was signed.

Mr. STEVENS. It would apply to 1984 funds?

Mr. LEVIN. It would apply to contracts which have not yet been entered into. It is prospective only by its terms.

Mr. STEVENS. It would seem to this Senator that that could well enterrupt existing procurement and provide a process underway with 1984 funds. It is an 1983 authorization. Would the Senator consider making that amendment effective beginning with October 1?

Mr. LEVIN. It is intended to be prospective only. I think in effect if this bill were signed before October 1, as my friend is suggesting, it would not apply until October 1 in any event.

Mr. STEVENS. It is this Senator's feeling that there is procurement underway under the existing regulation, and it would take time for the amendment of the Senator to be really put forth, to amend regulations, and this could actually delay procurement underway now. I would have no objection if it were effective beginning in the next fiscal year. But as we are entering the balance of really the windup of this fiscal year, it would seem to me it would be a deterrent to effective management of the funds that have already been provided for 1984.

Mr. LEVIN. I wonder if my friend from Alaska might, in order to allow the time for any regulations, agree that it be effective 30 days after the signing of the bill. Would that give enough time for the purpose? If not, I have no great objection to it being effective October 1.

I do think it ought to be effective as soon as practically possible. If a 30-day provision does not meet the needs that were set forth by the Senator from Alaska, I have no problem with the October 1 effective date.

Mr. STEVENS. It is late at night, I know. But it just seems to me that there is really a period of gestation for the change that the Senator is suggesting to become meaningful. I am not arguing with the change. I think there is an administrative cost of going back and rebidding. There have been set-asides made. They are ready to be awarded. We have got the funds for 1984. I would urge you to make it apply beginning with fiscal year 1985 which would be October 1, 1984.

Mr. LEVIN. I have no objection. I can either send a modification to the desk to do that now, write it out, or we can take care of that I think in conference with the permission of the chairman and ranking members of the committee; either way that is the easiest.

Mr. STEVENS. That is agreeable with me. I think we ought to make sure that we do not complicate the 1984 procurement process.

Mr. LEVIN. If the chairman and ranking members of the committee would agree, we could take care of it in conference. If not, we can write out an amendment now to modify it.

Mr. NUNN. If the Senator from Michigan with his usual diligence and alertness can assure us that he will attend to that, and bring it to our attention, I would be delighted to agree with that. We may have other matters that dominate our attention in conference.

Mr. LEVIN. Whatever diligence I have left I will apply to this matter and bring it to our attention in conference, if that satisfies my friend from Alaska.

Mr. STEVENS. It certainly does.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Michigan [Mr. LEVIN].

The amendment (No. 3216) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, I thank the chairman and ranking member, my friend from Alaska.

AMENDMENT NO. 3217

(Purpose: To require the Secretary of the Navy to supplement the environmental impact statement of the Navy regarding the proposed transfer of military and civilian Navy personnel from Virginia to Washington, DC, with additional pertinent information)

Mr. WARNER. Mr. President, I send my 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 Virginia [Mr. WARNER] proposes an amendment numbered 3217.

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

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

The amendment is as follows:

On page 128, between lines 12 and 13, insert the following new section:

SUPPLEMENTAL INFORMATION TO THE ENVIRONMENTAL IMPACT STATEMENT OF THE NAVY ON THE PROPOSED TRANSFER OF CERTAIN PERSONNEL

SEC. . In addition to any other requirements regarding an environmental impact statement prepared by the Secretary of the Navy in connection with any proposed transfer of military and civilian personnel of the Department of the Navy from Arlington County, Virginia, to the Washington Navy Yard in Washington, D.C., the Secretary of the Navy shall also prepare as a supplement to such impact statement a detailed analysis with respect to the following matters:

(1) The socio-economic impact on the area from which the transfer is proposed to be made.

(2) The impact of the proposed transfer on the traffic capacity of bridges over the Potomac River and the Anacostia River.

(3) The impact of the proposed transfer on shuttle requirements of the Department of Defense.

(4) The overall impact of the proposed transfer on the area from which the transfer is proposed to be made and on the area to which the transfer is proposed to be made, taking into consideration all other planned moves of personnel by the Navy to the Washington Navy Yard and by all other agencies of the Government.

(5) The impact of such proposed transfer, and all other planned transfers to the Washington Navy Yard, on both present and potential parking capacity in the vicinity of such facility.

(6) The impact of the proposed transfer on communications and security requirements of the Navy.

(7) The impact of the proposed transfer on supporting and servicing contractors and the impact that the movement of such contractors will likely have on public and private facilities in the area from which they move and the area to which they move.

Mr. WARNER. Mr. President, this is a very simple amendment that is cleared on both sides. It merely provides that the Department of the Navy in its current work on the environmental impact statement relating to the possible transfer of some naval officers now located outside the Washington Navy Yard into the Washington Navy Yard, expand the EIS to include other additional considerations.

Mr. President, in 1972, while Secretary of the Navy, I implemented a now longstanding Navy policy to disperse personnel throughout the Washington area.

At that time, the old main Navy tempos on Constitution Avenue were demolished to make room for a park and many Navy personnel were transferred to northern Virginia, largely in rented space in Crystal City.

In July 1981, the Navy announced that it would begin studying a proposal to relocate personnel from seven locations in northern Virginia to the Washington Navy Yard where new office buildings will have to be constructed.

I felt then that moving back to Washington could be a costly move and one which would adversely impact upon available transportation.

It seemed unwise to contemplate forcing more than 18,000 additional people into the rush-hour traffic jams we already have on the Potomac and Anacostia River bridges.

Not only would it be a hardship on them, it would worsen the situation for hundreds of thousands of Virginia and Maryland commuters who already use those bridges. Subway transportation remains uncertain.

Mr. President, in the first session of the 98th Congress, the Navy released its draft environmental impact statement on the proposed move.

At this time, I remain unconvinced that this move would be in the best interests of all concerned.

The environmental impact statement, in my judgment, falls short of adequately addressing several important factors which could be heavily impacted should the move to the Navy Yard be effected.

Mr. President, I believe that a majority of my colleagues in the Senate would agree that one must have all of the facts available before making a judgment which will, most assuredly, impact on literally thousands of lives and cost millions of dollars.

Quite simply, my amendment calls on the Navy to supplement the environmental impact statement to address some very important, previously unanswered questions.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Virginia [Mr. WARNER].

The amendment (No. 3217) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I wish to thank the distiguished chairman and ranking minority member for their help on this amendment.

AMENDMENT NO. 3204—PENDING BUSINESS

Mr. NUNN. Mr. President, I ask unanimous consent that the amendment No. 3204, which was offered by the Senator from West Virginia [Mr. BYRD], be made the pending business when we resume consideration of this bill in the morning.

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

OPPOSITION TO MOTION TO RECOMMIT

Mr. SPECTER. Mr. President, I voted against recommitting the DOD authorization bill to committee for further cuts although I agree that the spending levels in the bill should be reduced in certain areas. There will, however, be further opportunities for such reductions as the full Senate considers additional amendments for cuts in specific programs and especially in the House-Senate conference. Since the spending levels recommended by the House are substantially lower than those of the Senate committee, there will virtually certainly be significant reductions in conference.

If the bill were recommitted, we could not complete Senate action in time for conference and final passage before Congress recesses June 29 for nearly 1 month. Meeting that deadline is essential if we are to preserve an effective and orderly and properly "to provide for the common defense." Delays arising from recommitment, even for a brief period, are unacceptable under these circumstances.

WALLOP AMENDMENT TO THE WARNER AMENDMENT (NO. 3186)

● Mr. EVANS. Mr. President, I join my colleagues in opposition to this amendment. I do not oppose Senator WALLOP's intent in proposing it; no one in the Senate wishes to constrain the President's ability to act in the nation-

al security interests of the United States. However, I do not believe that this amendment is necessary. The Warner amendment as it currently reads does not prevent the President from acting in accordance with our national security requirements. If the Wallop amendment is adopted it will undermine the bipartisan support for the Warner amendment which is crucial for its passage here tonight in the Senate, and for its effectiveness as a statement of the Senate's will on ASAT and arms control.

The compromise achieved by my colleagues Senators WARNER, TSONGAS, NUNN, PRESSLER, and EXON represents a balanced response to the concerns of Senators on both sides of the issue we have been debating today. With an issue as complex and difficult as antisatellite weapons and their limitations through arms control negotiations, it is essential that the Senate make its intent absolutely clear, both to the administration and the Soviet Union. I believe the Warner amendment does this. It succeeds in expressing the Senate's will on antisatellite weapons testing and ASAT arms control without in any way undermining the President's ability to protect and preserve the national security of the United States.●

ROUTINE MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business during which Senators may speak for not more than 2 minutes each.

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

COMMEMORATING THE CENTENNIAL OF THE INSTITUTE OF ELECTRICAL & ELECTRONICS ENGINEERS

Mr. WARNER. Mr. President, recently, the largest technical professional organization in the world celebrated its centennial.

The Institute of Electrical & Electronics Engineers [IEEE], with more than 230,000 members in over 120 countries, dates its inception to the formation of the American Institute of Electrical Engineers [AIEE] on May 13, 1884.

Then, as now, progress was accelerating in all areas for application of electrical technology.

The AIEE was initially formed in response to plans for an international electrical exhibition to be held by the Franklin Institute in Philadelphia later that year.

The AIEE quickly became recognized as the representative organization for American electrical engineers.

The AIEE's major interests were wire communications and light and power systems.

In the early 1900's, the growing interest in wireless communication led to the formation of a national society in 1912, the Institute of Radio Engineers.

Sharing many members in common and with the growth in applications of electronics rapidly removing their distinctions, the AIEE and IRE merged in 1963 to form the present IEEE.

Today it is taken for granted that America is a high-technology society.

As we look back over the last 100 years, we see that developments in electricity and electronics have been at the forefront of our continuing technological revolution.

Radio, radar, transitors, television, computers, and countless other devices have revolutionized our world.

In virtually all of these, AIEE, IRE and later IEEE scientists and engineers led the way.

The defense of our Nation and the Free World now depends heavily on technology developed and implemented by some of the most talented and respected scientists and engineers in the world, many of whom are IEEE members.

It was my privilege to have received training in electronics at U.S. Navy schools during World War II, so I have a special interest in this field.

We in Congress have also benefited directly from the IEEE.

IEEE members have testified before many committees not only on technology issues but also on diverse topics such as pensions, education, patents, software copywriting, and age discrimination.

For over a decade now, the IEEE has annually sponsored a Congressional Fellows Program that has provided competitively selected technical professionals an opportunity to serve in member and committee staff positions.

This program has proven invaluable to many of us over the years.

Currently there are three IEEE congressional fellows serving on Capitol Hill.

Mr. George F. Swetnam, Jr., is working on the staff of Senator BILL BRADLEY, Mr. Joseph A. Edminister, Esq., is working on the staff of Congressman DENNIS ECKART, and Lt. Col. Guy L. Copeland, USA, is working on my staff.

IEEE congressional fellows are able to make important contributions based on their technical and professional training and experience.

In turn, they gain insights to the legislative and regulatory process that are invaluable to the future contributions they make in their professions and for the IEEE.

I salute the IEEE as it commemorates its centennial through many scheduled events this year.

IEEE members have an unsurpassed record of contribution to the greatness of America and the advance of world progress.

We look forward in awe to the many potential technology advances just over the horizon.

If the next 100 years are as exciting as the last, even today's science fiction writers will have trouble predicting what lies in store for us.

Wherever the advance of technology leads us, it is apparent that the IEEE membership, as in the past, will continue to be at the forefront.

IN MEMORY OF ERNEST W. McFARLAND

Mr. DECONCINI. Mr. President, last week the State of Arizona lost one of its great citizens, statesman, and outstanding civil leaders when Ernest W. McFarland passed away.

Ernest McFarland was indeed a great public figure in my State and our Nation. He embodied all that Arizona stands for; he was a true pioneer. He came to Arizona 65 years ago with $10 in his pocket and a strong desire to become involved in State politics. Ernest McFarland served first as assistant attorney general and then as Pinal County attorney and Pinal County superior court judge. By starting on lower levels of State government, he was able to understand the needs of the people of Arizona. All who knew him claimed that he was a true individual and believed that everyone should be treated as such.

When Ernest McFarland moved on to the U.S. Senate in 1940, and became the majority leader not long after, he never forgot the peopole who not only placed him in office, but trusted him as a true friend. For this, we, the citizens of Arizona, are deeply grateful and indebted. Throughout his prestigious career in the Senate, he sponsored numerous bills and amendments. He coauthored the GI bill of rights soon after World War II, which insured that servicemen returning home would be treated fairly and with just respect.

Upon returning to Arizona to begin a long career in some of the highest ranking positions, Ernest McFarland continued to speak out about national issues in which he was concerned. He served two terms as Governor, then moved on to be elected to the Arizona supreme court in 1964 and was named chief justice in 1968. Leaving public office in 1970 to open a private law practice in Phoenix never stopped Earnest McFarland from becoming involved in prominent issues and giving advice to leaders not only in Arizona, but the entire Nation. Never before had one man held so many high ranking offices, and it is doubtful that anyone will accomplish so much for so many again.

He was an outstanding citizen in all respects. He contributed to Arizona

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the McFarland Historical State Park, which is the permanent home of the papers and memorabilia this great legislator accumulated over his many years. It was a generous and much appreciated act that the people of Arizona will not soon forget. To sum up in a few words all that Earnest McFarland has done would be impossible, but it should be noted that he will be greatly missed, and his memory will be preserved for all to admire.

CONGRESSIONAL FAST AND PRAYER VIGIL

Mr. BOREN. Mr. President, today I joined my colleagues as a participant in the Second Annual Congressional Fast and Prayer Vigil for Soviet Jewry. Many Soviet Jews and Christians have had their human and religious rights violated by the Soviet Union.

I participated particularly on behalf of Naum and Fiana Kogen and Zacher Zunshine. Senator CARL LEVIN and I met the Kogens while on a trip to Russia 5 years ago. The Kogens have been denied permission to emigrate, despite the fact that they have followed all of the proper procedures for applying for immigration, and despite their very poor health. I am pleased that the Jewish community in Oklahoma City has adopted Naum and Fiana for help, correspondence, and prayers. Zunshine was arrested a few months ago for anti-Soviet behavior. This unacceptable behavior was limited to a formal request to Soviet authorities for permission to emigrate. Zunshine has been singled out for special attention by several members of the Jewish community in Tulsa, OK.

Recently, I placed telephone calls to several Soviet officials to express my personal concern about Zunshine's case. Conviction for a simple act of requesting permission to emigrate could set a dangerous precedent in Soviet treatment of Jews and Christians.

Soviet Jews and Christians are being victimized by the current deterioration in relations between the Soviet Union and the West, and it is incumbent upon us to call upon the Soviet Union to end this injustice. We must not forget these brave people who are being persecuted in the Soviet Union. Denying liberty to any individual diminishes the concept of freedom and its protection for all humanity.

When I returned from Russia in 1979, I organized a letter-writing campaign on behalf of Jews and Christians whom Senator LEVIN and I met during the trip. I received several thousand letters, largely from Oklahomans, asking Soviet authorities to give these persons permission to emigrate and turned over the letters to Soviet officials here in Washington.

I am very pleased that since my trip in 1979, members of two families with whom Senator LEVIN and I met have been allowed to emigrate. These families had lived in the basement of the U.S. Embassy in Moscow for over 7 years. They had fled there for fear of their lives after refusing to curtail the practice of their own religion.

Millions of other Soviet Jews and Christians are being denied the right to emigrate from the Soviet Union by the Soviet Government. By participating in today's Fast and Vigil for Soviet Jewry, I hope that I can contribute in a small way to helping to win the freedom to emigrate for the Kogens, for Zacher Zunshine and for countless others. The Government of the Soviet Union could make a great contribution to the cause of peace in the world and to restoring a more constructive dialog with the West by taking compassionate and humane action in cases like these.

DEATH OF MIKE MAPES LEAVES THE NATIONAL PEACE ACADEMY CAMPAIGN WITH IRREPARABLE LOSS

Mr. MATSUNAGA. Mr. President, it is with great regret and deep sorrow that I rise to inform my colleagues of the death, earlier this week, of Milton C. "Mike" Mapes, the executive director of the National Peace Academy Campaign and a former special counsel to the Senate Interior Committee—now the Committee on Energy and Natural Resources.

Born in New Haven, CT, Mr. Mapes was a graduate of the U.S. Naval Academy in Annapolis. He earned an LL.B. degree at Yale Law School and was a member of the bars of the District of Columbia, Oregon, and the U.S. Supreme Court. Mike, as he was called by his multitude of friends, also earned a master's degree in Soviet area studies from American University and a master's degree in political science from the University of Maryland. His career included 4 years of sea duty with the Navy during the Korean conflict, the private practice of law in partnership with his wife, Jane Richardson Mapes, and 11 years as an executive with the Agency for International Development [AID], in addition to service with the Senate Committee.

Mike Mapes joined the staff of the newly organized National Peace Academy Campaign in 1977 and became its executive director in 1979. During his tenure, the private, nonprofit organization's membership increased from a few hundred to its current 42,000, in chapters throughout the country.

Mr. President, as Chairman of the U.S. Commission on Proposals for the National Peace Academy Campaign, and, later, as a principal sponsor of legislation to create a U.S. Academy of Peace, I became personally acquainted with Mike and frequently worked with him and members of the campaign on matters relating to this important and historic legislation. I can think of no one more dedicated to the cause of world peace and more committed to the development of methods of nonviolent conflict resolution than was Mike. And, yet, Mike, a veteran and attorney, was a most pragmatic and practical person who recognized the need to educate members of Congress and the American public about the need for a focussed federal investment in peace—about the need for a national peace academy. He worked hard to achieve this objective through the National Peace Academy Campaign and, especially during the last 18 months after he learned that he was afflicted with leukemia, he impressed all who knew him with his courage and dedication to the cause.

Personally, I believe that there could be no better memorial to Mike Mapes than the establishment of a U.S. Academy of Peace and I hope that his many friends in Congress and throughout the country will rededicate themselves to this effort. I extend to Mike's beloved widow, Jane, his two sons, his mother, and the other members of his bereaved family, my heartfelt sympathy and condolences.

MESSAGE FROM THE HOUSE

ENROLLED JOINT RESOLUTIONS SIGNED

At 6:58 p.m., a message from the House of Representatives, delivered by Ms. Goetz, announced that the Speaker has signed the following enrolled joint resolutions:

S.J. Res. 285. Joint resolution to designate June 13, 1984, as "Harmon Killebrew Day"; and

S.J. Res. 296. Joint resolution to designate June 14, 1984, as "Baltic Freedom Day."

The enrolled joint resolutions were subsequently signed by the President pro tempore (Mr. THURMOND).

MEASURE HELD AT THE DESK

The following bill was ordered to be held at the desk for not to exceed 10 calendar days, by unanimous consent:

H.R. 5504. An act to apportion funds for construction of the National System of Interstate and Defense Highways for fiscal years 1985 and 1986, to revise authorizations for mass transportation, to expand and improve the relocation assistance program, and for other purposes.

ENROLLED JOINT RESOLUTIONS PRESENTED

The Secretary reported that on today, June 14, 1984, he had presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 285. Joint resolution to designate June 13, 1984, as "Harmon Killebrew Day"; and

S.J. Res. 296. Joint resolution to designate June 14, 1984, as "Baltic Freedom Day."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3391. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report on one new deferral and a revision to one previously reported deferral; jointly, pursuant to the order of January 30, 1975, to the Committee on Agriculture, Nutrition, and Forestry, the Committee on Appropriations, the Committee on the Budget, and the Committee on Foreign Relations.

EC-3392. A communication from the Director of the Office of Management and Budget transmitting, pursuant to law, the cumulative report on rescissions and deferrals as of June 1, 1984; jointly, pursuant to the order of January 30, 1975, to the Committee on Appropriations and the Committee on the Budget.

EC-3393. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report on one new deferral; jointly, pursuant to the order of January 30, 1975, to the Committee on Appropriations, the Committee on the Budget, and the Committee on Energy and Natural Resources.

EC-3394. A communication from the Secretary of the Navy transmitting a draft of proposed legislation to exempt the Secretary of Defense from the contract award report requirement in two additional instances; to the Committee on Armed Services.

EC-3395. A communication from the President and Chairman of the Export-Import Bank transmitting, pursuant to law the fiscal year 1983 annual report of the Bank; to the Committee on Banking, Housing, and Urban Affairs.

EC-3396. A communication from the Chairman of the National Advisory Committee on Oceans and Atmosphere transmitting, pursuant to law, a report on policy issues involving the exclusive economic zone of the United States; to the Committee on Commerce, Science, and Transportation.

EC-3397. A communication from the Secretary of the Interstate Commerce Commission transmitting, pursuant to law, a report on a time extension on the appeal in Potomac Electric Power Company against the Baltimore and Ohio Railroad Co., et al.; to the Committee on Commerce, Science, and Transportation.

EC-3398. A communication from the Secretary of the Interior transmitting, pursuant to law, notice of a leasing system sale No. 84 in the Western Gulf of Mexico to be held in July; to the Committee on Energy and Natural Rescurces.

EC-3399. A communication from the Acting Administrator of GSA transmitting, pursuant to law, prospectuses for alterations in certain Federal buildings during fiscal year 1985; to the Committee on Environment and Public Works.

EC-3400. A communication from the Acting Administrator of GSA transmitting, pursuant to law, a lease prospectus for space in Washington, D.C.; to the Committee on Environment and Public Works.

EC-3401. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, a report of foster care and adoption assistance; to the Committee on Finance.

EC-3402. A communication from the Chairman of the U.S. International Trade Commission transmitting, pursuant to law, the 35th report on the operation of U.S. trade agreements during 1983; to the Committee on Finance.

EC-3403. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the 1984 annual report of the Social Security Administration; to the Committee on Finance.

EC-3404. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the 60 day period prior to June 11, 1984; to the Committee on Foreign Relations.

EC-3405. A communication from the Acting Secretary of State, transmitting, pursuant to law, a report on payments made by the Commodity Credit Corporation to U.S. creditors on credits guaranteed by the CCC for which payments had not been received from the Polish People's Republic during May 1984; to the Committee on Foreign Relations.

EC-3406. A communication from the Director of the Office of Personnel Management, transmitting a draft of proposed legislation to amend title 5, United States Code, to provide more equitable benefits for spouses and former spouses under the Civil Service Retirement System, and for other purposes; to the Committee on Governmental Affairs.

EC-3407. A communication from the Director of the United States Information Agency, transmitting, pursuant to law, a supplement to their first report regarding an evaluation of the system of internal accounting and administrative controls; to the Committee on Governmental Affairs.

EC-3408. A communication from the Secretary of Commerce, transmitting, pursuant to law, the semiannual report on the activities of the Office of Inspector General, Department of Commerce for the period October 1, 1983 through March 31, 1984; to the Committee on Governmental Affairs.

EC-3409. A communication from the Plan Administrator of the Eighth Farm Credit District Employee Benefit Trust, transmitting, pursuant to law, the annual report of the trust's pension plan for 1983; to the Committee on Governmental Affairs.

EC-3410. A communication from the Assistant Secretary of the Smithsonian Institution (Administration), transmitting, pursuant to law, the annual report on the pension plan of the Teacher's Insurance and Annuity Association/College Retirement Equities Fund for 1983; to the Committee on Governmental Affairs.

EC-3411. A communication from the Chief Scout Executive of the Boy Scouts of America, transmitting, pursuant to law, the 1983 annual report of the Boy Scouts of America; to the Committee on Labor and Human Resources.

EC-3412. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report on the status of the Small Business Export Development Assistance Program; to the Committee on Small Business.

EC-3413. A communication from the Executive Secretary, Office of the Secretary of Defense, transmitting, pursuant to law, a report on Department of Defense Procurement from Small and Other Business Firms for October 1983 through January 1984; to the Committee on Small Business.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. D'AMATO, from the Committee on Appropriations, with amendments:

H.R. 5753. A bill making appropriations for the legislative branch for the fiscal year ending September 30, 1985, and for other purposes (Rept. No. 98-515).

By Mr. THURMOND, from the Committee on the Judiciary, without amendment:

S. 296. A bill for the relief of Ramzi Sallomy and Marie Sallomy (Rept. No. 98-516).

S. 516. A bill for the relief of Barbara Crisp, Sean Anthony Crisp, and Andrea Leech (Rept. No. 98-517).

S. 1414. A bill for the relief of Rebecca Lynn Higgins (Rept. No. 98-518).

S. 2729. A bill for the relief of Jean Willhelm Willrich (Rept. No. 98-519).

H.R. 3131. A bill for the relief of Marina Kunyavsky (Rept. No. 98-520).

By Mr. THURMOND, from the Committee on the Judiciary, with an amendment and an amendment to the title:

S. 796. A bill for the relief of Bassam S. Belmany (Rept. No. 98-521).

By Mr. THURMOND, from the Committee on the Judiciary, with amendments:

S. 1140. A bill for the relief of Patrick P. W. Tso, Ph.D. (Rept. No. 98-522).

By Mr. THURMOND, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 396. A resolution to express the sense of the Congress that January 27 through February 2, 1985, should be observed as "National Meat Week."

By Mr. THURMOND, from the Committee on the Judiciary, with an amendment and with a preamble:

S.J. Res. 55. Joint resolution to recognize the pause for the Pledge of Allegiance as part of National Flag Day activities.

By Mr. THURMOND, from the Committee on the Judiciary, without amendment and with a preamble:

S.J. Res. 270. Joint resolution designating the week of July 1 through July 8, 1984, as "National Duck Stamp Week" and 1984 as the "Golden Anniversary Year of the Duck Stamp."

S.J. Res. 297. Joint resolution to designate the month of June 1984 as "Veterans' Preference Month."

S.J. Res. 306. Joint resolution to proclaim July 10, 1984, as "Food for Peace Day."

By Mr. WEICKER, from the Committee on Small Business:

Report to accompany the bill (S. 2489) to amend the Small Business Act to enhance competition in Government procurement (Rept. No. 98-523).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary:

Robert M. Hill, of Texas, to be U.S. circuit judge for the fifth circuit;

Rudi M. Brewster, of California, to be U.S. district judge for the southern district of California;

James M. Ideman, of California, to be U.S. district judge for the central district of California;

William J. Rea, of California, to be U.S. district judge for the central district of California;

Peter K. Leisure, of New York, to be U.S. district judge for the southern district of New York;

Franklin S. Billings, Jr., of Vermont, to be U.S. district judge for the district of Vermont;

Layn R. Phillips, of Oklahoma, to be U.S. attorney for the northern district of Oklahoma for the term of 4 years;

John D. Tinder, of Indiana, to be U.S. attorney for the southern district of Indiana for a term of 4 years; and

Joseph Wentling Brown, of Nevada, to be a member of the Foreign Claims Settlement Commission of the United States for the term expiring September 30, 1986.

By Mr. HATCH, from the Committee on Labor and Human Resources:

Frank C. Casillas, of Illinois, to be an Assistant Secretary of Labor;

Albert Lee Smith, Jr., of Alabama, to be a member of the Federal Council on the Aging for a term expiring December 19, 1985; and

The following-named persons to be members of the Board of Trustees of the Harry S. Truman Scholarship Foundation for term expiring December 10, 1989:

Anita Miller, of California; and

Elmer B. Staats, of the District of Columbia.

(The above nominations were reported from the Committee on Labor and Human Resources with the recommendation that they be confirmed, subject ot the nominees' 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. DOMENICI:

S. 2761. A bill for the relief of the White Sands ranchers of New Mexico; to the Committee on the Judiciary.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 2762. A bill entitled the "Barrow Gas Field Transfer Act of 1984"; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN:

S. 2763. A bill to amend title 13, United States Code, to provide for grants to State and local governments to assist in eliminating census undercounts, and for other purposes; to the Committee on Governmental Affairs.

By Mr. PERCY (by request):

S. 2764. A bill to authorize U.S. participation in the International Jute Organization; to the Committee on Foreign Relations.

By Mr. GRASSLEY (for himself and Mr. JEPSEN):

S. 2765. A bill to amend the Consolidated Farm and Rural Development Act to require the Secretary of Agriculture to guarantee certain outstanding agricultural loans which are modified by private lenders, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. THURMOND (for himself, Mr. BIDEN, Mr. MOYNIHAN, Mr. D'AMATO, Mr. BAKER, Mr. STEVENS, Mr. KENNEDY, Mr. LAXALT, Mr. HATCH, Mr. DOLE, Mr. GRASSLEY, Mr. DENTON, Mr. SPECTER, Mr. METZENBAUM, Mr. DECONCINI, Mr. LEAHY, Mr. BAUCUS, Mr. HEFLIN, Mr. PERCY, Mr. KASTEN, Mr. NICKLES, Mrs. HAWKINS, Mr. PRESSLER, Mr. PELL, Mr. HOLLINGS, Mr. BOSCHWITZ, Mr. STAFFORD, Mr. CHILES, Mr. ZORINSKY, Mr. JEPSEN, Mr. HUMPHREY, Mr. FORD, Mr. TRIBLE, Mr. LEVIN, Mr. LAUTENBERG, Mr. HEINZ, Mr. COCHRAN, Mr. HART, Mr. LUGAR, Mr. DOMENICI, Mr. SIMPSON, Mr. GOLDWATER, Mr. BRADLEY, Mr. MATSUNAGA, Mr. GORTON, Mr. WILSON, Mr. DODD, Mrs. KASSEBAUM, Mr. MURKOWSKI, Mr. ABDNOR, Mr. NUNN, Mr. QUAYLE, Mr. WARNER, Mr. CRANSTON, Mr. PACKWOOD, Mr. RANDOLPH, Mr. GARN, Mr. EAST, Mr. HATFIELD, Mr. DANFORTH, Mr. ARMSTRONG, Mr. PROXMIRE, Mr. JOHNSTON, Mr. EVANS, Mr. CHAFEE, Mr. LONG, Mr. COHEN, Mr. WALLOP, and Mr. TOWER) (by request):

S. 2766. A bill to amend chapter 44, title 18, United States Code, to regulate the manufacture and importation of armor piercing ammunition; to the Committee on the Judiciary.

By Mr. D'AMATO:

S. 2767. A bill for the relief of Douglas and Maureen Wilkie; to the Committee on the Judiciary.

By Mr. MATHIAS (for himself, Mr. BINGAMAN, Mr. PERCY, Mr. PELL, and Mr. BAKER):

S. 2768. A bill to provide for the education in the United States of certain students of limited financial means from developing countries; to the Committee on Foreign Relations.

By Mr. HELMS:

S. 2769. A bill to amend section 1464 of title 18, United States Code, relating to broadcasting obscene language, and for other purposes; to the Committee on the Judiciary.

By Mr. MELCHER (for himself and Mr. ABDNOR):

S. 2770. A bill to protect consumers franchised automobile dealers from unfair price discrimination in the sale by the manufacturer of new motor vehicles, and for other purposes; to the Committee on the Judiciary.

By Mr. LEVIN:

S.J. Res. 310. Joint resolution to designate the week beginning September 16, 1984, as "National Osteopathic Medicine Week"; to the Committee on the Judiciary.

S.J. Res. 311. Joint resolution to designate the week of October 13, 1984, through October 19, 1984, as "National Independent Laboratory Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOMENICI:

S. Res. 405. Resolution to refer the bill (S. 2761) entitled "A bill for the relief of the White Sands ranchers of New Mexico" to the Chief Commissioner of the United States Court of Claims for a report thereon; to the Committee on the Judiciary.

By Mr. MATHIAS (for himself, Mr. BAKER, Mr. BYRD, and Mr. FORD):

S. Con. Res. 122. Concurrent resolution to provide for a Joint Congressional Committee on Inaugural Ceremonies; to the Committee on Rules and Administration.

By Mr. DURENBERGER:

S. Con. Res. 123. Concurrent resolution relating to payment of attorneys' fees to the family of Baby Jane Doe; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOMENICI:

S. 2761. A bill for the relief of the White Sands ranchers of New Mexico; to the Committee on the Judiciary.

(The remarks of Mr. DOMENICI on this legislation appear earlier in today's RECORD.)

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 2762. A bill entitled the "Barrow Gas Field Transfer Act of 1984"; to the Committee on Energy and Natural Resources.

BARROW GAS FIELD TRANSFER ACT

Mr. MURKOWSKI. Mr. President, today I rise with my colleague, Senator STEVENS, in the introduction of the Barrow Gas Field Transfer Act of 1984. This legislation proposes to transfer certain natural gas fields near Barrow, AK, from the Federal Government to the North Slope Borough, the unit of local government encompassing Barrow and the majority of the Alaska's North Slope.

Under the provisions of the Naval Petroleum Reserves Production Act of 1976, the Department of the Interior is obligated to supply the community of Barrow with natural gas at "reasonable and equitable rates." As a consequence of that provision, the Government has subsidized the operation and maintenance of those fields at a cost of approximately $6 million per year.

Several years ago, the Department of Interior initiated discussions with the North Slope Borough to transfer the responsibility for providing gas to the residents from the Federal Government to the borough. After months of negotiations, an agreement was finally reached and signed on September 22, 1983. This agreement is not self-executing, however, and Congress must confirm the agreement prior to October 1, 1984. This legislation will accomplish that goal.

An identical companion version of this bill, H.R. 5740, has already been introduced in the House of Representatives. Hearings have been held by the Public Lands Subcommittee of the Committee on Interior and Insular Affairs.

Yesterday, the full committee ordered the legislation reported to the House, and we anticipate that the House will adopt the legislation and send it to the Senate early next week.

The House hearings have demonstrated that there is broad support for this legislation, and there should be. Everybody wins under this approach, Mr. President.

The taxpayer wins because the Federal obligation to provide natural gas to the community of Barrow at subsidized rates is extinguished.

The residents of Barrow win because they will be able to exercise a higher degree of control over their energy future. The Federal Government is clearly not in the natural gas business, and cannot be expected to act in the best long-term interests of Barrow's gas consumers.

The Department of Interior, the North Slope Borough, the Arctic Slope Regional Corp. and the Ukpeagvik Inupiat Corp. have all endorsed this approach. In light of the merits of the bill and the broad, unanimous support that this bill enjoys, it would be my hope that the Senate will act with great haste to enact this measure into law.

By Mr. BINGAMAN:

S. 2763. A bill to amend title 13, United States Code, to provide for grants to State and local governments to assist in eliminating census undercounts, and for other purposes; to the Committee on Governmental Affairs.

CENSUS AWARENESS AND ACCOUNTABILITY ACT OF 1984

● Mr. BINGAMAN. Mr. President, today I am introducing a bill which addresses the problems associated with the undercounting of minorities by the Census Bureau. The bill calls for the creation of a census awareness program to increase citizen awareness on the importance of the census in order to reduce undercounts.

Over 100 billion dollars' worth of governmental funds are distributed based upon census information. However, there is a serious question as to the reliability of the population data which is used. According to authorities, a serious undercount of the actual numbers of minorities now exists. The Census Bureau estimates that as much as 1 to 2 percent of the entire population was missed in 1980, with the highest concentration among minorities. Approximately 4.5 percent of those not counted in 1980 are black and 3.5 to 4 percent Hispanic. This undercount acts to shortchange cities and States where there are large concentrations of minority citizens.

My legislation, which is similar to legislation introduced in the House by Congresswoman KATIE HALL of Indiana, the chairwoman of the Subcommittee on Census and Population, H.R. 5720, is designed to assist in correcting this problem. Congresswoman HALL's subcommittee has held a series of hearings on the problems associated with the census undercount receiving testimony from mayors, statistical experts, Census Bureau representatives, and others. According to the testimony, nearly every State and many large cities spent hundreds of thousands of dollars in 1980 in an attempt to increase citizen awareness of the need to participate in the census. Efforts to reduce the undercount were also made by the Census Bureau. Yet despite these efforts, while the total number of persons uncounted in the 1980 decennial census decreased, the number of minorities uncounted in comparison to nonminorities remained approximately 4 to 1; no change since the 1970 census.

As more information is known about how our population is changing, even greater efforts must be made to improve the accuracy of population information. The proportion of minority groups, particularly foreign-born is growing at a rapid pace. Between 1970 and 1980 our foreign-born population rose from slightly under 10 million to more than 14 million, 6 percent of the total population. Approximately 10 percent of our central city population were foreign-born in 1980.

The Hispanic population is also growing at a rapid pace, representing about 6.4 percent of the total U.S. population in 1980. The Census Bureau reported 9 million Hispanics in 1970 and 14.6 million in 1980, a 61-percent increase since 1970. While this is considered the most accurate ever count it is believed to be significantly lower than actual totals. Other minority groups are in a similar situation despite the efforts of the Census Bureau to reach these groups.

It is obvious that, despite the efforts of State and local governments and the Census Bureau, more needs to be done to get to the root of the reasons for the undercount.

According to testimony of Arnoldo S. Torres, national executive director of the League of United Latin American Citizens, there are several reasons for the undercount, including fear, hostility and apathy among minority citizens. Mr. Torres and others believe, however, that steps can be taken to improve accuracy through greater promotional campaigns directed at the existing negative preceptions. Assurances of confidentiality also must be maintained and local, State, regional and national efforts must be made to address the problems of undercounting. Of course, if possible current methodologies must continue to be improved.

The Census Awareness and Accountability Act of 1984 addresses these needs and is a necessary step toward the reduction of the Census undercount which now exists. It authorizes the creation of a 5-year Census Bureau grant program to State and local governments to plan, develop, and operate State and local minority advisory committees intended to increase citizen awareness and cooperation for compiling population data necessary to complete the 1990 decennial census. Funding levels for the program would be set at $20 million for fiscal years 1986–89 and $50 million for fiscal year 1990, subject to annual review and appropriations. The bill further instructs the Director of the Bureau of the Census to issue rules and regulations to govern distribution of all appropriated funds. The Secretary of Commerce is also required to report to Congress prior to the 1990 census on intended procedures for correcting undercounting or overcounting.

I hope this legislation will receive thorough and prompt consideration of the Senate. The 1990 census is only a little more than 5 years away. As the importance of the census and population data increases steps must be taken to improve its accuracy. The undercount, while it can not be eliminated, it can be minimized and compensated for. I hope my colleagues will join me in supporting this legislation.

Mr. President, 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. 2763

Be it enacted by the Senate and House of Representives of the United States of America in Congress assembled, That this Act may be cited as the "Census Awareness and Accountability Act of 1984".

SEC. 2. Section 141(f) of title 13, United States Code, is amended—

(1) by striking out "and" at the end of the paragraph (2); and

(2) by striking out paragraph (3) and inserting in lieu thereof the following new paragraphs:

"(3) not later than 18 months before the appropriate census date, a report containing the Secretary's determination concerning the procedures, if any, for estimating and adjusting for any overcount or undercount in any tabulation of total population by State or other geographic area which may occur in such census (including the estimated total cost and the projected timetable for carrying out any such procedures, and the characteristics of any population groups particularly affected by or involved in the overcount or undercount); and

"(4) after submission of a report under paragraph (1), (2), or (3) of this subsection and before the appropriate census date, if the Secretary finds new circumstances exist which necessitate that the subjects, types of information, questions, or procedures (or any cost estimate, timetable, or population description accompanying such procedures) contained in the report so submitted be modified, a report containing the Secretary's determination of the subjects, types of information, questions, or procedures (or accompanying matter) as proposed to be modified.".

SEC. 3. (a) Title 13, United States Code, is amended by inserting after section 141 the following new section:

"§ 141a. Grants

"(a) The Secretary shall establish a program to provide grants to States and local units of general purpose government in order to promote activities designed to minimize the extent of any undercounts which may occur in the decennial census of population conducted under section 141(a) of this title in 1990.

"(b) Grants under this section may be made only if appropriate written application is submitted at such time, in such manner, and complete with such information, as the Secretary may by regulation require.

"(c) The Secretary shall consult with the Director of the Census in making a determination with respect to any application under this section and in otherwise carrying out the requirements of this section.

"(d) A grant under this section—

"(1) shall be paid from sums available under subsection (e) of this section; and

"(2) shall be made in such amount as may be approved by the Secretary, except that—

"(A) in each of fiscal years 1986, 1987, 1988, and 1989, not more than $500,000 may be awarded with respect to any State (including any local units of general purpose government within such State) in such fiscal year; and

"(B) in fiscal year 1990, not more than $1,000,000 may be awarded with respect to any State (including any local units of general purpose government within such State) in such fiscal year.

"(e) There are authorized to be appropriated $20,000,000 for each of fiscal years 1986, 1987, 1988, and 1989, and $50,000,000 for fiscal year 1990, in order to carry out this section.

"(f) For purposes of this section—

"(1) the term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands; and

"(2) the term 'local unit of general purpose government' has the meaning given such term under section 184 of this title.".

"(b) The analysis for chapter 5 of title 13, United States Code, is amended by adding after the item relating to section 141 the following new item:

"141a. Grants.".●

By Mr. PERCY (by request):

S. 2764. A bill to authorize U.S. participation in the International Jute Organization; to the Committee on Foreign Relations.

U.S. PARTICIPATION IN THE INTERNATIONAL JUTE ORGANIZATION

Mr. PERCY. Mr. President, by request, I introduce for appropriate reference a bill to authorize U.S. participation in the International Jute Organization.

This legislation has been requested by the Department of State and I am introducing the proposed legislation in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with an analysis of the bill and the letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs to the President of the Senate dated May 31, 1984.

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

S. 2764

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized to maintain membership of the United States in the International Jute Organization.

DEPARTMENT OF STATE,
Washington, DC, May 31, 1984.

Hon. GEORGE BUSH,
President of the Senate, U.S. Senate.

DEAR MR. PRESIDENT: As you know, this Administration prefers to find trade and market-oriented solutions to the problems of development whenever possible. For that reason we were pleased to sign the International Jute Agreement in 1983. Our adherence to this agreement is in line with our pledge at the 1976 UNCTAD Conference to examine the problems of developing country commodities for possible solution through international cooperation. In this agreement we believe we have the potential to enhance the competitiveness of an important developing country export, while avoiding shortsighted attempts to interfere with pricing in its normal markets. The International Jute Organization was brought into force provisionally on January 9, 1984 to implement the International Jute Agreement, with a small secretariat located in Dhaka, Bangladesh.

Bangladesh and India, in particular, sought international cooperative measures which would shore up, and hopefully improve, the market position of jute and jute products. Jute provides important exports for both countries, and to a lesser extent, for Thailand and Nepal. This natural fiber is the basis of an industry which is highly labor intensive, but which faces strong pressures from synthetic fibers in many of its traditional applications. Our interests in this relatively poor and politically complex area of the world we believe amply support this fledgling effort to maintain and perhaps increase present economic activity and employment based on jute.

For these reasons, I hereby transmit a bill to authorize the President to maintain membership of the United States in the International Jute Organization. Annual cost to maintain our membership is expected to be approximately $115,000.

The Office of Management and Budget has advised that there is no objection to the submission of this legislation to the Congress, and that its enactment would be in accord with the program of the President.

With cordial regards,

W. TAPLEY BENNETT, Jr.,
Assistant Secretary, Legislative and Intergovernmental Affairs.

ANALYSIS OF THE BILL

This Bill authorizes the President to maintain United States membership in the International Jute Organization which entered into force provisionally on January 9, 1984. The secretariat of the organization is in Dhaka, Bangladesh. The United States signed the Agreement on June 24, 1983 and declared its provisional application on September 20, 1983.

The International Jute Agreement, from which the organization originates, is a new type of commodity agreement. It is devoted to improving the product competitiveness of the various types of textiles, bagging and carpet backing which are made from jute, rather than to influencing the market through any form of price intervention. The International Jute Organization will sponsor voluntarily funded projects in research and development, market promotion and cost reduction. The projects will primarily be of benefit to the principal jute exporters—Bangladesh, India, Thailand and Nepal.

The U.S., one of several consumer nation participants, is the world's largest importer of jute and jute products, taking 10-15 percent of total exports. The U.S. participated in the negotiation of this agreement based on a formal commitment made at the 1976 UNCTAD Conference. There we agreed to enter into discussions aimed at identifying, on a case by case basis, appropriate international measures to assist developing countries in improving their positions in certain commodity markets. This is the first such agreement which will not involve market intervention, but rather product and marketing improvements.

Permanent legislative authorization of this nature is consistent with 22 U.S.C. 262 and 2672 relating to United States participation in international congresses, conferences and organizations. Annual cost to maintain our membership is expected to be approximately $115,000.

By Mr. GRASSLEY (for himself and Mr. JEPSEN):

S. 2765. A bill to amend the Consolidated Farm and Rural Development Act to require the Secretary of Agriculture to guarantee certain outstanding agricultural loans which are modified by private lenders, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

AGRICULTURE DEBT RESTRUCTURING ACT

● Mr. GRASSLEY. Mr. President, today I am introducing the Agriculture Debt Restructuring Act of 1984. This bill represents the product of efforts originating with a proposal by Iowa State University agriculture economists who recognize that major action will be necessary to protect Iowa's economy, which is heavily dependent upon agriculture, from the severe credit pressures on our farmers and small businesses. Iowa State University's Prof. Neil Harl came to Washington several weeks ago to talk to members of the Iowa delegation about his proposal. Since then a number of the delegation have been reviewing and developing this proposal. This particular bill is also being introduced in the House by Congressman JIM LEACH. Also, Senator ROGER JEPSEN, who has mobilized his Joint Economic Committee to analyze this initiative, is joining me today as a cosponsor. Other members of the Iowa delegation join us in this effort and we are looking for support from our colleagues from other parts of the country. The farm credit problem is not something limited to Iowa.

Notwithstanding the fact that interest rates have fallen during the last 3 years, they remain too high. These high interest rates are having a profoundly adverse impact on farmers and small agribusinesses, who unlike most other businesses, are unable to pass the costs on. As land prices plummet, agriculture lenders have become

uneasy and less willing to extend the necessary credit to farmers. The squeeze has become unbearable and serious action must be taken, not only by Government, but by private lenders as well. This legislation embodies a major step in this direction.

I view this legislation as a focal point for continued discussion and development. I look forward to hearings by the Senate Agriculture Committee that I expect will be initiated by Senator JEPSEN. I realize that there may be need for revision and am open to any and all positive recommendations. My request to my colleagues is that they give every consideration possible to working with Senator JEPSEN and myself as we attempt to find solutions to resolve a very serious agriculture economic crunch. We have to keep in mind that if we can help banks like Continental Illinois work out of their problems, we ought to be able to step in and help America's agriculture sector, which we all know constitutes the backbone of our country. I urge your support and welcome your cosponsorship.●

By Mr. THURMOND (for himself, Mr. BIDEN, Mr. MOYNIHAN, Mr. D'AMATO, Mr. BAKER, Mr. STEVENS, Mr. KENNEDY, Mr. LAXALT, Mr. HATCH, Mr. DOLE, Mr. SIMPSON, Mr. GRASSLEY, Mr. DENTON, Mr. SPECTER, Mr. METZENBAUM, Mr. DECONCINI, Mr. LEAHY, Mr. BAUCUS, Mr. HEFLIN, Mr. PERCY, Mr. KASTEN, Mr. NICKLES, Mrs. HAWKINS, Mr. PRESSLER, Mr. PELL, Mr. HOLLINGS, Mr. BOSCHWITZ, Mr. STAFFORD, Mr. CHILES, Mr. ZORINSKY, Mr. JEPSEN, Mr. HUMPHREY, Mr. FORD, Mr. TRIBLE, Mr. LEVIN, Mr. LAUTENBERG, Mr. HEINZ, Mr. COCHRAN, Mr. HART, Mr. LUGAR, Mr. DOMENCINI, Mr. GOLDWATER, Mr. BRADLEY, Mr. MATSUNAGA, Mr. GORTON, Mr. WILSON, Mr. DODD, Mrs. KASSEBAUM, Mr. MURKOWSKI, Mr. ABDNOR, Mr. NUNN, Mr. QUAYLE, Mr. WARNER, Mr. CRANSTON, Mr. PACKWOOD, Mr. RANDOLPH, Mr. GARN, Mr. HATFIELD, Mr. DANFORTH, Mr. ARMSTRONG, Mr. PROXMIRE, Mr. JOHNSTON, Mr. EVANS, Mr. CHAFEE, Mr. LONG, Mr. EAST, Mr. COHEN, Mr. WALLOP, and Mr. TOWER) (by request):

S. 2766. A bill to amend chapter 44, title 18, United States Code, to regulate the manufacture and importation of armor-piercing ammunition; to the Committee on the Judiciary.

LIMITING MANUFACTURE AND IMPORTATION OF ARMOR-PIERCING AMMUNITION

Mr. THURMOND. Mr. President, at the request of the administration, I am pleased to introduce today a bill which will limit the manufacture and importation of "armor-piercing bullets." Joining me in this bipartisan enterprise are many of my distinguished colleagues, including the ranking minority member of the Judiciary Committee, Senator JOSEPH R. BIDEN, JR., the two distinguished Senators from New York, DANIEL PATRICK MOYNIHAN and ALFONSE D'AMATO, the distinguished majority leader, Senator HOWARD BAKER, and the able assistant majority leader, Senator TED STEVENS.

Mr. President, the bill which I am introducing today is the product of long and careful study by the administration, the Committee on the Judiciary, and other interested parties. In March of this year, the Criminal Law Subcommittee of the Judiciary Committee held hearings on the complex and seemingly unresolvable problem of armor-piercing bullets. During that hearing, the committee heard testimony about the difficulties in fashioning a definition of armor-piercing bullets that would strike an appropriate balance between the legitimate concerns of both law enforcement personnel, and law-abiding hunters and sportsmen. The subcommittee also heard testimony about the need to provide strong Federal penalties for those who use or carry firearms and possess armor-piercing bullets while committing a violent felony. Furthermore, witnesses urged legislation which would minimize the availability of potentially dangerous ammunition to those bent upon criminal misuse.

Mr. President, the bill which I am introducing today, on behalf of the administration and my many distinguished colleagues, would define "armor-piercing ammunition" as solid projectiles or projectile cores constructed from specified metals. Projectiles which the Secretary of the Treasury finds to be "primarily intended to be used for sporting purposes" are specifically excluded. This ammunition could not be manufactured or imported, except under very limited circumstances.

First, armor-piercing ammunition could be manufactured or imported for the use of Government agencies. Specifically, this is intended to cover law enforcement or intelligence agencies. Alternately, armor-piercing ammunition could be manufactured for exportation only. As a result, after the effective date of this act, manufacturers and importers will no longer be permitted to sell armor-piercing ammunition to licensed dealers. Finally, manufacturers and importers of armor-piercing ammunition would pay the same license fee as those who manufacture or import destructive devices, such as explosives—$1,000 per year. This is considerably more than the current fees of $10 and $50.

In addition to the restrictions on manufacturing and importing such ammunition, the bill would provide mandatory penalties for using or carrying a firearm and possessing armor-piercing ammunition during the commission of a violent felony. Probation, parole, and concurrent sentences with respect to those penalties would be prohibited. These penalties are similar to those which were endorsed by the Judiciary Committee, by a vote of 14 to 1, in S. 914, the Firearms Owners Protection Act, and passed by the Senate in S. 1762 in February.

Mr. President, this bill codifies in many respects a commendable initiative by the administration. This bill will limit the proliferation of ammunition which might be sought by persons determined to engage in crime at all costs, but which has no legitimate sporting purpose. I believe that it achieves an infinitely fair balance between the legitimate interests of law enforcement and sportsmen.

Mr. President, this delicate equilibrium was achieved as a result of considerable hard work and devotion to the public interest. The administration, and particularly the Treasury and Justice Departments, are to be highly commended for grappling with the difficult definitional problems posed by this bill. The National Rifle Association and various police organizations, such as the International Association of Chiefs of Police and the Fraternal Order of Police, have vigorously pursued their respective points of view, resulting in this responsible accommodation of their interests. The distinguished ranking minority member of the committee has been very concerned about this issue and we have worked together since our committee considered it in connection with the McClure-Volkmer bill. Finally, Senator D'AMATO has pursued a fair resolution of this issue for some time and successfully urged interested parties to get together. Senator MOYNIHAN has introduced his own legislation, and is a welcome cosponsor of this measure.

Mr. President, as chairman of the Committee on the Judiciary, I intend to schedule this bill for consideration by the committee at the earliest opportunity. Once the committee has acted, I am hopeful that the full Senate will endorse its recommendation as soon as possible.

Mr. President, I ask unanimous consent that the bill which I am introducing today, along with the rest of the submission by the administration, be printed in the RECORD.

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

S. 2766

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 921(a)(17) of title 18 of the United States Code is redesignated as section 921(a)(17)(A), and a new subparagraph (B)

is added to section 921(A)(17) to read as follows:

"(B) The term 'armor piercing ammunition' means solid projectiles or projectile cores constructed from tungsten alloys, steel, iron, brass, bronze, beryllium copper, or depleted uranium. The term shall not include shotgun shot required by Federal or State environmental or game regulations for hunting purposes, frangible projectiles designed for target shooting or any projectile which the Secretary finds is primarily intended to be used for sporting purposes. The term 'solid' in the first sentence of this subparagraph means made entirely from one or more of the substances specified therein, but may include the presence of trace elements of other substances."

SEC. 2. Section 922(a) of title 18 of the United States Code is amended by adding after paragraph (6) the following:

"(7) for any person to manufacture or import armor piercing ammunition, except that this paragraph shall not apply to (A) the manufacture or importation or armor piercing ammunition for the use of the United States or any department or agency thereof or any State or any department, agency, or political subdivision thereof, or (B) the manufacture of armor piercing ammunition for the sole purpose of exportation."

SEC. 3. Subparagraph (A) of section 923(a)(1) of title 18 of the United States Code is amended to read as follows:

"(A) of destructive devices, ammunition for destructive devices or armor piercing ammunition, a fee of $1,000 per year;".

SEC. 4. Subparagraph (C) of section 923(a)(1) of title 18 of the United States Code is amended to read as follows:

"(C) of ammunition for firearms, other than ammunition for destructive devices or armor piercing ammunition, a fee of $10 per year."

SEC. 5. Subparagraphs (A) and (B) of section 923(a)(2) of title 18 of the United States Code is amended to read as follows:

"(A) of destructive devices, ammunition for destructive devices or armor piercing ammunition, a fee of $1,000 per year; or

"(B) of firearms other than destructive devices or ammunition for firearms other than destructive devices, or ammunition other than armor piercing ammunition, a fee of $50 per year."

SEC. 6. Section 924(c) of title 18 of the United States Code is amended (a) by striking the period at the end of paragraph (2) and adding in lieu thereof a comma and the word "or" and (b) by adding a new paragraph (3) to read as follows:

"(3) during and in relation to the commission of a violent felony uses or carries a firearm and is in possession of armor piercing ammunition capable of being fired in that firearm shall, in addition to the punishment provided for the commission of such felony, be sentenced to a term of imprisonment for not less than five years. Notwithstanding any other provision of law, the court shall not suspend the sentence of any person convicted of a violation of this subsection, nor place him on probation, nor shall the term of imprisonment run concurrently with any other term of imprisonment, including that imposed for the felony in which the armor piercing ammunition was used or carried. No person sentenced under this subsection shall be eligible for parole during the term of imprisonment imposed herein. For the purpose of this paragraph, the term violent felony means (A) a felony (which may be prosecuted in a court of the United States) that has as an element, the use, attempted use, or threatened use of physical force against the person or property of another, or (B) any other felony (which may be prosecuted in a court of the United States) that, by its nature involves a substantial risk that physical force against the person or property of another may be used in the course of its commission."

SEC. 7. The amendments shall take effect on the date of enactment of this Act, except that sections 3, 4, and 5 shall take effect on the first day of the first calendar month which begins more than 90 days after the date of the enactment of this Act.

DEPARTMENT OF THE TREASURY,
Washington, DC, June 13, 1984.

Hon. GEORGE BUSH,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: There is transmitted herewith a proposed bill, "To amend Chapter 44, Title 18, United States Code, to regulate the manufacture and importation of armor piercing ammunition."

The purpose of the proposed legislation is to limit the manufacture and importation of armor piercing ammunition to the military and other Federal, State and local governmental agencies who may have legitimate needs for this ammunition. The bill would also set a mandatory penalty on the possession of this ammunition during the commission of a violent felony.

A detailed analysis and a comparative type showing the changes that would be made by the proposed bill are enclosed for your convenient reference.

It would be appreciated if you will lay the proposed legislation before the Senate. An identical proposal has been transmitted to the Speaker of the House of Representatives.

The Office of Management and Budget has advised that enactment of the proposed legislation would be in accord with the program of the President.

Sincerely,

BRUCE E. THOMPSON, Jr.,
Assistant Secretary (Legislative Affairs).
ROBERT A. MCCONNELL,
Assistant Attorney General, Office of Legislative and Intergovernmental Affairs.

ANALYSIS

The proposed bill would amend several provisions of Chapter 44, Title 18, United State Code, relating to ammunition.

The purpose of the proposed legislation is to limit the manufacture and importation of armor piercing ammunition to the military and other Federal, State and local governmental agencies who may have legitimate needs for this ammunition. In addition, the bill would also set a mandatory penalty on the possession of this ammunition during the commission of a violent felony. Specifically, the proposed legislation would (1) define "armor piercing ammunition" so as to cover all materials now in use for the manufacture of armor piercing ammunition; (2) ban the importation and manufacture of armor piercing ammunition, except for use by the Government or for exportation; (3) set $1,000 license fees for manufacturers and importers of armor piercing ammunition; and (4) set mandatory sentences for persons who during and in relation to the commission of a violent felony use or carry a firearm and are in possession of armor piercing ammunition capable of being fired in that firearm.

The Gun Control Act of 1968 (18 U.S.C. Chapter 44) does not place any restrictions on the various types of armor piercing ammunition in use in the United States today. Although a form of armor piercing bullet was manufactured as far back as 40 years ago, only in the past few years has there been a great deal of publicity about armor piercing ammunition and concern about the safety of law enforcement officers.

Protective vests or vests composed of soft body armor are part of the protective equipment issued to roughly one-half of the nation's 570,000 sworn police officers. The wide availability of armor piercing ammunition could diminish the effectiveness of the protective armor. Therefore, the proposed bill would require the manufacture and importation of this type of ammunition, as well as impose a mandatory penalty for the possession of the ammunition during and in relation to the commission of a violent felony.

Section 1 of the proposed bill would amend section 921(a)(17), Title 18, to add to a definition of "armor piercing ammunition." The general characteristics of ammunition which are specifically designed and marketed to pierce armor involve a solid projectile or a hard bullet core, a relatively large propellant charge, and consequently, high muzzle velocity. The proposed bill would define the ammunition as a solid projectile or solid projectile core made from tunsten alloys, steel, iron, brass, bronze, beryllium copper, or depleted uranium. The proposed definition would cover all of the specifically designed armor piercing ammunition which is currently known to exist. The definition excludes three specific types of ammunition: (1) shotgun shot required by Federal or State regulations for hunting purposes, (2) frangible projectile designed for target shooting, and (3) any projectile which the Secretary finds is primarily intended to be used for sporting purposes. The proposed definition would: (1) define the term to cover all materials which could be used for the manufacture of armor piercing ammunition, and thus avoid the administrative burden of testing every type of ammunition on the market; (2) define the term in a way that can be easily understood and applied by industry; and (3) exempt ammunition capable of penetrating soft body armor from prohibition against manufacture and importation where such ammunition is determined by the Secretary to be designed for sporting purposes.

Section 2 of the proposed bill would amend section 922(a), Title 18, to ban the importation or manufacture for the sole purpose of exportation, or the manufacture and importation of armor piercing ammunition for the use of the United States or any State or local government.

Sections 3 through 5 of the bill would amend sections 923(a) (1) and (2), Title 18, to set a licensing fee of $1,000 per year for manufacturers and importers of armor piercing ammunition.

Section 6 of the bill would impose a mandatory prison sentence of not less than 5 years for an individual who during and in relation to the commission of a violent felony uses or carries a firearm and is in possession of armor piercing ammunition capable of being fired in that firearm. This mandatory sentence would be in addition to the punishment provided for the commission of the violent felony and could not be served concurrently with any other sentence, including that imposed for the violent felony. Moreover, a person sentenced

under the section shall not be given a suspended sentence, placed on probation, or be eligible for parole during the term of imprisonment.

Section 6 of the bill would also define the term "violent felony." The term means a felony which may be prosecuted in a court of the United States and that has as an element the use, attempted use, or threatened use of physical force against the person or property of another. It would also include any other felony which may be prosecuted in a court of the United States that by its nature, involves the substantial risk that physical force against another person or property may be used in the course of its commission.

Section 7 establishes the effective dates for the various sections of the bill. Sections 3, 4, and 5 (the license fee provisions) take effect approximately 90 days after the date of enactment; the others take effect immediately upon enactment.

This proposal was developed in response to a valid concern among law enforcement officials, legislators and the general public that certain types of armor piercing ammunition are readily available on the commercial market and that this ammunition poses a severe threat to law enforcement officers. The proposed bill meets these concerns without restricting or interfering with the legitimate use of firearms for hunting, trap or skeet shooting, formal or informal target shooting or gun collecting.

COMPARATIVE TYPE SHOWING CHANGES IN EXISTING LAW MADE BY PROPOSED BILL

Changes in existing law proposed to be made by the bill are shown as follows (existing law proposed to be omitted is enclosed in brackets, new matter is underscored):

TITLE 18—UNITED STATES CODE

CHAPTER 44—FIREARMS

* * * * *

§ 921. Definitions

(a) As used in this chapter—

* * * * *

(17) *(A)* * * *

(B) The term "armor piercing ammunition" means solid projectiles or projectile cores constructed from tungsten alloys, steel, iron, brass, bronze, beryllium copper, or depleted uranium. The term shall not include shotgun shot required by Federal or State environmental or game regulations for hunting purposes, frangible projectiles designed for target shooting or any projectile which the Secretary finds is primarily intended to be used for sporting purposes. The term "solid" in the first sentence of this subparagraph means made entirely from one or more of the substances specified therein, but may include the presence of trace elements of other substances.

* * * * *

§ 922. Unlawful acts

(a) It shall be unlawful—

* * * * *

(7) for any person to manufacture or import armor piercing ammunition, except that this paragraph shall not apply to (A) the manufacture or importation of armor piercing ammunition for the use of the United States or any department or agency thereof or any State or any department, agency, or political subdivision thereof, or (B) the manufacture of armor piercing ammunition for the sole purpose of exportation.

* * * * *

§ 923. Licensing

(a) * * *

(1) If the applicant is a manufacturer—

(A) [of destructive devices or ammunition for destructive devices, a fee of $1,000 per year;] *of destructive devices, ammunition for destructive devices or armor piercing ammunition, a fee of $1,000 per year;*

* * * * *

(C) [of ammunition for firearms other than destructive devices, a fee of $10 per year.] *of ammunition for firearms, other than ammunition for destructive devices or armor piercing* ammunition, a fee of $10 per year.

(2) If the applicant is an importer—

(A) [of destructive devices or ammunition for destructive devices, a few of $1,000 per year; or] *of destructive devices, ammunition for destructive devices or armor piercing ammunition, a fee $1,000 per year; or*

(B) [of firearms other than destructive devices or ammunition for firearms other than destructive devices, a fee of $50 per year.] *of firearms other than destructive devices or ammunition for firearms other than destructive devices, or ammunition other than armor piercing ammunition, a fee of $50 per year.*

* * * * *

§ 924. Penalties

(c) Whoever—

(1) * * *

(2) carries a firearm unlawfully during the commission of any felony for which he may be prosecuted in a court of the United States,

shall, in addition to the punishment provided for the commission of such felony, be sentenced to a term of imprisonment for not less than one year nor more than ten years. In the case of his second or subsequent conviction under this subsection, such person shall be sentenced to a term of imprisonment for not less than two nor more than twenty-five years and, notwithstanding any other provision of law, the court shall not suspend the sentence in the case of a second or subsequent conviction of such person or give him a probationary sentence, nor shall the term of imprisonment imposed under this subsection run concurrently with any term of imprisonment imposed for the commission of such felony[.], *or*

(3) during and in relation to the commission of a violent felony uses or carries a firearm and is in possession of armor piercing ammunition capable of being fired in that firearm shall, in addition to the punishment provided for the commission of such felony, be sentenced to a term of imprisonment for not less than five years. Notwithstanding any other provision of law, the court shall not suspend the sentence of any person convicted of a violation of this subsection, nor place him on probation, nor shall the term of imprisonment run concurrently with any other term of imprisonment, including that imposed for the felony in which the armor piercing ammunition was used or carried. No person sentenced under this subsection shall be eligible for parole during the term of imprisonment imposed herein. For the purpose of this paragraph, the term violent felony means (A) a felony (which may be prosecuted in a court of the United States) that has as an element, the use, attempted use or threatened use of physical force against the person or property of another, or (B) any other felony (which may be prosecuted in a court of the United States) that, by its nature involves a substantial risk that physical force against the person or property of another may be used in the course of its commission.

* * * * *

Mr. BIDEN. Mr. President, today we are introducing a bill which will assist the 528,000 law enforcement officers in this country. The bill is intended to limit the availability of armor-piercing bullets that are capable of penetrating bullet resistent vests worn by police. The intent of this legistlation is to establish a uniform national law restricting the manufacture and importation of the killer bullets. Additionally, the bill will set a mandatory penalty on the possession of this ammunition during commission of a violent felony.

Last year Senator MOYNIHAN introduced S. 555, the Law Enforcement Officers Protection Act of 1983. The thrust of that legislation is incorporated in the bill we are introducing today. Senator MOYNIHAN is to be commended for his diligent work on this issue and should be given much of the credit for originally bringing this matter to the attention of the Senate.

As the ranking member of the Judiciary Committee I joined with several of my colleagues in holding a hearing on this matter in March. It became clear at that time that there was a problem with the definition used in the bill and that additional technical adjustments were necessary if the legislation was to move in Congress.

It was my contention that a compromise position that would get these bullets off our streets and not infringe on the legitimate rights of hunters and sportsmen had to be found. At the hearing I asked the Treasury Department representatives to begin working on a new definition that would be based on the voluntary request they currently make of ammunition importers and manufacturers, not to deal in armor piercing bullets. My comment at the hearing was:

* * * I would like you to send us with precision what you ask manufacturers to do, how you determine who the manufacturers are and what you say to them when you determine who they are * * *

The bill we are introducing today is the culmination of the Treasury and Justice Departments' work to develop a new definition. This bill is now supported by all law enforcement groups, the National Rifle Association, and Handgun Control, Inc. It should move quickly through Congress.

In the mid-1970's, the protective material called Kevlar, a registered trademark of E.I. du Pont de Nemours & Co. proved extremely successful as a soft, lightweight body armor. Between the period of 1975 to 1978, 255 police officers wearing bullet-resistant vests were shot in gun battles. The soft body armor saved the lives of 250 officers; the 5 who lost their lives were shot in unprotected areas. Current es-

timates are that close to 600 law enforcement officers are alive today because of bullet-resistant vests.

I am proud to say that last year the E.I. du Pont de Nemours & Co. stopped the sale of Teflon coating to ammunition makers that produce or are developing armor-piercing bullets. Teflon fluoropolymer has proven to be a necessary product in the production of certain armor-piercing bullets.

The specific purpose of this legislation is to limit the manufacture and importation of armor-piercing ammunition to the military and other Federal, State, or local governmental agencies who may have legitimate needs for this ammunition. In addition, the bill would also set a mandatory penalty on the possession of this ammunition during the commission of a violent felony. Specifically, the proposed legislation would: First, define "armor-piercing ammunition" so as to cover all materials now in use for the manufacture of armor-piercing ammunition; second, ban the importation and manufacture of armor-piercing ammunition, except for use by the Government or for exportation; third, set $1,000 license fees for manufacturers and importers of armor-piercing ammunition; and fourth, set mandatory sentences for persons who during and in relation to the commission of a violent felony use or carry a firearm and are in possession of armor-piercing ammunition capable of being fired in that firearm.

During the past year seven States—Alabama, California, Illinois, Kansas, Minnesota, and Rhode Island—have enacted their own laws banning such bullets. The major police organizations that include the Fraternal Order of Police, International Brotherhood of Police Officers, and International Union of Police Officers have all called for a ban on this type of ammunition.

On behalf of the men and women in the law enforcement community across this country I believe we must now move forward on this legislation as quickly as possible.

Mr. MOYNIHAN. Mr. President, I am pleased to join my distinguished colleagues, Senator BIDEN and Senator THURMOND, in introducing legislation to ban the manufacture or import of armor-piercing ammunition, and to establish mandatory penalties for the possession of such ammunition during the commission of violent Federal felonies.

Congressman MARIO BIAGGI and I have been working to pass such legislation for the past 2½ years. Indeed, the bill we introduce today embodies most, but not all, of the provisions of that legislation, S. 555/H.R. 953. We introduced these measures at the beginning of the 98th Congress, to ban the manufacture, sale, importation, and criminal use of armor-piercing handgun ammunition. This new legislation prohibits the manufacture and import of such bullets, and also includes mandatory jail terms for the use of such bullets in a crime. This measure does not preclude the sale of armor-piercing bullets, and imperfection I likely will address with an amendment. This bill also provides that police forces, the military, and other agencies of national security may have access to this ammunition.

The new measure also provides an alternative definition of armor-piercing ammunition based on its physical properties: "* * * solid projectiles or projectile cores constructed from tungsten alloys, steel, iron, brass, bronze, beryllium, copper, or depleted uranium."

The new legislation explicitly excludes from this definition "* * * shotgun shot required by Federal or State environmental or game regulations for hunting purposes, frangible projectiles designed for target shooting or any projectile which the Secretary finds is primarily intended to be used for sporting purposes."

I am confident that this definition will effectively ban the most common and dangerous of the armor-piercing bullets, without interfering in any way with the legitimate activities of America's sportsmen and legitimate gun owners.

I would like to say a few words about the background of this issue, as well as the history of this legislation. In the mid-1970's, police officers gained a significant measure of protection from the proliferation of illegal handguns: the Du Pont Co. had announced the development of a synthetic fiber, Kevlar, which was both strong enough to stop most bullets and light enough to be worn comfortably under a uniform. By 1974, policemen across the country began wearing bulletproof vests containing 18 layers of Kevlar. Since that time, these vests have saved the lives of more than 400 officers. Between 1974 and 1983, the number of law enforcement officers killed in the line of duty declined by 43 percent.

But, with great dismay, both police and Congress discovered that certain bullets could penetrate these bulletproof vests. These small caliber, pointed bullets, usually made of brass, steel, or another hard metal, differ from regular ammunition in two chief respects: their rapid speed of travel, and their capacity to retain their shape on impact. In a test conducted by the California State Police, one of these bullets—the apple-green, Teflon-coated KTW bullet—penetrated four standard bulletproof vests—72 layers of Kevlar—and 5 Los Angeles County phone books placed behind the vests. In the hands of a criminal, this ammunition renders useless the bulletproof vests that have saved so many police officers' lives.

These bullets quickly earned the moniker "cop killer bullets," because they have no other conceivable purpose. Armor-piercing bullets were developed originally for use by law enforcement officers themselves, shooting at cars and barricades. The police, however, soon discovered that these bullets are too unpredictable to use safely: their hardness and speed increase the ricochet effects, endangering bystanders as well as police themselves. Hunters immediately spurned them, discovering that traditional lead ammunition stopped game far more effectively. The high cost of armor-piercing bullets proved prohibitive for target shooters. Nobody wants these bullets—except those who would shoot police officers. And so we have come to call these bullets cop killers.

A crisis of confidence quickly developed among police officers, with the knowledge that their vests could be rendered useless by readily available handgun ammunition. And so it was that Congressman BIAGGI and I introduced legislation in the 97th Congress to ban the manufacture, importation, sale, and criminal use of cop killer bullets. We followed in the 98th Congress with the introduction of S. 555 and H.R. 953. Our legislation in time received the endorsement of every major police organization in the country, including the National Fraternal Order of Police, the International Association of Chiefs of Police, the National Association of Police Organizations, the National Sheriffs' Association, the International Union of Police Officers, the National Organization of Black Law Enforcement Executives, and the Federal Law Enforcement Officers Association, as well as hundreds of State and local enforcement agencies. In my home State of New York, dozens of groups have rallied behind this legislation. Just recently, this bill received the unanimous endorsements of the council of the city of New York and the Assembly of the State of New York.

I regret that the administration opposed the letter and intent of this legislation for 2½ years, before announcing this week its intention to support the legislation I am introducing today. In those 2 years, we have lost valuable time in the effort to halt the proliferation of cop killer bullets. But the perseverance of the many supporters of this legislation apparently, and finally, has reaped consensus. At recent hearings on S. 555 and H.R. 953—March 7, 1984, in the Senate, and May 17, 1984, in the House—a wide range of experts testified in favor of our bills. At the House hearing, only the administration and the National Rifle Association spoke against the bill. I frankly could not understand the arguments of either group against a ban on cop killer bullets; and I am grateful to dis-

cover anew that the congressional hearing process can serve as a forum to express, and resolve, unwarranted concerns over important legislation.

Our Nation's police officers have asked, pleaded, for this legislation. I urge my colleagues in the Senate to give it to them.

I ask unanimous consent that the following items be printed in the RECORD in the order in which I list them, at the conclusion of my remarks:

First, the resolutions of the council of the city of New York and the Assembly of the State of New York.

Second, the attached newspaper editorials.

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

AMENDED RES. No. 664-A

By Council Members Michels and Samuel; also Council Members Dryfoos, Friedlander, Gritzer, Maloney, Messinger, Alter, Albanese, Crispino, Dear, Eisland, Ferrer, Foster, Gerges, Leffler, Manton and O'Donovan—

Whereas, New York City police officers have been equipped in recent years with protective vests; and

Whereas, this body armor was designed to be bulletproof and has saved the lives of many police officers; and

Whereas, criminal elements have been utilizing KTW and other types of bullet capable of piercing these vests; and

Whereas, these bullets defeat the best means of protection for members of the New York Police Department; and

Whereas, there is no legitimate recreational use for these bullets since they tend to wound rather than kill hunting game; and

Whereas, these bullets are not used by police officers because they have limited stopping power and have a greater tendency to ricochet and injure innocent bystanders; and

Whereas, 18 states have banned armor-piercing bullets; and

Whereas, several localities, including Brookhaven, N.Y., have also responded to this threat by banning this anti-personnel ammunition; and

Whereas, Rep. Marion Biaggi has introduced a bill, H.R. 953, sponsored by over 150 Members of Congress, which would outlaw the manufacture, import and sale of these bullets, as well as impose stiffer penalties for felons who have used these bullets in the commission of a crime; and

Whereas, Sen. Daniel Patrick Moynihan has introduced a companion bill, S. 555; and

Whereas, a similar bill (Intro. 253) banning armor-piercing bullets within the City of New York has been introduced in the City Council; therefore, be it

Resolved, that the Council of the City of New York calls upon the United States Congress to expeditiously act on the passage of H.R. 953/S. 555; and be it further

Resolved, that in the meantime the Council of the City of New York will hold hearings on Intro. 253 to bring attention to the danger posed by these bullets; and be it yet further

Resolved, that copies of this resolution be sent to Rep. William J. Hughes, chairman of the House Subcommittee on Crime, to Sen. Storm Thurmond, chairman of the Senate Judiciary Committee, to Sens. Daniel Patrick Moynihan and Alfonse D'Amato and to the entire congressional delegation from New York City.

Adopted.

STATE OF NEW YORK—LEGISLATIVE RESOLUTION

Whereas, Armor-piercing "cop killer" hand gun bullets are among the weapons used by bank robbers, gangsters and drug dealers in thousands of crimes committed against citizens of New York state each year; and

Whereas, These teflon-coated KTW bullets can penetrate the protective vests worn by police officers and bank guards, and can maim or kill innocent persons; and

Whereas, These bullets are easily obtained in many gun shops across New York state and the country; and

Whereas, Banning the manufacture, importation and sale of ammunition that can penetrate the most common police vest, when fired from a handgun with a barrel less than five inches long, would save a great many lives in New York state and across the country; and

Whereas, The Secretary of the Treasury of the United States would be able to designate the specific ammunition to be banned; and

Whereas, New York State Congressman Mario Biaggi and Senator Daniel P. Moynihan have submitted legislation (H.R. 953; S. 555) before the Congress of the United States, which amends the Act that may be cited as the "Law Enforcement Officers Protection Act of nineteen hundred eighty-three"; and

Whereas, Numerous cities, counties, states and organizations including the Police Conference of New York, Inc., the Metropolitan Police Conference of New York State, Inc., the Fraternal Order of Police, The International Brotherhood of Police Officers, The International Union of Police Associations and the National Association of Police Organizations have endorsed this legislation; now, therefore, be it

Resolved, That this Legislative Body pause in its deliberations to memorialize the United States Congress to ban armor-piercing handgun ammunition from here on; and be it further

Resolved, That copies of this resolution, suitably engrossed, be transmitted to Congressman Mario Biaggi and Senator Daniel Patrick Moynihan.

[From the Olean Times Herald, May 31, 1984]

BAN "COP-KILLER" BULLETS

The National Rifle Association opposes legislation which would halt the manufacture of "Cop-killer" ammunition.

This is the armor-piercing kind which can easily rip through the protective body vests police use.

The cartridges in question are handgun rounds with hard metal jackets which can travel at high speed and maintain their shape on impact. They slice right through body armor.

This kind of ammunition was once commonly used by police departments, because it could penetrate through auto metal and stop criminals.

But most police departments have halted official use of such armor-piercing bullets, because they are likely to go beyond the intended target.

Now law enforcers want Congress to bar the manufacture and importation of such bullets, except for the military and police.

The NRA fears that such a ban would be a "foot in the door" toward additional restriction, and says almost any bullet could be classified as armor-piercing under certain conditions.

Those favoring such legislation say this is not so, and that such bullets are identifiable.

Rep. Mario Biaggi, a New York Democrat, was a policeman for 23 years and was shot 10 times in the line of duty.

He says the NRA opposition is "nothing but a knee-jerk reaction based more on paranoia than on any semblance of reason."

We agree that there should be a ban on such ammunition to afford our police greater protection. Sportsmen have no legitimate need for such ammunition.

[From the New York Daily News, Mar. 12, 1984]

NRA DEAD WRONG IN STAND ON DEADLY BULLETS

(By Jerry Kenney)

The image of the sportsman, the average law-abiding hunter and target shooter, is going to suffer greatly from a puzzling decision by the National Rifle Association. This august (until now) organization, which claims to be the "voice" of law-abiding gun owners in the U.S., is opposing a bill by Reps. Mario Biaggi and Sen. Daniel Patrick Moynihan that would ban the production, import, sale and private use of armor-piercing bullets.

Hunters and target shooters have traditionally been known as sportsmen and most of them are members of the NRA. They stand by the organization in most of its decisions, particularly in the campaign against gun control. But the stand the NRA is taking in the name of its many millions of members to allow the production and sale of ammunition that has no logical use except to penetrate armor and bullet-proof vests is an outrage.

If the NRA thinks its membership supports this stand, it is sadly mistaken. I am a member of the NRA and I support most of its policies, although the organization does go off the deep end now and then. But all the NRA members who don't speak up against this particular policy will share the responsibility for every policeman killed by one of these bullets.

The bullets, as Rep. Biaggi stated, are nothing but cop-killers. Their sole purpose is to penetrate protection that ordinary bullets won't, the bullet-proof vest worn by cops.

"I'm all for the NRA when it comes to hunting and target shooting and the legal use of guns," Biaggi said. "But they have the impression any regulation on these bullets is an encroachment on their bailiwick. It is not. Hunters, target shooters have no use for ammunition of this type. So why is the NRA going to such lengths to make it legal?

"We're talking about bullets that are only used by criminals to kill cops. They have no legitimate purpose. So maybe we should question the sincerity of the organization. It's goal is supposed to be to protect the citizen. With this stand, they are protecting the criminals and not only jeopardizing the citizens, but the police as well."

If Biaggi could get his message to all members of the NRA, I suspect there would be a large-scale uproar. The NRA has enough internal problems, having just bounced Neal Knox, its executive director for Legislative Action allegedly for speaking

contrary to the policy line. So anyone who thinks the NRA is one, big unified movement, is wrong.

A dumb move like this could split the NRA in half. Its directors may sit up there in D.C. and dictate policy, but when the dues-paying members who support them find out where they are being led, they won't follow for long. If nothing else, the NRA is losing a lot of credibility with its opposition to the Biaggi-Moynihan proposal.

When I receive those fancy appeals for donations to fight the gun ban in Morton Grove or anywhere else, I'm going to check if the organization has changed its policy on the cop-killer bullets first. I think a lot of other NRA members are going to do the same.

The NRA published a story in one of its publications taking Handgun Control Inc., to task for "educating criminals" about the availability of armor-piercing ammunition. All HCI, which I happen to think is out in left field on the whole gun issue, did, was expose the dangers of the cop-killer bullets. If the NRA thinks criminals need the HCI to educate them on what's available for their murderous activities, the NRA has lost touch with reality. The NRA goes so far as to say if any cops are killed by these bullets, HCI will have to share the responsibility.

This is a marvelous piece of reverse logic. It seems to me if the NRA doesn't support a ban of the bullets, it will share the responsibility for the damage. That responsibility will trickle down to all its members, anyone who displays an NRA sticker on his car windshield or wears an NRA hat or carries an NRA card. And don't think NRA members want it on their consciences. I know I don't.

I am 100 percent in favor of enforcing existing gun laws. I'm convinced if these laws were enforced, gun crimes would be cut significantly. New anti-gun laws are coming along every day. Even New York City's which requires a mandatory jail sentence for anyone committing a crime with a gun, doesn't work—because it isn't enforced.

But until we get criminals into jails, I can't see any sense in giving them more and better ammunition to make their life of crime easier, put citizens' lives in jeopardy and make cop's jobs that much harder and more dangerous.——

[From the New York Times, Feb. 1, 1984]

BAN THE BAD BULLETS

When the police searched the Long Island home of David Schwartz, a bank robbery suspect, they found a dismaying armory containing one especially chilling store of ammunition. Among gun parts and tools, scopes, knives and a machete, they came upon 32 armor-piercing handgun bullets, the kind that can penetrate the protective vest worn by police officers.

There is no legitimate use for such "cop-killer" bullets. Why then do they remain available to the public? Because measures to ban their sale have been stalled in Congress for nearly two years while the Reagan Administration claims to be learning how precisely to define them in law. It's a phony issue raised by the National Rifle Association, apparently to block any ban.

More than half the nation's police officers wear flexible, lightweight vests that protect them against common handgun ammunition. But the vests don't protect against the super-hard handgun bullets that have been turning up for several years in gun shops—and in the possession of suspects like David Schwartz. They are believed to be common ordnance for warring—and well-vested—Florida gangsters and drug dealers.

A bill sponsored by New York's Representative Biaggi and Senator Moynihan would ban the manufacture, importation and sale of ammunition that penetrates the most common police vest when fired from a handgun with a barrel less than five inches long. Strongly supported by police groups, the measure should have sailed through Congress with the blessing of a law-and-order Administration. But the gun lobby objects that some hunting rifle ammunition might also penetrate a police vest if fired from certain handguns.

That's a red herring. The Biaggi-Moynihan bill allows the Treasury Secretary to designate the specific ammunition to be banned. The armor-piercing handgun ammunition popular among criminals is well known and is not used by hunters. If necessary, the bill could be amended to prohibit any ban on common hunting ammunition.

The Administration, however, bowed to the N.R.A.'s complaint and ordered the National Institute of Justice and Bureau of Standards to compose a more precise definition of armor-piercing hand-gun bullets. That put the bill on hold.

The agencies were to report last summer, but have not so far released any findings. Some officials contend they've made progress in the search for a definition, but that the matter remains under review. Meanwhile, the Administration offers an insipid substitute in its crime bill. It would punish use of the bullets only in Federal crimes—excluding most murders, armed robberies and assaults.

Congress should no longer tolerate delay. If Justice has an improved definition, let it be written into the Biaggi-Moynihan bill. If not, let the definition stand. It's time to bring this bill to a vote.

——

[From the Binghamton (NY) Sun-Bulletin, Feb. 21, 1984]

SHOOT DOWN THESE BULLETS

The National Rifle Association doesn't like having its firepower limited. Like the Defense Department, which continuously clamors for more and bigger nuclear bombs and other weaponry despite already being capable of blowing the globe to bits, the NRA doesn't include the word overkill in its vocabulary.

During the past year, the NRA has been trying to shoot holes in a bill that would make it illegal to manufacture, sell or use handgun bullets that are coated with Teflon or other plastics, a treatment that gives the bullets the ability to pierce armor or other such protective coverings.

The bill, which is sponsored in Congress by two New Yorkers, Sen. Daniel P. Moynihan and Rep. Mario Biaggi, is intended to protect members of law enforcement agencies from criminals using the armor-piercing bullets.

Congress should pass the bill this time around. Sportsmen and targetshooters will not be hurt by the bill unless they come upon some game wearing a bullet-proof vest or their present ammunition is bouncing off road signs.

——

[From the New York Daily News, Feb. 20, 1984]

BITING THE BULLET

There's a bill pending in Congress to outlaw the manufacture, sale and ownership of handgun bullets coated with Teflon or plastic. The reason is simple: These slugs give criminals a big advantage over police officers because they can penetrate bullet-proof vests.

The measure, sponsored by Sen. Daniel Moynihan and Rep. Mario Biaggi, is a good one, and it ought to be adopted promptly. There's absolutely no reason on earth why these bullets should be in circulation for private use.

It's no surprise that the National Rifle Association is screaming that the Moynihan-Biaggi bill is a violation of the rights of its members. The NRA has been fighting all attempts at gun control for years.

But it hasn't a leg to stand on by opposing this one. No member of the NRA needs ammunition that can penetrate armor. Regular bullets fill the bill for target practice and killing predatory animals. Nine states, including Texas, Oklahoma, Alabama and Florida, have outlawed the cop-killing slugs, and it's high time that Congress imposed a nationwide ban.

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[From the Independence (KS) Reporter, Feb. 15, 1984]

BAN THE BULLETS

Although Kansas is one of nine states that has already banned cop-killer bullets, Handgun Control Inc., headquartered in Washington, D.C., is carrying on a nationwide campaign seeking public backing for what is known as the Moynihan-Biaggi Law Enforcement Officers Protection Bill, now in the congressional hopper.

Despite the fact the National Rifle Association, that continually opposes any regulations on guns or ammunition, is against this bill the law enforcement community is lending solid backing to the legislation. The bill has no bearing on hunters or other sportsmen.

What are cop-killer bullets? Well, they're made of hard steel or brass and are often coated with Teflon or plastic. These bullets have five times the penetration power of conventional lead bullets. They resist the flattening or mushroomming effect of conventional bullets. When fired from a handgun they will penetrate bullet-proof vests and in fact, tests show such bullets will go through several vests and keep right on going.

Consequently, due to the very effectiveness of such ammunition, it's no surprise that police throughout the nation are fighting to have this bill passed. In 5 years bullet-proof vests have saved 400 officers' lives and nearly half of such officers wear them.

Up to the present time only Kansas, Oklahoma, Alabama, Rhode Island, Illinois, California, Florida, Texas and Indiana have banned this ammunition, but other states are considering such controls while the federal bill is being considered.

Law-abiding, concerned citizens will agree with Rudolph W. Giuliani, associate attorney general, who stated: "I continue to believe that any further delay (in banning the bullets) is a tragic mistake." The fate of the bill is yet unknown, but it's difficult to believe that Congress could possibly reject a measure that would give added protection to the guardians of our society.

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[From the Arizona Republic, Mar. 11, 1984]

COP-KILLERS' HELPMATE

There's no conceivable reason why anyone should go out and buy armor-piercing handgun bullets unless he wants to kill a police officer.

Deer don't wear armor, nor do doves.

Police officers sometimes wear lightweight vests that can stop conventional handgun bullets. And many a cop owes his life to his vest.

Conventional handgun bullets flatten on impact because of their hollow-point or soft-metal composition. Armor-piercing bullets are something else. Usually made from brass or steel, they maintain their shape on impact.

The Senate Judiciary Committee is now considering a bill that would ban the sale of armor-piercing bullets. It has the backing of the International Association of Chiefs of Police and the Fraternal Order of Police.

In fact, it has the backing of just about everyone except the Mafia, assorted terrorist gangs—and the National Rifle Association.

A NRA official, Warren Cassidy, testified before the committee that his organization considered the bill as "nothing other than one more attempt to separate law-abiding gun owners and the nation's sportsmen from their firearms and ammunition."

Bosh.

What would a law-abiding citizen do with armor-piercing handgun bullets? It's useful only to criminals.

The NRA has the same kind of mentality as those civil-liberties groups that fight hanging the Ten Commandments on a classroom wall because, they say, it would be the first step to making the United States a theocracy. It simply has no sense of proportion.

If the bill would save one cop's life. Congress should pass it. And every member of the NRA, who isn't an extremist, should tell his congressman and senator so.

[From the Pittsburgh (PA) Post-Gazette, Feb. 16, 1984]

STOPPING HARD BULLETS

Those who want to outlaw manufacturing in the United States of KTW bullets claim that these so-called "cop-killers" are dangerous weapons in the arsenals of outlaws. But defenders of KTW bullets say that there is no convincing evidence that bullets made of steel or brass coated with teflon have become generally accessible to criminals. If these bullets pose a theoretical danger to police, the manufacturer argues, police agencies are also the bullets' primary customers. Besides, precautions have been taken to assure that no one except a police agency acquires them.

Criticism of these hardened bullets evokes a sense of alarm. But Congress needs to do more homework on this controversy before it proceeds with efforts to enact federal legislation outlawing them completely.

The basic facts about the KTW bullet—named after the last initials of its three inventors (Kopsch, Turcus and Ward) are compelling. Made of hard metal, it can penetrate barriers that would stop softer lead bullets which are mashed upon impact. Consequently, the KTW can also penetrate protective vests that many officers are adopting as a standard part of the police uniform on the meanest streets of many American cities.

The idea that American policemen should be exposed to this additional danger is surely repugnant to most citizens. Nine states have banned them (Pennsylvania has not). And an impressive lineup of law-enforcement associations cited in a brochure circulated by Handgun Control Inc. also suggests that America's policemen don't like the idea of having these bullets in the barrels of the guns of criminals.

But does a KTW danger to law enforcement really exist? Hearings of the U.S. Senate criminal law subcommittee, chaired by Sen. Paul Laxalt, scheduled for next month need to weigh that crucial aspect of this controversy in relation to legislation for a federal ban on penetrating bullets sponsored by Sen. Daniel Moynihan and Rep. Mario Biaggi. Proponents of the legislation say that two Florida policemen were killed and that a Maryland state trooper was permanently disabled by hard-metal slugs. Defenders of the bullet say that these isolated events happened years ago and that those bullets were never recovered.

More to the point, the manufacturer argues that sale of the bullets is now rigorously controlled under informal guidelines worked out by the Treasury Department's Bureau of Alcohol, Tobacco and Firearms. Penetrating bullets are not advertised, and their sales are strictly limited to American police departments or international police agencies certified to receive exported goods by the U.S. State Department. As part of the arsenal in fighting terrorism, penetrating bullets appear actually to be defended by police.

So the federal government needs first to determine how much danger to police is posed by penetrating bullets. Then legislation should be drafted that ratifies the U.S. Treasury's efforts to make sure that penetrating bullets are sold only to police agencies. Controls may need to be tightened, but proponents of a federal ban on the manufacture of penetrating bullets haven't yet made a very convincing case.

Mr. D'AMATO. Mr. President, I am pleased to join today as an initial cosponsor of this important legislation to effectively ban the manufacture and importation of armor-piercing ammunition—also known as cop killer bullets except for the military and other Government agencies which may have legitimate needs for this ammunition. This carefully drafted bill is the result of many months of study and effort. I have been working particularly closely with the Departments of Treasury and Justice over these past months to ensure the continued effectiveness of the protective vests worn by roughly half our Nation's 570,000 sworn police officers.

Existing soft, lightweight, body armor can effectively stop most of the handgun bullets posing a threat to our Nation's law enforcement officers today. These Kevlar vests have been credited with saving the lives of more than 400 police officers.

However, there is a class of handgun bullets that is able to pierce this armor. Such bullets are generally constructed of the metals we include in the definitional section of our bill.

It would be unconscionable not to move quickly to pass this legislation because it is urgently needed to ensure the continued effectiveness of the life-saving vest worn by our finest and most heroic public servants.

Section 1 of this bill defines the "armor piercing ammunition" we seek to limit as a solid projectile or solid projectile core made from tungsten alloys, steel, iron, brass, bronze, beryllium copper, or depleted uranium. This definition covers all the specifically designed armor-piercing ammunition now known to exist.

In addition to the provisions limiting the manufacture and importation of this ammunition, the penalty provisions are of central importance. Section 6 imposes a mandatory prison sentence of not less than 5 years for an individual who during and in relation to the commission of a violent felony uses or carries a firearm and is in possession of armor-piercing ammunition capable of being fired in that firearm. This mandatory sentence would be in addition to the punishment provided for the underlying felony and could not be served concurrently with it.

The definitional section is the key to this legislation. By defining the substances used in the armor-piercing ammunition we intend to cover, we can avoid interfering with the legitimate use of firearms for hunting, target practice, or gun collecting.

The fact that we introduce this legislation with the support of the major police organizations, the National Rifle Association, and the Gun Owners of America gives me great hope that we can pass this legislation. With the assistance and leadership of Senators THURMOND, BIDEN, and MOYNIHAN and Congressman BIAGGI, I am confident that this bill will become law this year.

Mr. DENTON. Mr. President, I am pleased to join my distinguished colleague from South Carolina, Mr. THURMOND, as an original cosponsor of a bill which will amend chapter 44, title 18, United States Code, to regulate the manufacture and importation of armor-piercing ammunition. The bill strikes an appropriate balance between the need to make our law enforcement officers as safe as possible and the need to maintain the second amendment rights of law-abiding citizens.

The bill would limit the manufacture and importation of armor-piercing ammunition to the military and other Federal, State, or local government agencies who may have legitimate needs for this type of ammunition. Additionally, the bill would provide for a mandatory penalty on the possession of armor-piercing ammunition during the commission of a violent felony. Specifically, the bill would:

First, set up a definition of armor-piercing ammunition which excludes sporting ammunition;

Second, make illegal the manufacture and importation of armor-piercing ammunition, except for use by the Government or for exportation;

Third, set up a $1,000 licensing fee for manufacturers and importers of armor-piercing ammunition; and

Fourth, set up a minimum mandatory sentence of not less than 5 years for persons who use or carry armor-piercing ammunition during the commission of a violent felony.

Mr. President, the bill was engendered out of a concern among law enforcement officials, legislators, and the general public at large that certain types of armor-piercing ammunition are readily available on the commercial market and that such ammunition poses a severe threat to the safety of our law enforcement officials. The bill addresses these concerns without restricting or interfering with the legitimate use of firearms for hunting, trap or skeet shooting, formal or informal target shooting, or gun collecting. The bill restricts the misuse of armor-piercing ammunition without impacting on sporting ammunition.

Mr. President, I commend Senator THURMOND for sponsoring the legislation, and I urge my remaining colleagues to join as cosponsors.

Mr. NICKLES. Mr. President, I am pleased to join Senator THURMOND and Senator BIDEN, the distinguished chairman and ranking minority member of the Senate Judiciary Committee, in being an original sponsor of the administration's proposal to regulate the manufacture and importation of armor-piercing ammunition, more commonly known as cop-killer bullets. I welcome this bipartisan approach which will effectively address a very serious problem now facing our Nation's law enforcement officers.

Oklahoma has been a leading State on this issue; 2 years ago, the Oklahoma State Legislature passed a bill which was signed into law to ban these bullets. I am glad to see the Congress follow Oklahoma's lead, and I am hopeful that this legislation will also be enacted into law. I see this bill as assisting the efforts of State and local jurisdications in their efforts to halt the widespread distribution and use of these deadly bullets.

There are over half a million law enforcement officers in our nation, and half of those make regular use of bulletproof vests. FBI statistics have shown that the use of such vests since 1974 has resulted in a significant decline in the number of law enforcement officers killed in the line of duty. However, this encouraging progress is threatened by the use of these bullets in the Commission of a violent felony.

I am glad to note that this bill, which has been carefully drafted, will in no way infringe upon the right to bear arms of millions of law-abiding citizens in this country. An analysis of this bill will indicate that it is narrowly written so as to regulate the manufacture and importation only of armor-piercing ammunition for those few legitmate uses of these bullets and to set mandatory sentences for those who use or carry such ammunition in the commission of a violent felony.

Our Nation's law enforcement officers deserve our praise and suport for their continual dedicated efforts to protect us. This legislation is one small way to indicate our support and to let them know that we appreciate the dangers inherent in their work.

Mr. BOSCHWITZ. Mr. President, I am very pleased to be joining as an original cosponsor of this legislation to limit the manufacture and importation of so-called cop-killing bullets. This legislation would permit military and law enforcement officers to have access to cop-killer bullets. A mandatory additional prison sentence of at least 5 years would be imposed for an individual who uses or is in possession of cop-killer bullets during the commission of a violent felony.

The development of bulletproof vests in the 1970's provided law enforcement officers with a great deal more protection than they had previously. These vests have been credited with saving the lives of some 400 law enforcement officers. FBI statistics indicate that the number of law enforcement officers killed in the line of duty declined between 1974--when such vests were first made available to police departments—and 1981. However, the vests have been rendered virtually useless against cop-killer bullets.

These high velocity, small caliber, pointed bullets, made of hard alloy or steel-jacketed lead, were not developed for legitimate commercial use. Rather. they were used in the perpetration of criminal acts. Tests have shown that the most powerful of these bullets can penetrate the equivalent of four bullet-proof vests.

It is well known that law enforcement is a particularly dangerous and unappreciated occupation. We have entrusted law enforcement officers with the tremendous responsibility of protecting us from acts of violence. I believe it is our duty to protect the approximately 250,000 officers who, even with bullet-proof vests, everyday face the danger of being injured or killed.

I feel this bill will be an important step in helping to protect law enforcement officers who have dedicated their lives to protecting the citizens of this country.

By Mr. MATHIAS (for himself, Mr. BINGAMAN, Mr. PERCY, Mr. PELL, and Mr. BAKER):

S. 2768. A bill to provide for the education in the United States of certain students of limited financial means from developing countries; to the Committee on Foreign Relations.

UNITED STATES SCHOLARSHIP PROGRAM FOR DEVELOPING COUNTRIES ACT

● Mr. MATHIAS. Mr. President, roughly a generation ago the distinguished chairman of the Senate Foreign Relations Committee, Senator Fulbright, shepherded through the Senate the Mutual Educational and Cultural Exchange Act of 1961, otherwise known as the Fulbright-Hays Act. In doing so, he persuaded Senators to accept a simple, but important proposition: international exchange programs are a key factor in U.S. foreign policy. As Senator Fulbright observed, it had previously been as if the words "educational exchange" were something that had to be sneaked into this historic building through the backdoor.

Today about 80,000 people around the world take part in the educational cultural and scientific exchanges sponsored by the U.S. Government, and it is widely acknowledged that of the resources employed in the pursuit of U.S. foreign policy objectives, few have been as quietly effective as the educational and cultural affairs aspects of American diplomacy.

In 1983, the U.S. Advisory Commission on Public Diplomacy reported that USIA's educational exchange and international visitors programs serve the long-term security interest of the United States by promoting mutual understanding between Americans and the citizens of other countries and by exposing foreign scholars and leaders to American institutions and values. The Commission endorsed the view that the Fulbright program is not a national luxury. It is a national imperative that must be attended to.

More recently, the Carlucci Commission on Security and Economic Assistance recommended to the Secretary of State an expansion of exchanges as a cost-effective means of developing human resources and providing future foreign leaders with exposure to American ideas and values. To quote from their report:

> Over the years, scholarship and fellowship programs that bring foreign students to the United States to study have proved to be a very effective, inexpensive means of providing foreign assistance to the less developed countries. In addition to providing recipients with education and professional training, these programs foster closer rapport with the United States and provide future leaders and managers with knowledge of American beliefs and views. They also have important indirect political benefits.

As the value of these programs has become well-known, so has the inadequacy of U.S. Government funding for these programs. In May 1983, the House Foreign Affairs Committee noted:

> This Nation has virtually ignored the need for development of strong exchange programs with the lesser developed nations, while America's ideological rivals are increasing their efforts in these areas.

Similarly the Senate Foreign Relations Committee reported in 1983 that while funding for the exchange programs of the USIA had declined by 40 percent since 1965, Soviet bloc spend-

ing for comparable programs has increased and vastly exceeds U.S. efforts. A USIA study showed that in 1982, the Soviet Union and allies provided 102,400 scholarships for study. By contrast, USIA and USAID funded less than 9,000 students.

Although reliable statistics on this subject are limited the message is clear: the United States must do more to bring foreign students, particularly those from developing countries, to the United States. It is in this spirit that I am introducing the U.S. Scholarship Program for Developing Countries Act, along with Senators BINGAMAN, PERCY, PELL, and BAKER.

A similar program was recommended by the National Bipartisan Commission on Central America. Citing the long-run cost of having so many potential leaders educated in Soviet bloc countries, the Commission called for a program of 10,000 government-sponsored scholarships to bring Central American students to the United States. The Commission also noted that in addition to the number of scholarships offered by the respective governments, the distinguished feature between Soviet and American educational strategy was the targeting of students from lower income families by the Soviets. Accordingly the Commission advocated careful targeting of future U.S Government scholarships to the region, to insure that educational opportunities in the United States were no longer limited to students from families with relatively high incomes.

But the problems recognized by the Bipartisan Commission are clearly not unique to Central America. In 1982, approximately 37,000 students from Africa were educated in the Soviet Union and Eastern Europe, at Government expense. In the United States fewer than 3,000 students came from Africa under Government sponsorship. Similar figures are available for Asia, and the Middle East, while on a worldwide scale the Soviet bloc countries educated more than seven times as many students from developing countries as the United States Government.

In addition the students coming to the United States from the developing countries tend to represent only a small privileged sector of the society. According to the USIA, the vast majority of them are from affluent backgrounds, identified with ruling elites and not necessarily representative of the forces of changes in their native countries.

Mr. President, as the nations of the world become more closely intertwined economically, technologically, and politically, the security and prosperity of the United States has come to depend more and more on the mutual understanding of the peoples of the world. At the same time, the developing countries have come to occupy a more central position than ever before in determining world stability. Too few Americans realize that growth in exports accounted for almost three-quarters of growth in U.S. GNP during the last economic expansion and that almost 40 percent of U.S. exports go to the developing world. This intersection of the economies of the industrialized and developing worlds has profound implications for our definition of national security.

The legislation I am introducing today recognizes the importance of expanding our ties with these nations, as well as the benefit that education brings to the countries themselves. The bill authorizes and directs the President to create an undergraduate scholarship program to bring students of limited financial means from developing countries to study in the United States. It is not intended to be a substitute for urgently needed increases in U.S. resources devoted to either development or to existing scholarship programs. The purpose is to fill in the existing scholarship network.

Currently the Agency for International Development provides academic and technical training for developing countries. However its legislative mandate directs it to undertake programs of a developmental nature, rather than programs of a political and cultural nature. Consequently academic training supported by AID takes place primarily at the graduate level, while its technical training programs normally involve midcareer individuals working in fields having a direct impact on the development of their countries.

This emphasis upon postgraduate and professional training is a major reason why current U.S. programs have not reached the lower and middle economic classes in the developing countries. The Fulbright program, for example, which is the largest single U.S. Government program for foreign students, is devoted exclusively to bringing post graduates, lecturers, and researchers to the United States. In most developing countries few families can afford the luxury of post graduate study.

Coordination between the program I am proposing, the Fulbright, and the AID programs will be essential to produce the optimum educational and political benefits to developing countries and the United States. Different countries will have different educational needs. The legislation recognizes this by providing the administering agency—the Bureau of Educational and Cultural Affairs in USIA with maximum discretion in determining what are the educational requirements of a given country. U.S. missions abroad are empowered to create an appropriate selection mechanism, in consultation with foreign governments and subject to the approval of the Board of Foreign Scholarships.

The bill follows the approach of the Fulbright-Hays Act and does not specify the level of funding or number of scholarships. In every country, policy choices will need to be made as to the appropriate balance between technical training and the academic training provided by these scholarships. I do, however, anticipate a request for new funds in the budget for fiscal year 1986, once the administration has reviewed its scholarship priorities around the world.

Mr. President, as debate on this bill progresses I expect to hear a good deal about what the Soviets have done in the scholarship field. Clearly the level of Soviet activity indicates that they have determined there are very real, foreign policy benefits to their educational activities in the Third World. But let me say at the outset that I reject any attempt to label this expansion of our educational commitment to the developing countries as an instrument of East-West conflict. There must not be any deviation whatsoever from the concepts which have guided our exchange programs over time. The overriding objective remains one of building lasting links and mutual understanding between the United States and other countries. In the words of Senator Fulbright:

> In the field of international relations the purpose of education is the civilizing and humanizing of relations between nations in ways which are within the limits of human capacity. . . . Far from being a means of gaining national advantage in the traditional game of power politics, international education should try to change the nature of the game, to civilize and humanize it in this nuclear age.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2768

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "United States Scholarship Program for Developing Countries Act.".

DEFINITION

SEC. 2. For purposes of this Act, the term "institution of higher education" has the same meaning as given to such term by section 1201 (a) of the Higher Education Act of 1965.

STATEMENT OF PURPOSE

SEC. 3. The purpose of this Act is to establish an undergraduate scholarship program designed to bring students of limited financial means from developing countries to the United States for study at American institutions of higher education.

FINDINGS AND POLICY

SEC. 4. The Congress finds and declares that—

(1) it is in the national interest for the United States Government to provide a stable source of financial support to give students in developing countries the opportunity to study in the United States, both to improve the range and quality of educational alternatives, to increase mutual understanding, and to build lasting links between those countries and the United States;

(2) providing scholarships to foreign students to study in the United States has proven over time to be an effective means of creating strong bonds between the United States and the future leadership of developing nations and, at the same time, assists nations substantially in their development efforts;

(3) study in United States institutions by foreign students enhances trade and economic relationships by providing strong English language skills and establishing professional and business contacts;

(4) students from families of limited financial means have in the past largely not had the opportunity to study in the United States, and scholarship programs sponsored by the United States have made no provision for identifying, preparing, or supporting such students for study in the United States;

(5) it is essential that the United States citizenry develop its knowledge and understanding of the developing countries and their languages, cultures, and socioeconomic composition as these areas assume an ever larger role in the world community;

(6) the number of United States Government-sponsored scholarships for students in developing countries has been exceeded as much as twelve times in a given year by the number of scholarships offered by Soviet-bloc governments to students in developing countries, and that this disparity entails the serious long-run cost of having so many of the potential future leaders of the developing world educated in Soviet-bloc countries;

(7) an undergraduate scholarship program for students of limited financial means from developing countries to study in the United States would complement current assistance efforts in the areas of advanced education and training of people of developing countries in such disciplines as are required for planning and implementation of public and private development activities; and

(8) the Bipartisan Commission on Central America has recommended a program of 10,000 United States Government-sponsored scholarships to bring Central American students to the United States, which program would involve careful targeting to encourage participation by young people from all social and economic classes, would maintain existing admission standards by providing intensive English and other training, and would encourage graduates to return to their home countries after completing their education.

PROGRAM AUTHORITY

SEC. 5. (a) The President is authorized and directed, acting through the Bureau of Educational and Cultural Affairs of the United States Information Agency, to provide by loan or grant for citizens and nationals of developing countries, who have completed their secondary education but who would not otherwise have an opportunity to study in the United States due to financial limitations, to study, beginning with the academic year 1985–1986 or any academic year thereafter, at an American institution of higher education.

(b) To encourage students to use their training in their countries of origin, half of each payment to a student shall be in the form of a loan with repayment to be forgiven upon the student's prompt return to his or her country of origin for a period of no less than the equivalent of the years spent studying in the United States plus one.

(c) Before allocating any of the funds made available to carry out this Act, the President shall consult with United States educational institutions, educational exchange organizations, United States missions, and the governments of participating countries on how to implement the guidelines specified in section 6.

GUIDELINES

SEC. 6. Programs under section 5 shall be carried out in accordance with the following guidelines:

(1) Consistent with section 112(b) of the Mutual Educational and Cultural Exchange Act of 1961, all programs created pursuant to this Act shall be nonpolitical and balanced, and shall be administered in keeping with the highest standards of academic integrity.

(2) United States missions shall design ways to identify promising students in secondary educational institutions, or who have completed their secondary education, for study in the United States. These missions shall develop and strictly implement specific economic need criteria. Grants or loans available under this Act may only be provided to students who meet the economic need criteria.

(3) Programs financed under this Act shall utilize educational institutions in the United States and in developing countries to help participants in the programs acquire necessary skills in English and other appropriate education training.

(4) Each participant from a developing country shall be selected on the basis of academic and leadership potential and the economic, political, and social development needs of such country. Such needs shall be determined by each United States mission in consultation with the government of the respective country. Scholarship opportunities shall emphasize fields that are critical to the development of the participant's country, including agriculture, civil engineering, communications, social science, education, public and business administration, health, nutrition, environmental studies, population and family planning, and energy.

(5) The programs shall be flexible in order to take advantage of different training and educational opportunities offered by universities, postsecondary vocational training schools, and community colleges in the United States.

(6) The programs shall be flexible with respect to the number of years of undergraduate education they would provide but in no case shall students be brought to the United States for a period less than one year.

(7) Adequate allowance shall be made in the scholarship grant for the purchase of books and related educational material relevant to the program of study.

(8) Further allowance shall be made to provide adequate opportunities for professional, academic, and cultural enrichment for scholarship recipients.

(9) The scholarship program created by this Act shall, to the maximum extent practicable, offer equal opportunities for both male and female students to study in the United States.

AUTHORITY TO ENTER INTO AGREEMENTS

SEC. 7. The President is further authorized to enter into agreements with foreign governments in furtherance of the purposes of this Act. Such agreements may provide for the creation or continuation of binational or multinational educational and cultural foundations and commissions for the purposes of administering programs under this Act.

POLICY REGARDING OTHER INTERNATIONAL EDUCATIONAL PROGRAMS

SEC. 8. (a) The Congress urges the Administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961, in implementing programs authorized under that part, to increase assistance for undergraduate scholarships for students of limited financial means from developing countries to study in the United States at American institutions of higher education. To the maximum extent practicable, such scholarship assistance shall be furnished in accordance with the guidelines contained in section 6 of this Act.

(b) The Congress urges the President to take such steps as are necessary to expand the opportunities for Americans from all economic classes to study in developing countries.

ESTABLISHMENT AND MAINTENANCE OF COUNSELING SERVICES

SEC. 9. (a) For the purposes of assisting foreign students in choosing fields of study, selecting appropriate institutions of higher education, and preparing for their stay in the United States, the President may make suitable arrangements for counseling and orientation services abroad.

(b) For the purposes of assisting foreign students in making the best use of their opportunities while attending colleges and universities in the United States, and assisting such students in directing their talents and initiative into channels which will make them more effective leaders upon return to their native lands, the President may make suitable arrangements by contract or otherwise for the establishment and maintenance at educational institutions in the United States attended by foreign students of an adequate counseling service.

BOARD OF FOREIGN SCHOLARSHIPS

SEC. 10. The Board of Foreign Scholarships is directed to advise and assist the President in the discharge of programs authorized by this Act, in accordance with the guidelines set forth in section 6. The President is authorized to provide for additional necessary secretarial and staff assistance for the Board as may be required under this Act.

GENERAL AUTHORITIES

SEC. 11. (a) The public and private sectors in the United States and in the developing countries shall be encouraged to contribute to the costs of the programs financed under this Act.

(b) The President shall seek to engage the public and private sectors of developing countries in programs to maximize the utilization of program participants upon their return to their own countries.

(c) The President is authorized to provide for publicity and promotion abroad of the scholarship program provided for in this Act.

ENGLISH TEACHING, TEXTBOOKS, AND OTHER TEACHING MATERIALS

SEC. 12. Wherever adequate facilities or materials are not available to carry out the purposes of section 6(3) in the participant's country and the President determines that the purposes of this Act are best served by providing the preliminary training in the participant's country, the President may, by purchase, contract, or other appropriate means, provide the necessary materials and instructors to achieve such purpose.

FUNDING

SEC. 13. (a) Except as provided in subsection (b), funds to carry out the provisions of this Act for a fiscal year shall be available only from appropriations made to the United States Information Agency for such fiscal year.

(b) None of the funds appropriated to the United States Information Agency for the fiscal year 1984 or 1985 to carry out section 102(a)(1) of the Mutual Educational and Cultural Exchange Act of 1961 may be available to carry out the provisions of this Act.

REPORTING REQUIREMENT

SEC. 14. Not later than one year after the date of enactment of this Act, and at intervals of one year thereafter, the President shall submit to the Congress a report on activities carried on and expenditures made pursuant to this Act.●

● Mr. BINGAMAN. Mr. President, I am pleased today to join my distinguished colleagues, Senators BAKER, MATHIAS, PELL, and PERCY in introducing the U.S. Scholarship Program for Developing Countries Act. This legislation establishes an undergraduate scholarship program designed to bring students of limited financial means from developing countries to the United States for courses of study at American institutions of higher education.

I would like to commend my friend from Maryland, Senator MATHIAS, for his leadership of this effort. The bill represents close collaboration of our respective staffs in developing the idea of an international scholarship program for developing nations. Throughout the bill's development, we worked closely with the U.S. Information Agency, the Agency for International Development, the American Council on Education, the National Association for Foreign Student Affairs, the International Educational Exchange Liaison Group, the Institute of International Education, and the National Association of State Universities and Land Grant Colleges.

Students from families of limited financial means have historically not had the opportunity to study in the United States. Further, scholarship programs sponsored by the United States have made no provision for identifying, preparing, or supporting such students for study in the United States. Giving students in developing countries the opportunity to study here both improves the ranges and quality of educational alternatives and builds lasting links between those countries and ours. The majority of the more than 330,000 foreign students in the United States are here at their own expense and tend to be from affluent backgrounds. Therefore, they do not fairly reflect the prevailing social and economic conditions of their own countries of origin.

The scholarship program created by this legislation will substantially benefit the United States. Not only would it permit foreign students to become better acquainted with our society, but it would allow us to learn more about other countries. This would have a direct benefit in expanding our knowledge base of other countries and enhance our ability as a nation to compete in the world marketplace.

In expanding our scholarship programs to foreign students, we would be following other nations which have acted in a similar way to expand their international sphere of influence. The Soviet Union and the governments of Eastern Europe and Cuba offered in 1982 approximately 102,400 scholarships to students in developing countries compared with only 8,200 sponsored by U.S. Government programs. Total foreign student programs in the Soviet Union and in Eastern Europe almost doubled between 1978 and 1982. The Soviets utilize their exchange programs to convey a favorable image of Soviet politics and life, to enhance the perceived importance of local Communist parties, to create cadres of bloc-trained workers in areas essential to the national development of the students' native countries, and to expand long-range opportunities for trade and exports. The disparity in the number of scholarships offered by the Soviet-bloc and by the United States results in many of the potential future leaders of the developing world being educated in Soviet-type environments.

The National Bipartisan Commission on Central America reiterates the need to increase our international scholarship program. The Commission recommended that the "United States expand economic assistance for democratic institutions and leadership training," by establishing a program of 10,000 U.S. Government-sponsored scholarships to bring Central American students to the United States. If this bill is adopted, I plan to urge the President to make Central and Latin America the first priority of the program.

This legislation directs the President to provide loans or grants to citizens and nationals of developing countries to study at American institutions of higher education beginning with the academic year 1985-86. Students will be brought to the United States for a period of not less than 1 year, and will be selected on the basis of academic and leadership potential, and the economic, political, and social development needs of their country. Financial incentives are provided to ensure that the students return to their countries of origin to use their training.

The bill further provides that U.S. missions will develop and implement need criteria and identify students for the program on the bases of merit and need. Educational institutions here and in the participating countries will assist participants in acquiring necessary skills in English and other appropriate training. Scholarship opportunities will emphasize fields that are critical to the development of the participants' country such as agriculture, civil engineering, communications, education, public and business administration, health, nutrition, energy, and environmental studies.

The act will provide for adequate counseling services at educational institutions in the United States and for counseling and orientation services abroad. The majority of foreign students in the United States who are on their own generally receive inadequate opportunities for home hospitality and acculturation as part of their educational program. The public and private sectors in the United States and in the developing countries will be encouraged to contribute to the costs of the total program. Funding for the program will be included in appropriations made to the U.S. Information Agency.

Mr. President, I firmly believe that now is the proper time to improve the range and quality of educational alternatives to students of developing nations and to build lasting links between the peoples of those countries and the United States. Peace and stability to countries either currently engaged in strife or likely to be so engaged in the future, should be enhanced through this cooperative effort. This program will complement current assistance efforts in the areas of advanced education and training of people of developing countries in such disciplines as are required for planning and implementation of public and private development activities. It will enhance trade and economic relationships by increasing our understanding of their cultures and societies. Therefore, this legislation will have a positive impact on both our foreign policy as well as on the future development of many countries throughout the world.

Mr. President, I believe this is important legislation designed to promote the interests of this country and the development of many other countries whom we have a vital interest in helping. I hope it will receive prompt and favorable action by the Senate.

On June 10, 1984, the Washington Post published an article by columnist Jack Anderson which raises several points relevant to this bill. I ask unanimous consent that a copy of the arti-

cle be printed in the RECORD at this point.

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

SCHOLARSHIPS, NOT SOLDIERS

(By Jack Anderson)

Maybe the best way to win friends and influence governments in Central America is in the classroom rather than on the battlefield, with the pointer instead of the bayonet.

At least the Soviets seem to think so. The Soviet bloc has been offering scholarships to 14 Central American students for each one who is invited to the United States to study. "Over five years," a U.S. Information Agency report states, "the Soviet bloc has increased total exchanges with Central America sevenfold."

"The long-term effects of student exchanges can be significant. Literally thousands of foreigners who studied at our service academies, for example, went on to positions of military and civilian leadership in their countries. At least 25 became heads of state.

A year ago, I quoted a secret, high-level inter-agency study which argued that the scholarship programs could be increased and improved for "only a fraction of the $23 million cost of one F15 fighter, but the payoff to our national security, broadly and properly defined, could be much greater.

Since that study, the military forces seem to be marching on a treadmill in Central America, but the cerebral conflict has worsened. The story is told in USIA memos and embassy cable traffic, reviewed by my associate Dale Van Atta.

There is dismaying evidence that the Soviets are processing Latin Americans through their training system by the thousands and returning them to their countries as Marxist sympathizers and agitators.

Soviet-educated, Marxist-indoctrinated students are infiltrating the professions throughout Central America. A USIA report from Costa Rica, for example, warns: "The first returning graduates from the U.S.S.R. are entering the professions in Costa Rica, and some Costa Ricans believe that the United States should match the Soviets in the number of scholarships awarded.

The Soviets are also raising their recruitment standards. From the Dominican Republic comes this confidential diplomatic report: "Soviet recruitment efforts in the Dominican Republic have shifted from the working class to middle- and lower-middle class youth, who are better prepared academically to succeed in the U.S.S.R."

For an on-the-scene assessment, the U.S. Information Agency's associate director, Ronald L. Trowbridge, took a swing through Central America in April. An aide who accompanied Trowbridge offered this telling observation on the Nicaraguan portion of their trip:

The heightened Soviet-bloc scholarship effort in the region was dramatized for me in the Managua airport, where I watched a group of about 150 Nicaraguan youths waiting excitedly for an Aeroflot flight to take them to Cuba or beyond.

The Russians, of course, are masters of indoctrination. In Nicaragua, the Soviet technique can be seen at its most insidious in "Los Carlitos," a 148-page primer for preschoolers. It tells the story of Carlos Fonseca, the heromartyr of the Sandinista revolution. One expert on child education said the kindergarteners who were exposed to the book would assume that the Sandinista junta, not the family, should be the central focus of their lives.

The Nicaraguan primer is no syrupy Dick and Jane." Under "D" for "Defensa," for example, the tots are told: "Brave militiamen parade in the square. They all have guns in their hands. The militiamen belong to the people. The people are ready for defense. The militiamen are defending the fatherland. Long live the militiamen!"

The letter "F" illustrated by "Fusil" (gun). The letter "Q" is presented as part of the word "Yanquis" (Yankees). "Sandino fought the Yanquis,'" the primer declares. "The Yanquis are always vanquished in our country."

The USIA has asked Congress for $43 million for student scholarship funds and books next year. The proposed increase in scholarships for Central Americans—from just 18 this year to 2,700 over the next five years—would still be peanuts by Soviet standards.●

By Mr. HELMS:

S. 2769. A bill to amend section 1464 of title 18, United States Code, relating to broadcasting obscene language, and for other purposes; to the Committee on the Judiciary.

CABLE-PORN AND DIAL-PORN CONTROL ACT

● Mr. HELMS. Mr. President, I am today introducing the Cable-Porn and Dial-Porn Control Act, the purpose of which is to eliminate the use of cable television and interstate telephone service for the transmission of obscene, indecent, and profane material.

Mr. President, I was most gratified when the Senate on January 30 adopted my amendment to crack down on pornography trade by organized crime. That amendment, as part of the Comprehensive Crime Control Act, S. 1762, then passed the Senate on February 2 and was sent to the House of Representatives where it has not yet been acted upon.

Needless to say, I hope that the House will delay no longer in passing that measure. In any event my pornography trafficking legislation is only the first step in the battle to curb the explosion in pornography this Nation has experienced in recent years. Further amendments in current law are needed to deal with innovations in the distribution of pornography, particularly in the areas of cable television and interstate telephone service. That is why I am introducing the Cable-Porn and Dial-Porn Control Act today.

Mr. President, we all recognize that the purpose of government is to secure justice for its citizens. We normally think of this as the duty to protect life, liberty, and property, to enforce contracts, to provide assistance to the needy in certain cases, and to promote the common good.

While these are the things usually associated with justice, justice—or more precisely social justice—there is also the responsibility to secure public morality. Government is obligated, for the protection of young and old alike, to remove as far as may be possible public vice and the cultivation of vice for profit. That is what pornography is, and for the sake of justice government must never appear to condone it.

Mr. President, I make these comments because so many people think of social justice only in the distorted terms of redistribution of wealth and extending special legal immunities to particular interest groups. It is worth noting that in the outpouring of media commentary on social justice, there is rarely any mention of the palpable social injustice done by massive and increasing amounts of pornography in society. Frankly, we in Congress make the same mistake when we spend inordinate time enacting all manner of social programs while ignoring a root cause of social malaise such as insidious pornography.

Can we expect to have well-adjusted and responsible citizens when the exploitation of human sexuality has become a multibillion-dollar business and thus exposure to pornography is nearly unavoidable? Can we expect to encourage happy and peaceful family life when invitations to promiscuity and violence abound in popular art forms? Can we expect to conquer the social pathologies of venereal disease, adolescent pregnancy, abortion, high divorce rates, child abuse, and pederasty when vile and degrading depictions of illicit sex acts are never farther away than the television set, the telephone, the local movie theater, or the mail box?

I think not, Mr. President. And I do not think any of us has to look very far to see the victims of the insidious social injustice of widespread pornography. That is why it is imperative for the sake of justice and the moral and physical health of our society that the Government do a better job in restricting the circulation of obscene materials.

The essential problem with pornography is that it degrades the dignity and worth of human beings by presenting a false picture of human sexuality. It portrays sexuality as an end in itself, totally removed from its proper and normal place as a means in marriage for conjugal love and the procreation of children. Pornography demeans because it rejects the true meaning of sexuality. It degrades womanhood.

Mr. President, there is a meaningful principle that is reflected in our most ancient cultural tradition, one that binds human sexuality inseparably to marriage and sees its fruition in the family. This is the moral and spiritual context for sexuality, and when it is removed from such context, great injury is invariably done both to the individuals involved and to society at large.

Mr. President, in recent times pornography has been condemned as a particular offense against women. Pornography is the crass exploitation of women and femininity for the illegitimate pleasure of men.

But, Mr. President, that is only a part of the truth. The whole truth is that pornography not only offends against women, but it also constitutes an offense against men and children, and against human dignity and common decency as well. In short, it is a scourge to society.

Mr. President, the bill I am introducing today accomplishes two major goals. First, it expands section 1464 of title 18 of the United States Code to cover the transmission of obscene, indecent, or profane material on television and cable television in addition to the section's current coverage of such material on radio. Second, it amends section 223 of the Communications Act of 1934 to prohibit the use of interstate telephone service for the transmission of obscene messages and establishes heavy penalties for transmitting such messages for commercial purposes. Let me now explain in detail some of the major problems and how these provisions will help remedy them.

CABLE TELEVISION

Mr. President, it is no secret that the illict sex industry has in recent years invaded American living rooms through cable television. While some communities have sought to restrict cable porn, legal restraints on such material have been few and generally ineffective.

For example, my office has received reports that in New York City the vilest type of pornography is exhibited on public access cable channels. Depictions of nudity and sexual intercourse, I am told, are commonplace. Violent rape, explicit homosexual activity, actual violence toward animals, and other degrading scenes have also been shown. The natural reaction to such public pornography is to assume that it must be against the law. But the truth is that there is a basic omission in the law.

The Federal statute that has been used to restrict the uttering of language by radio communication is section 1464 of title 18 of the United States Code. It has been interpreted to apply to both radio and television, and it states:

> Whoever utters an obscene, indecent, or profane language by means of radio communication shall be fined not more than $10,000 or imprisoned not more than 2 years, or both.

According to correspondence I have received from the Justice Department, this statute is not understood to apply to the transmission of obscene material over cable television. The Department has also expressed uncertainty over whether other provisions of title 18 of the United States Code, specifically sections 1462 and 1465 relating to interstate transportation of obscene material, apply as well. Thus, although there are Federal criminal penalties for uttering obscene language by radio transmission, there are no corresponding penalties for transmitting obscene material by cable television.

In addition to this lack of Federal criminal enforcement authority, Mr. President, the Federal Communications Commission has, as a practical matter, virtually no regulatory authority to curtail the transmission of obscene material by cable television. The only authority the Commission now has in this area is to prohibit obscene or indecent material when it is originated by an individual cable system operator. If it comes from anywhere else, as virtually all of it does, then the FCC has no authority.

Mr. President, I ask unanimous consent that correspondence to me from the Justice Department and the Federal Communications Commission regarding these matters by printed at this point in the RECORD.

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

U.S. DEPARTMENT OF JUSTICE,
Washington, DC, May 24, 1984.

Hon. JESSE HELMS,
U.S. Senate, Washington, DC.

DEAR SENATOR HELMS: This is in response to your letter of April 26, 1984, to Robert A. McConnell, Assistant Attorney General, Office of Legislative Affairs, concerning the applicability of 18 U.S.C. 1464 to cable television.

Section 1464 provides: "Whoever utters any obscene, indecent, or profane language by means of radio communication shall be fined not more than $10,000 or imprisoned not more than two years or both." This provision was taken from Sections 326 and 501 of the Communications Act of 1934 (47 U.S.C. 326, 501). The Communications Act created the Federal Communications Commission and gave it jurisdiction over all forms of "wire communication" and "radio communication." These terms are defined in 47 U.S.C. 153 as follows:

(a) "Wire communication" or "communication by wire" means the transmission of writing, signs, signals, pictures, and sounds of all kinds by aid of wire, cable, or other like connection between the points of origin and reception of such transmission, including all instrumentalities, facilities, apparatus, and services (among other things, the receipt, forwarding, and delivery of communications) incidental to such transmission.

(b) "Radio communication" or "communication by radio" means the transmission by radio of writing, signs, signals, pictures, and sounds of all kinds, including all instrumentalities, facilities, apparatus, and services (among other things, the receipt, forwarding, and delivery of communications) incidental to such transmission.

By its terms 18 U.S.C. 1464 is limited to broadcasting by means of "radio communication." It seems clear that a cable-caster which originates programming in its own studio and transmits wholly through a closed cable system would not be covered by 18 U.S.C. 1464. Furthermore, the statute penalizes only one who "utters any obscene, indecent, or profane language." On its face the statute would not cover the transmission of pictures.

The issue of whether the government can regulate under present law the content of communications by means of this relatively new technology is far from clear, and we have undertaken a study of the matter. For instance, the fact that cable-casters receive signals from satellites by way of antennas before transmitting them by cable (or, for that matter, the fact that individual subscribers may now receive signals directly at their homes by means of privately purchased dish antennas) suggests that the "radio communication" definition may apply to this aspect of the industry. It may also be that 18 U.S.C. 1462 or 1465, which prohibit the interstate transportation of obscene material, may apply. Certainly we are in need of a better understanding of the technology of this industry before these questions can be resolved, and, as stated above, we are in the process of acquiring this information.

We shall be pleased to advise you of the results of our study after it has been concluded.

Sincerely,

STEPHEN S. TROTT,
Assistant Attorney General,
Criminal Division.

By:
VICTORIA TOENSING,
Deputy Assistant
Attorney General.

FEDERAL COMMUNICATIONS COMMISSION,
Washington, DC, May 14, 1984.

Hon. JESSE HELMS,
U.S. Senate, Washington, DC.

DEAR SENATOR HELMS: This is in reply to your letter of April 24, 1984, seeking certain information.

You ask the following questions:

1. Is the FCC authorized to regulate the transmission of obscene, indecent or profane material over cable television?

2. Is the FCC authorized to regulate, does it regulate, or does it plan to regulate the same with respect to scramble broadcasting, multipoint distribution systems and direct broadcast satellite operations?

The answer to your first question is a qualified "yes." The Commission adopted a rule in 1972 that prohibits the transmission of obscene or indecent material during time when the operator of a cable television system originates programs. 47 C.F.R. § 76.215. The rule does not contain the word "profane." The Commission sought clarifying legislation in 1976 as to its authority in the cable television/obscenity area. The Commission's report to Congress and accompanying legislation are found in Volume 122 of the Congressional Record, starting at page 33,359 (September 29, 1976). Congress did not enact the bill.

If a cable television system transmits programs found obscene that originate from another source, such as a television broadcast station, the Commission would proceed against the station instead of the cable system. In addition, the rule would not apply if the programming in question were not subject to the editorial control of the system operator. 47 C.F.R. § 76.5(w). Even though the Commission cannot act in such cases, that does not mean that the cable television system or the cable network could not be held accountable for obscene transmissions. For example, at least one state,

Utah, adopted legislation that sought to prohibit the transmission of pornographic or indecent material on cable television systems. That statute highlights one of the very difficult problems in legislating in this area. The U.S. District Court for Utah, when reviewing the statute, acknowledged that the states could regulate in this area if the laws enacted are consistent with the U.S. Supreme Court's definition of obscenity, as set out in *Miller* v. *California*, 413 U.S. 15 (1973). The District Court found the Utah law unconstitutional because it prohibited the transmission of material that did not fall within the Supreme Court's definition of obscenity and that was, therefore, within the protection of the first amendment. *Home Box Office* v. *Wilkinson*, 531 F. Supp. 987 (D. Utah 1982). The courts have reached the same result with respect to city ordinances. See *Community Television of Utah Inc.* v. *Roy City*, 555 F. Supp. 1164 (D. Utah 1982); *Cruz* v. *Ferre*, 571 F. Supp. 125 (S.D. Fla. 1983).

The Commission has not received any complaints requiring formal enforcement action under its cable obscenity rule. This undoubtedly follows from the applicability of the rule only to cable system originations and from the very narrow definition of obscenity under the *Miller* case, and the even narrower definition of indecent language set out in *F.C.C.* v. *Pacifica Foundation*, 438 U.S. 726 (1978). Also, the number of obscenity/indecency complaints from cable subscribers is considerably smaller than similar complaints from nonsubscribers. That is not surprising, because there are many more off-the-air television viewers than cable subscribers. Moreover, adult programming is often offered by cable television systems as a special channel or tier that is available for an extra fee. Those subscribing to such pay channels would not be likely to complain as to content of the programs presented.

As to your second question, the Criminal Code (18 U.S.C. § 1464) prohibits the broadcast of obscene, indecent or profane material. As a part of the Criminal Code, the statute can be enforced by the Justice Department. Further, the Commission shares enforcement of the statute because the Communications Act grants us authority to revoke a broadcaster's license or to assess fines for violations of section 1464. 47 U.S.C. §§ 312(a)(6) and 503(b)(1)(D). The Commission has imposed fines for violations of the obscenity statute, but each case involved a radio licensee. There have been no cases involving television programs generally or scrambled television programs such as provided by an over-the-air subscription television station.

Those holding licenses in the multipoint distribution service (MDS) are considered common carriers, which are not subject to the broadcast obscenity statute. Nevertheless, the Commission has initiated a rulemaking proceeding in Docket No. 83-989 dealing in part with the Commission's role as to obscene transmissions over MDS facilities. One of the questions to be considered there is the extent, if any, to which the carrier should be held accountable, in contrast to the entity that hires the carrier's services. I have enclosed a copy of our Notice of Inquiry in Docket No. 83-989. You may find paragraphs 22-28 of that document helpful.

Direct broadcast satellite (DBS) licensees have the choice of operating as a broadcast or a common carrier service. Those that elect the broadcast route would be subject to section 1464 of the Criminal Code. The same questions now under consideration in Docket No. 83-989 can be raised as to DBS operators electing to operate as common carriers. The analysis that will be provided in Docket No. 83-989 should apply in substantial measure, if not equally, to common carriers licensed to provide a DBS service.

As an individual, of course, I share many of your concerns. As a member of the federal agency that licenses the various services mentioned above, and that is obligated to carry out the no-censorship provision of the Communications Act (47 U.S.C. § 326) and the freedom of the press and of speech clauses of the first amendment to the Constitution, I have serious reservations as to the extent the Commission should have a role in this area. In addition, as mentioned above, one of the difficulties in this area is determining what is legally obscene or indecent. Part of the Supreme Court's definition requires reference to "local community standards," determination that this Commission is ill equipped to make. For these reasons, the Commission adopted legislative recommendations in 1981 (FCC Track II Legislative Proposals, September 17, 1981) looking toward deletion of the revocation and forfeiture provisions of the Communications Act as to obscenity and indecency. Such a deletion would have left enforcement of the obscenity statute to the Justice Department or to local officials who can make judgments as to local community standards. Congress did not make the recommended changes. Accordingly, as long as the statutes are retained in the Communications Act, the Commission will impose sanctions where warranted, or will defer to local officials or the Justice Department, as may be appropriate.

I hope this is helpful.

Sincerely,

MARK S. FOWLER,
Chairman.

Mr. HELMS. Mr. President, what this correspondence, from the Justice Department and the FCC, shows is that there is a glaring anomaly in Federal law. While the transportation and transmission of obscene material in interstate commerce is generally prohibited for printed matter, radio, and broadcast television, cable television—perhaps the most rapidly expanding means of communication today—has been left virtually untouched. In short, Federal law has not kept up with new technology.

Mr. President, my bill will close this gap in the law and apply our traditional moral standards and criminal penalties to this new medium. The bill expands section 1464 of title 18, consistent with existing Supreme Court cases in this area, to cover not only transmission of obscene, indecent, or profane language by radio communication, but also the transmission of obscene, indecent, or profane material, as well as language, over both broadcast television and cable television.

Specifically, my bill leaves in place the current criminal penalties for the uttering of indecent or profane language by means of radio communication—that is, up to a $10,000 fine, or up to 2 years imprisonment, or both.

In several other respects it expands and upgrades current law:

First, instead of explicitly covering only the uttering of obscene, indecent, or profane language by radio communication, under my bill, the statute would also cover the same by broadcast television and cable television. Thus, both major forms of television communication would now be covered explicitly for the first time.

Second, in addition to covering the uttering of obscene, indecent, or profane language, under my bill the statute would also cover the distribution of obscene, indecent, or profane material. Until now only language, not pictures or other material, has been covered.

Third, my bill increases the maximum fine for violations against the obscentiy provisions from $10,000 to $20,000. Because obscene matter is today the worst part of the problem, it deserves a higher penalty.

Fourth, my bill very specifically defines "obscene language or material" and "indecent language or material"—all in accord with recent Supreme Court decisions. These definitions should remove any possible vagueness problems. (Prior case law on the meaning of "profane" was deemed sufficient.)

Fifth, my bill also includes a provision that allows the States and localities to enact stricter penalties or different kinds of penalties against the proscribed material, so long as such State regulation is not inconsistent with the Federal provisions.

Mr. President, all these provisions taken together should effectively remove radio, broadcast television, and cable television as means for the communication of obscene, indecent, or profane materials. These provisions are are also meant to include future developments in technology that involve radio or television in any manner, including the use of satellite transmission.

INTERSTATE TELEPHONE SERVICE

Mr. President, late last year Congress passed a new authorization act for the Federal Communications Commission. That legislation amended section 223 of the Communications Act of 1934 which prohibits obscene and harassing telephone calls in interstate communications.

Such amendments were directed at the so-called dial-porn or dial-a-porn situation in which businesses lease telephone services for the purpose of making pornographic messages available for a fee to any caller—local or long distance. Pornographic magazines such as Penthouse and High Society have sponsored this type enterprise, and countless children throughout the country have used it.

In response to such exploitation of children, many public officials and others sought to have the FCC enforce the former section 223. When

the FCC failed or was unable to respond under the prior law, Congress passed amendments to section 223.

Mr. President, the amendments were made in hopes of clarifying the section's application to the dial-porn situation. Unfortunately, the amendments were hastily drafted and passed, and they have made section 223 all but useless in getting rid of the dial-porn problem.

The main flaw in the amendments is the safe-harbor provision that effectively sanctions commercial telephone pornography and that does not really protect children from this scourge. Subsection (b)(2) provides:

It is a defense to a prosecution under this subsection that the defendant restricted access to the prohibited communication to persons 18 years of age or older in accordance with procedures which the Commission shall prescribe by regulation.

This provision has proved in practice a gaping loophole in the law and has rendered the statute ineffective in providing sufficient protection for children.

The 1983 amendments have managed to produce the following disastrous effects:

First, for the first time in American history the dissemination of obscenity is legalized and sanctioned. The statute explicitly legalizes the transmission of obscene or indecent remarks to adults who consent to hear the message. To base obscenity law on a "consenting adult" theory completely contradicts the philosophy of other Federal laws prohibiting the importation, mailing, broadcasting, and interstate transportation of obscene matter. The traditional idea has been that, in order to serve the common good, the channels of commerce should not be open to breaches of public morality.

Second, even when minors take advantage of a dial-porn enterprise, there is a complete defense to the criminal penalties for the provider if he followed the FCC guidelines designed to restrict access for minors. Instead of working to protect the minors, this aspect of current law immunizes the smut peddler. As a practical matter, it is virtually impossible to prevent minors from calling or to distinguish a minor from an adult caller, and the law ought to recognize this reality.

Third, obscene recordings and telephone calls are legalized, as long as they are made for noncommercial purposes. Thus, an individual who offers obscene calls as a "hobby" would be exempt from prosecution in many situations.

The purpose of my bill's amendments to section 223 is to cure these defects. It eliminates the safe-harbor provision so that obscene material may not be transmitted by telephone to minors or adults, consenting or unconsenting.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 2769

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 "Cable-Porn and Dial-Porn Control Act".

SEC. 2. (a) Section 1464 of title 18, United States Code, is amended to read as follows:

"§ 1464. Broadcasting, telecasting, or cablecasting of obscene, indecent, or profane language; distributing obscene or indecent material by means of radio, television, or cable television

"(a) Whoever knowingly utters any obscene language, or distributes any obscene material, by means of radio, television, or cable television communication shall be fined not more than $20,000, or imprisoned not more than two years, or both.

"(b) Whoever knowingly utters any indecent or profane language, or distributes any indecent or profane material, by means of radio, television, or cable television communication shall be fined not more than $10,000, or imprisoned for more than two years, or both

"(c) As used in this section, the term—

"(1) 'obscene language' or 'obscene material' means any language or material respectively which—

"(A) the average person, applying contemporary community standards for radio or television, would find, taken as a whole, appeals to the prurient interest;

"(B) depicts or describes, in a patently offensive way (i) an ultimate sexual act, normal or perverted, actual or simulated, (ii) masturbation, (iii) an excretory function, (iv) a lewd exhibition of a human genital organ, or (v) flagellation, torture, or other violence, indicating a sado-masochistic sexual relationship; and

"(C) taken as a whole, lacks serious literary, artistic, political, or scientific value;

"(2) 'indecent language' or 'indecent material' means a depiction or description of (A) a human sexual or excretory organ or function, (B) nudity, (C) an ultimate sexual act, normal or perverted, actual or simulated, (D) masturbation, (E) flagellation, torture, or other violence, indicating a sado-masochistic sexual relationship, which under contemporary community standards for radio or television is presented in a patently offensive way; and

"(3) 'distribute' means to send, transmit, retransmit, telecast, broadcast, or cablecast, including by wire or satellite, or produce or provide such language or material for distribution.

"(d) Nothing in this section is intended to interfere with or preempt the power and right of the several States, including political subdivisions thereof, over franchises or to regulate in this area as to obscenity, indecency, or profanity, within their respective jurisdictions, in a manner which is not inconsistent with this section.".

(b) The analysis of chapter 71 of title 18, United States Code, is amended by deleting "1464. Broadcasting obscene language." and inserting in lieu thereof "1464. Broadcasting, telecasting, or cablecasting of obscene, indecent, or profane language; distributing obscene or indecent material by means of radio, television, or cable television.".

SEC. 3. (a) Subsection (b) of section 223 of the Communications Act of 1934 (47 U.S.C. 223) is amended to read as follows:

"(b)(1) Whoever—

"(A) in the District of Columbia or in interstate or foreign communication, by means of telephone, makes (directly or by recording device) any comment, request, suggestion, or proposal which is obscene, lewd, lascivious, filthy, or indecent, regardless of whether the maker of such comments placed the call, or

"(B) knowingly permits any telephone facility under such person's control to be used for any purpose prohibited by subparagraph (A),

shall be fined not more than $50,000 or imprisoned not more than six months, or both.

"(2)(A) In addition to the criminal penalties under paragraph (1), whoever, in the District of Columbia or in interstate or foreign communication, violates paragraph (1)(A) or (1)(B) for commercial purposes shall be subject to a civil fine of not more than $50,000 for each violation. For purposes of this paragraph, each day of violation shall constitute a separate violation.

"(B) A fine under this paragraph may be assessed either—

"(i) by a court, pursuant to a civil action by the Commission or any attorney employed by the Commission who is designated by the Commission for such purpose, or

"(ii) by the Commission, after appropriate administrative proceedings.

"(3)(A) Either the Attorney General, or the Commission or any attorney employed by the Commission who is designated by the Commission for such purpose, may bring suit in a district court of the United States to enjoin any act or practice which allegedly violates paragraph (1)(A) or (1)(B).

"(B) Upon a proper showing that, weighing the equities and considering the likelihood of ultimate success, a preliminary injunction would be in the public interest, and after notice to the defendant, such preliminary injunction may be granted. If a full trial on the merits is not scheduled within such period, not exceeding 20 days, as may be specified by the court after issuance of the preliminary injunction, the injunction shall be dissolved by the court.".

(b) Subparagraph (A) of paragraph (1) of subsection (a) of section 223 of the Communications Act of 1934 is repealed.

(c) Subsection (c) of section 8 of the Federal Communications Commission Authorization Act of 1983 is repealed.●

By Mr. MELCHER (for himself and Mr. ABDNOR):

S. 2770. A bill to protect consumer franchised automobile dealers from unfair price discrimination in the sale by the manufacturer of new motor vehicles, and for other purposes; to the Committee on the Judiciary.

FAIR COMPETITION IN THE AUTOMOBILE AND TRUCK MARKETPLACE

● Mr. MELCHER. Mr. President, I am today introducing for myself and Senator ABDNOR a bill which I hope will serve not only as vehicle to shed light on the current practices of domestic automobile manufacturers in providing large discounts to fleet purchasers of their automobiles and trucks, but will also ensure fair competition in the automobile and truck marketplace. During the past several years about 15

to 20 percent of the American automobile manufacturers' production has been sold to leasing companies and other fleets. There is, of course, nothing wrong with this magnitude of sales to fleets. The fleets have a need for these vehicles and the marketplace supplies them.

It is our understanding, however, that the domestic manufacturers are providing subsidies or discounts to these companies sometimes in excess of $1,000 per vehicle. These fleet discounts are available only to a select group of businesses but not to franchised new car dealers for resale to individual consumers. These fleet assistance programs take many forms. Cash payments to fleets, free options, direct discounts, guaranteed resale value, and advertising payments are among the types of fleet subsidies that are currently being utilized by the domestic manufacturers.

This differential, of course, must be made up. In effect, the American new car buyer helps subsidize the fleet purchaser. Further, these progams cannot be justified on the basis of volume. The average dealer in the United States cannot buy cars as cheaply as the smallest fleet even though he might individually buy many, many more vehicles and even though franchised dealers in the aggregate clearly purchase far more units.

Some estimates suggest that these subsidies might well amount to hundreds of millions of dollars. That is not a small piece of change for the consumers of this Nation to pick up, and with a potential economic impact of that magnitude, I certainly think that this issue deserves further exploration. To my knowledge only the manufacturers know the number of vehicles that are being subsidized and the total dollar value of the subsidization. This vital information could be brought to light in congressional hearings.

Other questions are equally important. If acquisition costs for fleets are below the price at which small business dealers can obtain vehicles, does this create an unfair fleet price advantage over consumers? If these subsidy programs are creating a preferred class of customers, does this not result in large corporations paying less for their vehicles than consumers? If fleet vehicle orders are given preference over new car dealer orders, does this not create an unfair situation to both consumers and small business dealers? These are just a few of the many, many questions that must be explored in order to determine if the current program of fleet subsidies by the domestic manufacturers constitutes a discriminatory practice which injures both consumers and small business dealers. I hope that the bill which we are introducing today will serve as a vehicle for a congressional hearing in which the facts surrounding fleet subsidies can be fully aired.

I would add that one other problem must also be aired. That is the so-called practice of bootlegging. This is the simple practice of having the manufacturer sell the car to fleet purchasers at special discounts not available to dealers and in turn having the fleets sell the cars to private purchasers in direct competition with new dealers. This is clearly unfair competition and numerous examples of it have already begun to surface around the Nation. The practice is so potentially lucrative that it is highly likely that it will increase.

Summarized briefly, our bill would do the following:

First, prohibit a manufacturer from selling to any person or automobile dealer any automobile at a price which is lower than the price at which the same model is sold to its franchised automobile dealers during the same time period;

Second, prohibit a manufacturer from imposing restrictions on some of the persons purchasing automobiles that are not imposed on all purchasers;

Third, prohibit a manufacturer from providing to some ultimate purchaser of automobiles a rebate, discount, refund, and so forth, that is not offered to all other ultimate purchasers of the same model during the same time period; and

Fourth, provide an exception for sales to Federal, State, and local governments and the traditional sales to the Red Cross.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2770

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—AUTOMOBILES

DEFINITIONS

SECTION 101. As used in this title—

(1) The term "automobile" means any vehicle (including any van or station wagon) which has a gross vehicle weight of less than 10,000 pounds and which—

(A) has 4 or more wheels;

(B) is propelled by fuel; and

(C) is manufactured primarily for use on public streets, roads, and highways.

(2) The term "truck" means any vehicle which has a gross vehicle weight of 10,000 pounds or more and which—

(A) has 4 or more wheels;

(B) is propelled by fuel; and

(C) is manufactured primarily for use on public streets, roads, and highways.

(3) The terms "automobile manufacturer" and "manufacturer" means—

(A) any person who manufactures, assembles, or imports new automobiles; and

(B) Any person primarily engaged in the sale or distribution of new automobiles for resale.

Such term includes any person (other than an automobile dealer) owned or controlled (directly or indirectly) by a person who manufactures, assembles, or imports automobiles.

(4) The term "automobile dealer" means any person primarily engaged in the sale or distribution of new automobiles or new trucks to ultimate purchasers.

(5) The term "ultimate purchaser" means, with respect to any new automobile, the first person who purchases such new automobile for purposes other than resale.

(6) The term "sales period" means any period of time during which a new automobile is sold or leased, or offered for sale or lease, by the automobile manufacturer at a certain price.

(7) The term "price" means the amount paid, or to be paid, to the manufacturer by the person purchasing or leasing a new automobile from the manufacturer. Such term also includes—

(A) any rebate, discount, refund, promotional service, additional equipment, or any other inducement or benefit provided directly or indirectly by the manufacturer in connection with such sale or lease, and

(B) any rebate, discount, refund, promotional service, additional equipment, or any other inducement or benefit which is provided by the manufacturer to the ultimate purchaser of such automobile in connection with the purchase by such ultimate purchaser of such automobile.

Such term shall not include any amount which is separately stated in connection with the sale of an automobile by the manufacturer to a purchaser in any State to the extent that such amount is attributable to any device or equipment installed in such automobile for purposes of compliance with air pollution emission control requirements applicable in that State.

(8) The term "incentive" means—

(A) any rebate, discount, refund, promotional service, additional equipment, or any other inducement or benefit provided directly or indirectly by the manufacturer in connection with the sale or lease by the manufacturer of a new automobile, and

(B) any rebate, discount, refund, promotional service, additional equipment, or any other inducement or benefit which is provided by the manufacturer to the ultimate purchaser of an automobile in connection with the purchase by such ultimate purchaser of such automobile.

(9) The term "designated regional incentive sales period" means any period of time designated by an automobile manufacturer under section 103 of this Act for purposes of a qualified regional incentive sales program. No such period may be less than 14 days.

(10) The term "designated region" means any area within the United States which is designated by an automobile manufacturer under section 103 of this Act for purposes of a qualified regional incentive sales program. No such area may be smaller than the smallest standard Metropolitan Statistical Area determined under the most current United States census data.

UNFAIR PRICE DISCRIMINATION

SEC. 102. (a) No automobile manufacturer may sell or lease any new automobile in interstate commerce, or offer to sell or lease any new automobile in interstate commerce, to any person (including an automobile dealer) during any sales period at a price which is higher than the lowest price at which any other new automobile of the same model, similarly equipped, is sold or

leased, or offered for sale or lease, by the automobile manufacturer during that sale period.

(b) No automobile manufacturer may offer any incentive in connection with the sale or lease in interstate commerce of any model of new automobile unless all automobile dealers authorized by the manufacturer to sell that model have been notified, in advance, of such incentive and unless such incentive remains in effect for at least 14 days.

EXCEPTIONS

SEC. 103. (a) Section 102 shall not apply to a sale or lease of, or an offer to sell or lease, any new automobile to—

(1) a automobile manufacturer;

(2) an employee of the manufacturer who is not an automobile dealer,

(3) any department, agency, or instrumentality of the United States or of a State or local government, or

(4) the American Red Cross.

No offer to sell to an entity referred to in paragraphs (1) through (4) of this subsection shall be taken into account for purposes of subsection (b)(2) of this section.

(b)(1) Section 102 shall not apply to a sale by the manufacturer of, or an offer by the manufacturer to sell, any new automobile to any purchaser if such sale or offer by the manufacturer is part of a qualified regional incentive sales program for any designated region.

(2) A sale by the manufacturer of, or offer by the manufacturer to sell, a new automobile is part of a qualified regional incentive sales program for a designated region if—

(A) all automobiles of the same model, similarly equipped, sold or offered for sale by the automobile manufacturer in the designated region during the designated regional incentive sales period are sold and offered for sale at the same price;

(B) all automobiles sold by the automobile manufacturer in such designated region during the designated regional incentive sales period are delivered by the automobile manufacturer to the purchaser in such designated region; and

(C) all automobile dealers which are located in such region and authorized by the automobile manufacturer to sell the model of automobile concerned are notified in advance of any incentive offered by the automobile manufacturer in connection with the sale or lease of such model and any such incentive remains in effect in such region for at least 14 days.

(c)(1) Section 102 shall not apply to any extension of credit by any person owned or controlled by an automobile manufacturer to an ultimate purchaser for the purchase of any new automobile if—

(A) such ultimate purchaser provides written certification to the automobile manufacturer that he has not purchased more than 5 automobiles manufactured by such automobile manufacturer during the preceding 12 months; or

(B) the terms on which such credit is extended are necessary to compete with credit available to such ultimate purchaser from any other source engaged in the business of extending credit.

(2) Section 102 shall not apply to any extension of credit by any person owned or controlled by an automobile manufacturer to an automobile dealer for purposes inventory financing.

(d) No automobile which is exempt from any provision of section 102 by reason of this section shall be taken into account in determining whether any other automobile has been sold or leased or offered for sale or lease in violation of any provision of section 102.

ENFORCEMENT

SEC. 104. (a) Any person may bring an action against any automobile manufacturer to require compliance with any requirement of this title. In any such action, the court may, in its discretion—

(1) issue such orders as may be necessary to require compliance with such requirement;

(2) award punitive damages to plaintiff; or

(3) take action under both paragraphs (1) and (2). In determining the amount of any punitive damages awarded under paragraph (2), the court shall take into account the number of automobiles sold in violation of this title and the amount by which the price at which such automobiles were sold is different from the price at which such automobiles would have been sold if sold in compliance with this title.

(b) Where appropriate, the court may award attorneys fees to a prevailing plaintiff in any action brought under this subsection.

(c) An action under this subsection may be brought in any appropriate United States district court.

ANTITRUST LAWS

SEC. 105. Nothing in this title shall repeal, modify, or otherwise affect the application of any provision of the antitrust laws of the United States.

PREEMPTION OF STATE LAW

SEC. 106. No provision of this title shall be construed to preempt or supercede any provision of State law except to the extent that the provision of State law is inconsistent with a provision of this title.

TITLE II—TRUCKS

DEFINITIONS

SEC. 201. As used in this title—

(1) The term "truck" means any vehicle which has a gross vehicle weight of 10,000 pounds or more and which—

(A) has 4 or more wheels;

(B) is propelled by fuel; and

(C) is manufactured primarily for use on public streets, roads, and highways.

(2) The term "automobile" means any vehicle (including any van, station wagon) which has a gross vehicle weight of less than 10,000 pounds and which—

(A) has 4 or more wheels;

(B) is propelled by fuel; and

(C) is manufactured primarily for use on public streets, roads, and highways.

(3) The terms "truck manufacturer" and "manfacturer" means—

(A) any person who manufactures, assembles, or imports new trucks; and

(B) any person primarily engaged in the sale or distribution of new trucks for resale. Such term includes any person (other than a truck dealer) owned or controlled (directly or indirectly) by a person who manufactures, assembles, or imports trucks.

(4) The term "truck dealer" means any person primarily engaged in the sale or distribution of new trucks or new automobiles to ultimate purchasers.

(5) The term "ultimate purchaser" means, with respect to any new truck, the first person who purchases such new truck for purposes other than resale.

(6) The term "sales period" means any period of time during which a new truck is sold or leased, or offered for sale or lease, by the manufacturer at a certain price.

(7) The term "price" means the amount paid, or to be paid, to the manufacturer by the person purchasing or leasing a new truck from the manufacturer. Such term also includes—

(A) any rebate, discount, refund, promotional service, additional equipment, or any other inducement or benefit provided directly or indirectly by the manufacturer in connnection with such sale or lease, and

(B) any rebate, discount, refund, promotional service, additional equipment, or any other inducement or benefit which is provided by the manufacturer to the ultimate purchaser of such truck in connection with the purchase by such ultimate purchaser of such truck.

Such term shall not include any amount which is separately stated in connection with the sale of a truck by the manufacturer to a purchaser in any State to the extent that such amount is attributable to any device or equipment installed in such truck for purposes of compliance with air pollution emission control requirements applicable in that State.

(8) The term "incentive" means—

(A) any rebate, discount, refund, promotional service, additional equipment, or any other inducement or benefit provided directly or indirectly by the manufacturer in connection with the sale or lease by the manufacturer of a new truck, and

(B) any rebate, discount, refund, promotional service, additional equipment, or any other inducement or benefit which is provided by the manufacturer to the ultimate purchaser of a truck in connection with the purchase by such ultimate purchaser of such truck.

UNFAIR PRICE DISCRIMINATION

SEC. 202. (a) No truck manufacturer may sell or lease any new truck in interstate commerce, or offer to sell or lease any new truck in interstate commerce, to any person (including a truck dealer) during any sales period at a price which is higher than the lowest price at which any other new truck of the same model, similarly equipped, is sold or leased, or offered for sale or lease, by the truck manufacturer during that sales period.

(b) No truck manufacturer may offer any incentive in connection with the sale or lease of any model of new truck in interstate commerce unless all truck dealers authorized by the truck manufacturer to sell that model have been notified, in advance, of such incentive and unless such incentive remains in effect for at least 30 days.

EXCEPTIONS

SEC. 203. (a) section 202 shall not apply to a sale or lease of, or an offer to sell or lease, any new truck to—

(1) a truck manufacturer;

(2) an employee of the manufacturer who is not a truck dealer,

(3) any department, agency, or instrumentality of the United States or of a State or local government, or

(4) the American Red Cross.

No offer to sell to an entity referred to in paragraph (1) through (4) of this subsection shall be taken into account for purposes of subsection (b)(2) of this section.

(b) Section 202 shall not apply to any incentive offered or provided by a truck manufacturer in connection with any truck component manufactured by such truck manufacturer to the extent that such incentive is necessary to compete with an incentive available in connection with the purchase of

a comparable component from any other source.

(c)(1) Section 202 shall not apply to any extension of credit to the ultimate purchaser of any truck by any person owned or controlled by a truck manufacturer if—

(A) such ultimate purchaser provides written certification to the manufacturer that the has not purchased more than 5 trucks manufactured by such manufacturer during the preceding 12 months; or

(B) the terms on which such credit is extended are necessary to compete with credit available to such ultimate purchaser from any other source engaged in the business of extending credit.

(2) Section 202 shall not apply to any extension of credit by any person owned or controlled by a truck manufacturer to a truck dealer for purposes of inventory financing.

(d) No truck which is exempt from section 202 by reason of this section shall be taken into account in determining whether any other truck has been sold or leased or offered for sale or lease in violation of any provision of section 202.

COMPANY OWNED DEALERSHIPS

SEC. 204. (a) No truck dealer which is owned by a truck manufacturer may sell or lease any new truck in interstate commerce, or offer to sell or lease any new truck in interstate commerce, to any person at a price which is lower than the price at which that truck was sold by the truck manufacturer to such truck dealer.

(b)(1) Whenever any truck manufacturer has a branch or division which is primarily engaged in the sale of trucks to the ultimate consumer, such branch or division shall be treated for purposes of this title as truck dealer which is a person separate from such manufacturer.

(2) No person deemed to be a separate truck dealer under paragraph (1) may sell or lease any new truck in interstate commerce, or offer to sell or lease any new truck in interstate commerce, to any person at a price which is lower than the price at which that truck would be sold by the manufacturer if the manufacturer were making such sale in accordance with the requirements of section 202.

ENFORCEMENT

SEC. 205. (a) Any person may bring an action against any truck manufacturer to require compliance with any requirement of this title. In any such action, the court may, in its discretion—

(1) issue such orders as may be necessary to require compliance with such requirement;

(2) award punitive damages to plaintiff; or

(3) take action under both paragraphs (1) and (2).

In determining the amount of any punitive damages awarded under paragraph (2), the court shall take into account the number of trucks sold in violation of this title and the amount by which the price at which such trucks were sold is different from the price at which such trucks would have been sold if sold in compliance with this title.

(b) Where appropriate, the court may award attorneys fees to a prevailing plaintiff in any action brought under this subsection.

(c) An action under this subsection may be brought in any appropriate United States district court.

ANTITRUST LAWS

SEC. 206. Nothing in this title shall repeal, modify, or otherwise affect the application of any provision of the antitrust laws of the United States.

PREEMPTION OF STATE LAW

SEC. 207. No provision of this title shall be construed to preempt or supercede any provision of State law except to the extent that the provision of State law is inconsistent with a provision of this title.●

By Mr. LEVIN:

S.J. Res. 310. Joint resolution to designate the week beginning September 16, 1984, as "National Osteopathic Medicine Week"; to the Committee on the Judiciary.

NATIONAL OSTEOPATHIC MEDICINE WEEK

● Mr. LEVIN. Mr. President, today I am introducing a joint resolution to establish the week beginning September 16, 1984, as "National Osteopathic Medicine Week". My colleague from Michigan, Congressman FORD, has already introduced this resolution in the House.

Osteopathic medicine has been practiced in the United States since 1874. There are now over 20,000 osteopathic physicians [DO's] practicing medicine in this country. While an osteopathic physician receives training in many respects to that of a medical doctor, osteopathic medical schools have historically placed greater emphasis upon training DO's to treat the whole person. The profession has also emphasized treatment of families in small communities. Nearly 40 percent of the osteopathic physicians in the country work in communities of less than 20,000 people and over 90 percent of all practicing DO's provide primary care.

Sixteen percent of the osteopathic physicians in the United States practice in my own State of Michigan. My State is also fortunate to have more than 30 of the Nation's 200 osteopathic hospitals. Michigan State University College of Osteopathic Medicine is one of the leading schools of medicine in the country and my State also houses the Nation's first freestanding osteopathic hospital which provides psychiatric treatment for children and adolescents, the Michigan Osteopathic Medical Center [MOMC].

Mr. President, of special significance this year is that 1984 is the golden anniversary of the American Osteopathic Hospital Association, which represents the osteopathic hospitals. For over 100 years, members of the osteopathic profession have devoted themselves to providing basic health care services to American families who live in the small towns and rural areas of our country.

I urge my colleagues to cosponsor this resolution which provides a unique opportunity for the Congress to commend osteopathic physicians for making an important contribution to providing quality health care to Americans.●

By Mr. LEVIN:

S.J. Res. 311. Joint resolution to designate the week of October 13, 1984, through October 19, 1984, as "National Independent Laboratory Week"; to the Committee on the Judiciary.

NATIONAL INDEPENDENT LABORATORY WEEK

● Mr. LEVIN. Mr. President, I am introducing today a joint resolution to designate the week of October 13, 1984, through October 19, 1984, as "National Independent Laboratory Week."

The more than 3,000 independent laboratories in the United States represent a valuable national resource. These independent laboratories serve manufacturers, Government agencies, trade associations, engineers and architects, shippers, buyers, sellers, farmers, lawyers, homeowners, and many others. Independent laboratories test literally everything from A to Z, from air to zinc: aircraft-missile parts, bridges, crops, concrete, drugs, electrical appliances, food, metals, military components, noise, plastics, steel, water.

Independent, third party opinions and data are an integral part of the American legal, industrial, and business systems. Independent opinions and reports are prima facie more credible because they are inherently objective and free from conflict of interest. This fundamental belief in the value of the independent, third party role has led to the development over the past 100 years of the independent testing laboratory profession.

As defined by the American Council of Independent Laboratories, the national association of these companies, an independent laboratory provides professional testing, analysis, inspection, sampling, investigation and/or related consultation services to the public in the fields of engineering and the sciences. Independent laboratories produce objective unbiased reports that are independent of any influencing factors which could prejudice the judgment or action of the laboratory's management or employees.

The typical independent laboratory is a privately held small business founded by an engineer or scientist entrepreneur. His or her commitment to professional standards is reinforced by business realities; he or she learns that reliability, responsibility and emphasis on quality constitute sound business practice as well as ethical behavior. The profit motive inclines the independent laboratory to be innovative and efficient. These laboratories are typical of the small technical businesses that several studies have found to be the primary source of U.S. innovation and productivity.

In recent years, the work of independent testing laboratories has been particularly important in improving the U.S. environment and enhancing the quality of U.S. products. Many in-

dependent laboratories are certified by the U.S. Environmental Protection Agency and its State counterparts for testing drinking water. They also test wastewater for governments and industry as part of the national effort to clean up our rivers, streams, and lakes. Further, they are deeply involved in programs to monitor air quality and protect against unsafe levels of contaminants in the atmosphere. Consumer product testing and construction-related quality assurance programs are also major areas of activity of independent laboratories. Manufacturers and building designers hire these third party experts to monitor production and ensure that proper standards and specifications are met. In these and other ways, the Nation's independent laboratories contribute significantly to the health, safety, and quality of life of all U.S. citizens.

Independent laboratories are also creating jobs. Figures obtained recently from the U.S. Bureau of Labor Statistics reveal that these firms have been creating new jobs at more than double the rate of U.S. industry as a whole. Between the years 1974 and 1981, the average growth in total jobs throughout industry was 23 percent. Over the same period, independent laboratories (SIC codes 7391 and 7397) realized a job-growth rate of more than 50 percent—from 93,000 employees in 1974 to 141,000 employees in 1981.

The U.S. Senate should recognize the important contributions U.S. independent laboratories have made and the vital role they continue to play. Therefore, because the members of the American Council of Independent Laboratories will be holding the 47th annual meeting of their association in Washington, from October 13 to 18, 1984, I urge my colleagues to join me in designating the week of October 13, 1984, be declared National Independent Laboratory Week.●

ADDITIONAL COSPONSORS

S. 203

At the request of Mr. INOUYE, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 203, a bill to amend title 10, United States Code, to authorize former members of the Armed Forces who are totally disabled as the result of a service-connected disability to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are permitted to travel on such aircraft.

S. 563

At the request of Mr. CHILES, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 563, a bill to reform the laws relating to former Presidents.

S. 911

At the request of Mr. CHILES, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of S. 911, a bill to establish a commission to make recommendations for changes in the role of nonparty multicandidate political action committees in the financing of campaigns of candidates for Federal office.

S. 1531

At the request of Mr. RIEGLE, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 1531, a bill to encourage the use of public school facilities before and after school hours for the care of school-age children and for other purposes.

S. 1841

At the request of Mr. THURMOND, the names of the Senator from Texas [Mr. BENTSEN], the Senator from Rhode Island [Mr. PELL], and the Senator from Illinois [Mr. DIXON] were added as cosponsors of S. 1841, a bill to promote research and development, encourage innovation, stimulate trade, and make necessary and appropriate amendments to the antitrust, patent, and copyright laws.

S. 2358

At the request of Mr. PROXMIRE, the names of the Senator from Washington [Mr. GORTON] and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of S. 2358, a bill to prohibit the U.S. Synthetic Fuels Corporation from making new awards of financial assistance before the comprehensive strategy, as set forth in the Energy Security Act, is approved.

S. 2366

At the request of Mr. ROTH, the name of the Senator from Illinois [Mr. PERCY] was added as a cosponsor of S. 2366, a bill to require custodians of public money to deposit funds not later than 3 business days after the date of receipt, and for other purposes.

S. 2374

At the request of Mr. STAFFORD, the name of the Senator from Illinois [Mr. PERCY] was added as a cosponsor of S. 2374, a bill to extend the authorization for 5 years for the low-income home energy assistance program, for the community services block grant, and for the Head Start Program, and for other purposes.

S. 2423

At the request of Mr. THURMOND, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 2423, a bill to provide financial assistance to the States for the purpose of compensating and otherwise assisting victims of crime, and to provide funds to the Department of Justice for the purpose of assisting victims of Federal crime.

S. 2436

At the request of Mr. GOLDWATER, the names of the Senator from Delaware [Mr. BIDEN], and the Senator from Texas [Mr. BENTSEN] were added as cosponsors of S. 2436, a bill to authorize appropriations of funds for activities of the Corporation for Public Broadcasting, and for other purposes.

S. 2456

At the request of Mr. BRADLEY, the name of the Senator from New York [Mr. MOYNIHAN] was added as cosponsor of S. 2456, a bill to establish a commission to study the 1932-33 famine caused by the Soviet Government in Ukraine.

S. 2644

At the request of Mr. D'AMATO, his name was added as a cosponsor of S. 2644, a bill to amend title II of the Social Security Act to protect the benefit levels of individuals becoming eligible for benefits in or after 1979 by eliminating the disparity, resulting from changes made in 1977 in the benefit computation formula, between those levels and the benefit levels of persons who became eligible for benefits before 1979.

S. 2650

At the request of Mr. KASTEN, the names of the Senator from Oregon [Mr. PACKWOOD] and the Senator from Virginia [Mr. TRIBLE] were added as cosponsors of S. 2650, a bill to enable the Consumer Product Safety Commission to protect the public by ordering notice and repair, replacement or refund of certain toys or articles intended for use by children if such toys or articles create a substantial risk of injury to children.

S. 2679

At the request of Mr. D'AMATO, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of S. 2679, a bill to amend title IV of the National Housing Act and the Federal Deposit Insurance Act with respect to brokered deposits.

SENATE JOINT RESOLUTION 55

At the request of Mr. MATHIAS, the names of the Senator from Pennsylvania [Mr. SPECTER] and the Senator from Delaware [Mr. ROTH] were added as cosponsors of Senate Joint Resolution 55, a joint resolution to recognize the pause for the Pledge of Allegiance as part of National Flag Day activities.

SENATE JOINT RESOLUTION 246

At the request of Mr. EXON, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of Senate Joint Resolution 246, a joint resolution strongly urging the President to secure a full accounting of Americans captured or missing in action in Southeast Asia, and for other purposes.

SENATE JOINT RESOLUTION 272

At the request of Mr. MURKOWSKI, the name of the Senator from Michi-

gan [Mr. RIEGLE] was added as a cosponsor of Senate Joint Resolution 272, a joint resolution recognizing the anniversaries of the Warsaw Uprising and the Polish resistance to the invasion of Poland during World War II.

SENATE JOINT RESOLUTION 287

At the request of Mr. D'AMATO, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of Senate Joint Resolution 287, a joint resolution to authorize and request the President to designate January 27, 1985, as "National Jerome Kern Day."

SENATE JOINT RESOLUTION 293

At the request of Mr. WILSON, the names of the Senator from Indiana [Mr. LUGAR], the Senator from Washington [Mr. GORTON], the Senator from Ohio [Mr. METZENBAUM], the Senator from Alabama [Mr. HEFLIN], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from New Mexico [Mr. DOMENICI], the Senator from Utah [Mr. HATCH], the Senator from Idaho [Mr. SYMMS], the Senator from Wisconsin [Mr. KASTEN], and the Senator from Iowa [Mr. JEPSEN] were added as cosponsors of Senate Joint Resolution 293, a joint resolution to designate July 17, 1984, as "Spanish American War Veteran Day."

SENATE JOINT RESOLUTION 309

At the request of Mr. BENTSEN, the names of the Senator from Kansas [Mr. DOLE], the Senator from Georgia [Mr. NUNN], the Senator from North Dakota [Mr. BURDICK], the Senator from Connecticut [Mr. WEICKER], and the Senator from North Dakota [Mr. ANDREWS] were added as cosponsors of Senate Joint Resolution 309, a joint resolution authorizing and requesting the President to designate January 1985 as "National Cerebral Palsy Month."

SENATE CONCURRENT RESOLUTION 105

At the request of Mr. BUMPERS, the names of the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Massachusetts [Mr. TSONGAS], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Maine [Mr. MITCHELL] were added as cosponsors of Senate Concurrent Resolution 105, a concurrent resolution expressing support for the United States to pursue vigorously any outstanding arms control compliance concerns through appropriate confidential channels, and at the same time to continue to carry out its obligations and commitments under, and otherwise continue to abide by, the provisions of existing strategic arms agreements.

SENATE CONCURRENT RESOLUTION 115

At the request of Mr. BRADLEY, the name of Senator from Illinois [Mr. PERCY] was added as a cosponsor of Senate Concurrent Resolution 115, a concurrent resolution expressing the sense of Congress that the International Olympic Committee should establish a permanent facility for the Olympic games, to insulate the games from international politics.

SENATE CONCURRENT RESOLUTION 117

At the request of Mr. LAUTENBERG, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of Senate Concurrent Resolution 117, a concurrent resolution relating to the promotion of technological innovation in computer software and the protection of computer software.

SENATE CONCURRENT RESOLUTION 121

At the request of Mr. BOSCHWITZ, the names of the Senator from Ohio [Mr. METZENBAUM], the Senator from Michigan [Mr. LEVIN], and the Senator from Illinois [Mr. PERCY] were added as cosponsors of Senate Concurrent Resolution 121, a concurrent resolution expressing the sense of the Congress regarding the nondelivery in the Soviet Union of certain mail from the United States, and for other purposes.

SENATE RESOLUTION 294

At the request of Mr. RIEGLE, the names of the Senator from Nebraska, [Mr. EXON], the Senator from California [Mr. WILSON], the Senator from Tennessee [Mr. SASSER], the Senator from North Dakota [Mr. BURDICK], the Senator from Kentucky [Mr. HUDDLESTON], and the Senator from Idaho [Mr. MCCLURE] were added as cosponsors of Senate Resolution 294, a resolution expressing the sense of the Senate that the Government of the Soviet Union should allow Igor V. Ogurtsov to be released from exile and allowed to emigrate to the West without renouncing his views, and for other purposes.

SENATE RESOLUTION 402

At the request of Mr. DIXON, the name of the Senator from Georgia [Mr. MATTINGLY] was added as a cosponsor of Senate Resolution 402, a resolution opposing certain proposed import restrictions by the European Community on U.S. agricultural products.

AMENDMENT NO. 3053

At the request of Mr. GORTON, the names of the Senator from Iowa [Mr. JEPSEN], the Senator from Arkansas [Mr. BUMPERS], the Senator from South Dakota [Mr. PRESSLER], the Senator from Illinois [Mr. PERCY], the Senator from Arkansas [Mr. PRYOR], the Senator from Missouri [Mr. EAGLETON], the Senator from Alabama [Mr. DENTON], the Senator from New Hampshire [Mr. RUDMAN], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of amendment No. 3053 intended to be proposed to S. 2537, a bill to amend the Federal Railroad Safety Act of 1970 to authorize additional appropriations, and for other purposes.

AMENDMENT NO. 3175

At the request of Mr. TRIBLE, the name of the Senator from Oregon [Mr. PACKWOOD] was added as a cosponsor of amendment No. 3175 intended to be proposed to S. 2723, an original bill to authorize appropriations for the military functions of the Department of Defense and to prescribe personnel levels for the Department of Defense for fiscal year 1985, to authorize certain construction at military installations for such fiscal year, to authorize appropriations for the Department of Energy for national security programs for such fiscal year, and for other purposes.

AMENDMENT NO. 3199

At the request of Mr. EXON, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of amendment No. 3199 proposed to S. 2723, an original bill to authorize appropriations for the military functions of the Department of Defense and to prescribe personnel levels for the Department of Defense for fiscal year 1985, to authorize certain construction at military installations for such fiscal year, to authorize appropriations for the Department of Energy for national security programs for such fiscal year, and for other purposes.

SENATE CONCURRENT RESOLUTION 122—PROVIDING FOR A JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES

Mr. MATHIAS (for himself, Mr. BAKER, Mr. BYRD, and Mr. FORD) submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 122

Resolved by the Senate (the House of Representatives concurring), That a Joint Congressional Committee on Inaugural Ceremonies consisting of three Senators and three Representatives, to be appointed by the President of the Senate and the Speaker of the House of Representatives, respectively, is authorized to make the necessary arrangements for the inauguration of the President-elect and Vice President-elect of the United States on the 21st day of January 1985.

SENATE CONCURRENT RESOLUTION 123—RELATIVE TO PAYMENT OF ATTORNEY'S FEES TO THE FAMILY OF BABY JANE DOE

Mr. DURENBERGER submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 123

Whereas: (1) Baby Jane Doe was born on October 11, 1983, in New York, with an incompletely formed spine, a small head (rep-

resenting a lack of brain development), and multiple other impairments;

(2) The family of Baby Jane Doe was confronted with a decision whether to have surgery performed to close her spine or to treat it with antibiotics, both medically reasonable courses of treatment;

(3) Baby Jane Doe's doctors advised her parents that she would be paralyzed from the waist down and in constant pain if surgery were performed to close her spine;

(4) Her family, in consultation with their doctors, decided to forego surgery for the baby;

(5) After receiving a confidential tip about the family's decision, an individual whom the family had never met, A. Lawrence Washburn, commenced litigation in the New York State Courts with the objective of compelling surgery;

(6) Washburn initially convinced the New York court to appoint a guardian ad litem for the baby to determine if the family and hospital had neglected the child. The New York State Department of Child Protective Services found no evidence of neglect after reviewing the child's first nine days of hospital records;

(7) Washburn then dragged the parents through litigation in every level of the New York State Court system and was unsuccessful at every stage;

(8) Washburn appealed to the United States Supreme Court, but was denied a hearing. He then went back to the District Court in New York and instituted a class action on behalf of Baby Doe and 300 other babies he alleged were victims of infanticide. His arguments were dismissed and he was fined $500;

(9) After successfully defending themselves against Washburn in the New York State Courts, the Federal Government, the U.S. Justice Department, got into the act;

(10) The Justice Department's theory was novel—they alleged that the decision to forego surgery was a violation of Section 504 of the Rehabilitation Act and maintained that the hospital had discriminated against Baby Doe on the basis of her handicap;

(11) The Justice Department initially requested that the United States Surgeon General investigate Baby Jane Doe's first nine days of hospital records to determine if a violation of Section 504 of the Rehabilitation Act had occurred and the hospital had discriminated against the baby;

(12) After the U.S. Surgeon General had determined that there had been no discrimination against Baby Jane Doe, the U.S. Justice Department commenced a legal action against the hospital in the U.S. District Court, alleging a violation of Section 504 and seeking all the baby's medical records;

(13) The family of Baby Doe requested to intervene in that action in order to protect their civil and constitutional rights and the Justice Department did not object;

(14) The Justice Department brought in a number of attorneys to litigate this matter in U.S. District Court shortly thereafter;

(15) The U.S. District Court decided that the Government had acted beyond their authority and denied the Justice Department access to Baby Jane Doe's medical records;

(16) The family, by then burdened not only by the decisions on behalf of their handicapped newborn and the "5" step court abuse by Washburn, but the cost of defending itself from the effect of the novel experiment with Section 504 by their own Government, brought a motion to have attorney's fees assessed against the Justice Department for approximately $53,000.00;

(17) The Justice Department not only challenged this amount, but also opposed payment of any attorneys' fees. The Court has not rendered its decision on that question;

(18) Following Justice's loss in U.S. District Court, an appeal was taken to the Second Circuit Court of Appeals and the decision of the District Court was affirmed;

(19) After the Second Circuit had issued its ruling, the family again filed for attorneys' fees in the amount of $25,368.75;

(20) The Justice Department, once again, refused to pay reasonable attorneys' fees to the family;

(21) Thereafter, the Justice Department requested that the entire Second Circuit conduct a hearing in banc and that request was unanimously denied;

(22) Following the Second Circuit Court's denial of a rehearing in banc, the United States District court, on May 23, 1984, ruled that the Federal Government had no authority to issue Baby Doe regulations pursuant to Section 504 of the Rehabilitation Act;

(23) On June 8, 1984, the Second Circuit Court of Appeals denied the family's request for payment of attorneys' fees in the amount of $25,368.75;

(24) The family of Baby Jane Doe has incurred over $150,000.00 in medical and legal fees since the birth of Baby Jane Doe and anticipate it will take them a lifetime to pay these expenses;

(25) In addition, Baby Jane Doe is expected to necessitate extensive medical care and treatment throughout her life which will require this family to incur additional expenses: Now therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that:

(1) The United States Government has abused its obligation to protect life in the case of Baby Jane Doe. In the first days of the child's life society and Government worked to affirm the rights of the child. The family's decisions were affirmed;

(2) After the Government had discharged its obligation to protect life, the U.S. Justice Department came along with an experiment in interpreting Section 504 of the Rehabilitation Act as a new form of government protection;

(3) These parents were forced to help finance Justice's experiment when Justice refused to pay for their forced co-experimentation;

(4) The Baby Jane Doe case is in no sense of the word a typical civil rights case which should be subject to the usual rules governing an award of attorneys' fees to prevailing defendants;

(5) The usual restriction on the recovery of attorneys' fees by defendants in civil rights actions should not be used to punish an innocent party who has been singled out to serve as the subject of experimental litigation;

(6) A more liberal policy for awarding attorney's fees to prevailing defendants is warranted when the government acts as the plaintiff and the defendant becomes a test model for future interpretation of the law;

(7) An award of attorneys' fees to the family of Baby Jane Doe will not deter the Justice Department from pursuing future civil rights cases;

(8) This family should not be penalized for having advanced their civil and constitutional arguments by intervening in the case;

(9) Requiring the family to pay the costs of litigating this matter against the Federal Government will deprive Baby Jane Doe's family of badly needed resources;

(10) Baby Jane Doe and her family deserve to begin their lives together—free of governmental interference and the crushing burden of these legal fees;

(11) The Federal Government should, and must, demonstrate its compassion for this family and restore faith in the role of government in society by assuming the costs of reasonable attorneys' fees for the family in the United States District Court and the Second Circuit Court of Appeals.

● Mr. DURENBERGER. Mr. President, the second circuit court of appeals denied the request of the family of Baby Jane Doe to assess attorneys' fees against the Department of Justice after the family prevailed in that court. I am very disappointed by the second circuit's ruling and believe that the Congress should act to remedy this situation.

Baby Jane Doe's family was made the subject of an experiment by the Justice Department to ascertain the extent to which they could carry enforcement of section 504 of the Rehabilitation Act. this family was, in effect, forced into litigation in the Federal courts despite their earlier successes at all levels of the New York court system against an individual, whom they had never met, who alleged they had neglected and abused their child. The family entered the Justice Department's litigation in an effort to protect their civil and constitutional rights. They had no alternative.

After prevailing against the Justice Department in the U.S. district court, they were then forced to litigate this matter before the second circuit court where they again prevailed. At both levels of the Federal court system the family requested that the Justice Department pay their reasonable attorneys' fees. Each time, Justice opposed their request.

Mr. President, Baby Jane Doe's family has incurred over $150,000 in medical and legal fees and expects that amount to climb. The family has taken the baby home, she is doing quite well, but she will always necessitate costly medical care.

I am disappointed not only by the second circuit court's decision, but also by the action of our Government in refusing to pay this family's attorneys' fees. This family deserves to begin their life together—free of governmental interference and the crushing burden of these legal fees. I believe the Federal Government should, and must, demonstrate its compassion for this family and restore faith in the role of Government in society by assuming the costs of reasonable attorneys' fees for the family.

I urge my colleagues to join me in this sense of the Congress resolution demonstrating our commitment to help this deserving family.●

SENATE RESOLUTION 405—TO REFER THE BILL S. 2761 TO THE COURT OF CLAIMS

Mr. DOMENICI submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 405

Resolved, That the bill (S. 2761) entitled "A bill for the relief of White Sands ranchers of New Mexico" now pending in the Senate, together with all the accompanying papers, is referred to the Chief Commissioner of the United States Court of Claims. The Chief Commissioner shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code, and report thereon to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States or a gratuity and the amount, if any, legally or equitably due from the United States to the claimant.

AMENDMENTS SUBMITTED

OMNIBUS DEFENSE AUTHORIZATION ACT, 1984

BYRD (AND WARNER) AMENDMENT NO. 3204

(Ordered to lie on the table.)

Mr. BYRD (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill (S. 2723) to authorize appropriations for the military functions of the Department of Defense and to prescribe personnel levels for the Department of Defense for fiscal year 1985, to authorize certain construction at military installations for such fiscal year, to authorize appropriations for the Department of Energy for national security programs for such fiscal year, and for other purposes; as follows:

On page 128, between lines 12 and 13, insert the following new section:

COMMISSION ON MERCHANT MARINE AND DEFENSE

SEC. 1019. (a) There is hereby established a commission to be known as the "Commission on Merchant Marine and Defense" (hereinafter in this section referred to as the "Commission").

(b) The Commission shall study problems relating to transportation of cargo and personnel for national defense purposes in time of war or national emergency, the capability of the United States merchant marine to meet the need for such transportation, and the adequacy of the shipbuilding mobilization base of the United States to meet the needs for both naval and commercial ship construction and repair in time of war or national emergency. Based on the results of the study, the Commission shall make, as provided in subsection (g), such specific recommendations, including recommendations for legislative action, action by the executive branch, and action by the private sector, as the Commission considers appropriate to foster and maintain a United States merchant marine capable of meeting national security requirements.

(c)(1) The Commission shall be composed of seven members, as follows:

(A) The Secretary of the Navy (or his delegate), who shall be the chairman of the Commission.

(B) The Administrator of the Maritime Administration (or his delegate).

(C) Five members appointed by the President, by and with the advice and consent of the Senate, from among individuals of recognized stature and distinction who by reason of their background, experience, and knowledge in the fields of merchant ship operations, shipbuilding, the steel industry, maritime labor, and defense matters are particularly suited to serve on the Commission.

(2) A vacancy in the Commission shall be filled in the manner in which the original appointment was made. Appointments may be made under paragraph (1)(C) without regard to section 5311(b) of title 5, United States Code. Members appointed under such subsection shall be appointed for the life of the Commission.

(3) Four members of the Commission shall constitute a quorum, but a lesser number may hold hearings. The Commission shall meet at the call of the Chairman.

(d) Each member of the Commission appointed under subsection (c)(1)(C) shall be paid at a rate equal to the daily equivalent of the rate of basic pay payable for level IV of the Executive Schedule for each day (including traveltime) during which the member is engaged in the actual performance of the business of the Commission. Other members of the Commission shall receive no additional pay, allowances, or benefits by reason of their service on the Commission.

(e)(1) The Commission may (without regard to section 5311(b) of title 5, United States Code) appoint an executive director, who shall be paid at a rate not to exceed the rate of basic pay payable for level IV of the Executive Schedule.

(2) The Commission may appoint such additional staff as it considers appropriate. Such personnel shall be paid at a rate not to exceed the rate of basic pay payable for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code.

(3) The executive director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the executive branch and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(4) The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(f)(1) The Secretary of the Navy and the Administrator of the Maritime Administration may detail personnel under their jurisdiction to the Commission to assist the Commission in carrying out its duties under this section.

(2) The Secretary of the Navy and the Administrator of the Maritime Administration may provide to the Commission such administrative support services as the Commission may require.

(g) Not later than each of September 30, 1985, September 30, 1986, and September 30, 1987, the Commission shall submit to the President and to the Congress a report containing its findings of fact and its conclusions on the problems relating to the matters specified in the first sentence of subsection (b). Each such report shall include the specific conclusions of the Commission on the adequacy of the maritime and shipbuilding resources available to the United States to meet the requirements for national action relating to such matters in the event of multiple and sustained crises, as those requirements are specified in the latest annual report of the Secretary of Defense to the Congress on the national defense posture. Each such report shall further include, based upon those findings and conclusions, the recommendations of the Commission as specified in subsection (b). Each such report shall be prepared without any prior review or approval by any official of the executive branch (other than the members and staff of the Commission).

(h) The Commission shall cease to exist 90 days after the date on which the final report of the Commission under subsection (g) is submitted to the President and the Congress.

(i) There is authorized to be appropriated for fiscal year 1985, $1,500,000 to carry out this section during such fiscal year.

GORTON AMENDMENT NO. 3205

(Ordered to lie on the table.)

Mr. GORTON submitted an amendment intended to be proposed by him to the bill S. 2723, supra, as follows:

On page 128, between lines 12 and 13, insert the following new section:

COMPLIANCE WITH CERTAIN LIMITATIONS PRESCRIBED IN THE SALT II TREATY

SEC. . (a) In the event that the seventh Trident class nuclear submarine is given sea trials during fiscal year 1985, the President shall take such action as may be necessary to insure continued compliance on the part of the United States with the limitation on nuclear warheads, prescribed in the Treaty Between the United States and the Union of Soviet Socialist Republics on the Limitation of Strategic Offensive Arms, signed at Vienna, Austria, on June 18, 1979 (also known as the "SALT II Treaty"), of 1200 launchers of intercontinental ballistic missiles armed with multiple, independently targetable re-entry vehicles (MIRVed ICBMs) and launchers of submarine-launched ballistic missiles armed with multiple, independently targetable re-entry vehicles (MIRVed SLBMs) unless—

(1) the subceilings prescribed in the SALT II Treaty on MIRVed weapon systems have been superseded by a subsequent agreement between the United States and the Soviet Union;

(2) the President determines and notifies the Congress in writing that the Soviet Union has failed to comply with the limit of 820 launchers of MIRVed intercontinental ballistic missiles or the limit of 1200 launchers of MIRVed intercontinental ballistic missiles and submarine-launched ballistic missiles prescribed by the SALT II Treaty; or

(3) the President determines and notifies the Congress in writing that it is not in the interest of the United States to remain in compliance with those terms of the SALT II Treaty described in this subsection.

(b) It is the sense of the Congress that any action by the Soviet Union which subverts or violates existing arms control agreements or understandings between the United States and the Soviet Union would have serious implications for the security of

the United States. The Congress, therefore, urges and requests the President to carefully monitor the Soviet Union's compliance with such agreements and understandings, to address his concerns regarding noncompliance by the Soviet Union through all available channels, and to apprise the Congress of those concerns as he considers appropriate.

METZENBAUM (AND LEVIN) AMENDMENT NO. 3206

Mr. METZENBAUM (for himself and Mr. LEVIN) proposed an amendment to the bill S. 2723, supra, as follows:

On page 128, between lines 12 and 13, insert the following:

SEC. . (a) Section 1202 of the Department of Defense Authorization Act, 1984 (Public Law 98-94; 97 Stat. 679), is amended—

(1) in subsection (b), by inserting "or in any Act enacted after the date of the enactment of this Act" after "this Act"; and

(2) in subsection (c)(1), by striking out "fiscal year 1985," and inserting in lieu thereof "fiscal years 1985, 1986, and 1987,".

(b)(1) Section 2401 (c) of title 10, United States Code, is amended—

(A) by inserting "(1)" after the subsection designation "(c)";

(B) by redesignating clauses (1) and (2) as clauses (A) and (B), respectively; and

(C) by adding at the end thereof the following new paragraph:

"(2) Funds available to the Department of Defense may not be used to enter into any contract under this section, the term of which is for 3 years or more, inclusive of any option for contract extension or renewal, for any vessel, aircraft, or vehicle, through a lease, charter, or similar agreement, that imposes an estimated termination liability (excluding the estimated value of the leased item at the time of termination) on the United States exceeding 50 percent of the original purchase value of the vessel, aircraft, or vehicle involved for which the Congress has not specifically provided budget authority for the obligation of at least 10 percent of such termination liability.".

(2) Section 2401(f) of such title is amended by striking out "90 days after the date of enactment of this section" in the second sentence and inserting in lieu thereof "October 31, 1984".

LEAHY (AND OTHERS) AMENDMENT NO. 3207

Mr. LEAHY (for himself, Mr. LEVIN, Mr. BUMPERS, Mr. GLENN, Mr. BIDEN, Mr. MITCHELL, Mr. KENNEDY, Mr. HART, Mr. SASSER, Mr. BINGAMAN, Mr. SARBANES, and Mr. HOLLINGS) proposed an amendment to the bill S. 2723, supra, as follows:

On Page 2, line 11, strike out all through Page 11, line 21, and insert in lieu thereof, the following:

TITLE I—PROCUREMENT

PART A—PROCUREMENT

AUTHORIZATION OF APPROPRIATIONS, ARMY

SEC. 101. (a)(1) Funds are hereby authorized to be appropriated for fiscal year 1985 for procurement of aircraft, missiles, weapons, and tracked combat vehicles, and ammunition and for other procurement for the Army as follows:

For aircraft, $8,808,500,000.

For missiles, $3,328,800,000.

For weapons and tracked combat vehicles, $4,738,000,000.

For ammunition, $2,524,800,000.

For other procurement, $5,564,500,000.

For Army National Guard equipment, $50,000,000.

(2)(A) There are hereby authorized to be transferred to, and merged with, amounts appropriated for procurement of weapons and tracked combat vehicles for the Army for fiscal year 1985 pursuant to the authorization of appropriations in paragraph (1), to the extent provided in appropriation Acts—

(i) $60,500,000 to be derived from amounts available for fiscal year 1983 for procurement of weapons and tracked combat vehicles for the Army remaining available for obligation; and

(ii) $131,200,000 to be derived from amounts appropriated for fiscal year 1984 for procurement of weapons and tracked combat vehicles for the Army remaining available for obligation.

(b) The Secretary of the Army may enter into multiyear contracts in accordance with section 2306(h) of title 10, United States Code, for the purchase of UH-60A aircraft and EH-60A aircraft, and for the execution of the CH-47D aircraft modernization program. Such contracts may include an unfunded cancellation ceiling. If funds are not made available for the continuation of such a contract in subsequent fiscal years, the contract shall be canceled and the costs of cancellation shall be paid as provided in section 2306(h)(5) of title 10, United States Code.

(c) None of the funds appropriated pursuant to the authorization of appropriations in section 101 may be obligated or expended for the Division Air Defense System until—

(1) initial production testing of such system has been completed;

(2) the Secretary of Defense has reported to the appropriate committees of the Congress the results of the testing and has certified to the committees that continued production of the Division Air Defense System is in national interest; and

(3) a period of at least 30 days has elapsed after the day on which the committees have received the report and certification.

(d) Section 107 of the Department of Defense Authorization Act, 1984 (Public Law 98-94; 97 Stat. 620) is repealed.

AUTHORIZATION OF APPROPRIATIONS, NAVY AND MARINE CORPS

SEC. 102. (a)(1) Funds are hereby authorized to be appropriated for fiscal year 1985 for procurement of aircraft, weapons (including missiles and torpedoes), shipbuilding and conversion, and other procurement for the Navy as follows:

For aircraft, $11,144,700,000.

For weapons (including missiles and torpedoes), $4,531,960,000.

For shipbuilding and conversion, $12,198,200,000.

For other procurement, $5,387,400,000.

For Navy Reserve equipment, $20,000,000.

(2) There are hereby authorized to be transferred to, and merged with, amounts appropriated to the Navy for shipbuilding and conversion for fiscal year 1985 pursuant to the authorization of appropriations in paragraph (1), to the extent provided in appropriation Acts—

(A) the sum of $422,600,000 to be (i) derived from amounts available to the Navy for fiscal years 1981 through 1984 and which remain unobligated, and (ii) used for the overhaul and conversion of the battleship U.S.S. Missouri; and

(B) the sum of $30,000,000 to be (i) derived from amounts available to the Navy for fiscal years 1982 and 1983 for shipbuilding and conversion remaining available for obligation, and (ii) used for the naval nuclear reactor training program.

(b) Funds are hereby authorized to be appropriated for fiscal year 1985 for procurement for the Marine Corps (including missiles, tracked combat vehicles, and other weapons) in the amount of $1,846,081,000.

(c) The Secretary of the Navy may enter into multiyear contracts in accordance with section 2306(h) of title 10, United States Code, for the purchase of CH-53E aircraft. Such contracts may include an unfunded cancellation ceiling. If funds are not made available for the continuation of such a contract in subsequent fiscal years, the contract shall be cancelled and the costs of cancellation shall be paid as provided in section 2306(h)(5) of title 10, United States Code.

(d)(1) Except as otherwise provided in this subsection, funds may not be obligated or expended for the procurement of the KS-153 low altitude aerial reconnaissance camera for the Marine RF-4B aircraft for the fourth year under the terms of the multiyear contract entered into by the Navy for such cameras.

(2) The Secretary of the Air Force shall conduct evaluation tests of the CA-810 aerial reconnaissance camera to determine the suitability of such camera for high speed, low altitude aerial reconnaissance missions. The Secretary shall complete such tests not later that November 1, 1984.

(3)(A), If, one the basis of the tests referred to in paragraph (1), the Secretary of the Air Force determines that the CA-810 camera failed to meet or exceed any Navy requirements for a high speed, low altitude aerial reconnaissance camera, the Secretary of the Navy may procure additional cameras under the multiyear contract referred to in paragraph (1).

(B) If, on the basis of the tests referred to in paragraph (1), the CA-810 camera meets or exceeds all Navy requirements for a high speed, low altitude aerial reconnaissance camera, the Secretary of the Navy may not procure additional cameras under the multiyear contract referred to in paragraph (1), but shall conduct a competitive procurement for any additional high speed, low altitude aerial reconnaissance cameras to be procured by the Navy for the RF-4B aircraft.

(4) If the evaluation of the CA-810 camera is not completed by the Secretary of the Air Force by November 1, 1984, as a result of any delay attributable to the manufacturer of such camera, as determined by the Secretary of the Air Force, the Secretary of the Air Force shall terminate the evaluation and the Secretary of the Navy may procure additional cameras under the multiyear contract referred to in paragraph (1).

(e)(1) The Secretary of the Navy may establish and maintain an alternative source or sources for the procurement of a common aircraft ejection seat for the F/A-18, T-45, and F-14D aircraft, and the A-6E Upgrade aircraft.

(2) This subsection shall constitute for purposes of clause (17) of section 2304(a) of title 10, United States Code, the authority for the Secretary of the Navy to negotiate contracts for the procurement of ejection seats referred to in paragraph (1) from an alternative source or sources.

AUTHORIZATION OF APPROPRIATIONS, AIR FORCE

SEC. 103. (a) Funds are hereby authorized to be appropriated for fiscal year 1985 for procurement of aircraft and missiles and for other procurement for the Air Force as follows:

For aircraft, $27,385,100,000.

For missiles, $8,819,900,000.

For other procurement, $9,075,600,000.

For Air National Guard equipment, $20,000,000.

(b) None of the funds appropriated pursuant to any authorization of appropriations contained in this or any other Act may be obligated or expended for the sole source procurement of a strategic weapons loader, or the modification of an existing strategic weapons loader, in order to meet the performance requirements for the B-1B bomber aircraft or the Advanced Technology Bomber aircraft.

(c) Funds appropriated pursuant to the authorization of appropriations in subsection (a) may be used to procure not more than 0 operational MX missiles.

(d) There is hereby authorized to be transferred to, and merged with, amounts appropriated for procurement of aircraft for the Air Force for fiscal year 1985 pursuant to the authorization of appropriations in subsection (a), to the extent provided in appropriation Acts, $76,000,000, to be derived from amounts available for fiscal year 1984 for the advance procurement of E-3A aircraft.

AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES

SEC. 104. Funds are hereby authorized to be appropriated for the Defense Agencies in the amount of $1,207,000,000.

CERTAIN AUTHORITY PROVIDED THE SECRETARY OF DEFENSE IN CONNECTION WITH THE NATO AIRBORNE WARNING AND CONTROL SYSTEM (AWACS) PROGRAM

SEC. 105. Effective on October 1, 1984, section 103(a) of the Department of Defense Authorization Act, 1982 (Public Law 97-86; 95 Stat. 1100) is amended by striking out "fiscal year 1984" both places it appears and inserting in lieu thereof "fiscal year 1985".

PART B—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

AUTHORIZATION OF APPROPRIATIONS

SEC. 116. (a) Funds are hereby authorized to be appropriated for fiscal year 1985 for the use of the Armed Forces for research, development, test, and evaluation, in amounts as follows:

For the Army, $4,627,710,000.

For the Navy (including the Marine Corps), $9,394,608,000.

For the Air Force, $13,975,507,000.

For the Defense Agencies, $4,566,541,00, of which $59,000,000 is authorized for the activities of the Director of Test and Evaluation, Defense.

(b) In addition to the funds authorized to be appropriated in subsection (a), there are authorized to be appropriated for fiscal year 1985 such additional sums as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law for civilian employees of the Department of Defense whose compensation is provided for by funds authorized to be appropriated in subsection (a).

(c)(1) The Secretary of the Army shall proceed with the competitive development of a Joint Tactical Missile System having the following design goals:

(A) A maximum range of 200 kilometers.

(B) A payload at maximum range of 1,000 pounds.

(2) In the development of the Joint Tactical Missile System, the Secretary of the Army shall make maximum use of proven missile system technology with the objective of completing the competitive development of the system by July 1, 1987.

(3) The Secretary shall report to the Committees on Armed Services of the Senate and the House of Representatives in writing on the progress of the development of the system referred to in paragraph (1) on the first day of January of 1985, 1986, and 1987.

(d) Not more than 20 percent of the funds appropriated for the undersea target surveillance research and development program may be obligated or expended until a contract for the full-scale engineering development of the CV ASW helicopter has been awarded and the Secretary of Defense has notified the Committees on Armed Services of the Senate and the House of Representatives that such contract has been awarded.

PART C—OPERATION AND MAINTENANCE

AUTHORIZATION OF APPROPRIATIONS

SEC. 118. (a) Funds are hereby authorized to be appropriated for fiscal year 1985 for the use of the Armed Forces of the United States and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

For the Army, $18,755,118,000.

For the Navy, $25,895,326,000.

For the Marine Corps, $1,648,169,000.

For the Air Force, $19,608,600,000.

MOYNIHAN AND DURENBERGER AMENDMENT NO. 3208

Mr. MOYNIHAN (for himself and Mr. DURENBERGER) proposed an amendment to the bill S. 2723, supra, as follows:

On page 8, beginning with line 7, strike out all down through line 19 and insert in lieu thereof the following:

For missiles, $8,879,900,000.

For other procurement, $8,959,300,000.

For Air National Guard equipment, $20,000,000.

(b) None of the funds appropriated pursuant to any authorization of appropriations contained in this or any other Act may be obligated or expended for the sole source procurement of a strategic weapons loader or the modification of an existing strategic weapons loader, in order to meet the performance requirements for the B-7 bomber aircraft or the Advanced Technology Bomber aircraft.

(c)(1) Notwithstanding any other provision of this or any other Act, no funds authorized to be appropriated under this Act shall be obligated or expended for the deployment of an MX missile;

(2) It is the sense of the Congress that efforts to modernize the land-based strategic force should be focused on a small, mobile single-warhead inter-continental ballistic missile.

CHILES (AND OTHERS) AMENDMENT NO. 3209

Mr. CHILES (for himself, Mr. MOYNIHAN, Mr. JOHNSTON, Mr. HOLLINGS, Mr. GRASSLEY, Mr. EXON, Mr. BENTSEN, and Mr. DURENBERGER) proposed an amendment to amendment No. 3208 proposed by Mr. MOYNIHAN to the bill S. 2723, supra, as follows:

Strike all after the word "missiles," and insert the following:

$6,819,900,000.

For other procurement, $8,959,300,000.

For Air National Guard equipment, $20,000,000.

(b) None of the funds appropriated pursuant to any authorization of appropriations contained in this or any other Act may be obligated or expended for the sole source procurement of a strategic weapons loader, or the modification of an existing strategic weapons loader, in order to meet the performance requirements for the B-1 Bomber aircraft or the Advanced Technology Bomber aircraft.

PROMOTION OF TRIAD EFFECTIVENESS

(c)(1) Congress remains committed to improving the effectiveness of the strategic triad. In order that Congress may consider appropriate alternatives for strenghtening the land-based element of the strategic triad and ensure its effectiveness in the future, not more than $3,070,600,000 of the funds appropriated pursuant to an authorization of funds in this Act may be used for development of the new small mobile intercontinental missile system and MX-related activities, in the following amounts:

(A) $596,000,000 for the development and maintenance of a ready production line for the MX missile.

(B) $1,716,300,000 (which sum is authorized to be appropriated in section 116) for research, development, testing, and evaluation of the MX missile in missile silos.

(C) $200,000,000 for the flight testing of the 21 MX missiles for which funds were appropriated for fiscal year 1984.

(D) $200,000,000 for the acquisition of support and other equipment as may be necessary to permit deployment of MX missiles in fiscal year 1985, in the event that funds for the production and deployment of additional MX missiles are provided after the date of the enactment of this Act.

(E) $358,300,000 (which sum is authorized to be appropriated in section 116) for research, development, testing, and evaluation of a new small mobile intercontinental missile.

(2) None of the funds appropriated pursuant to an authorization of appropriations contained in this or any other Act may be obligated or expended for the procurement of any MX missiles in addition to the 21 MX missiles authorized for fiscal year 1984.

(3) None of the funds appropriated pursuant to an authorization of appropriations contained in this or any other Act may be obligated or expended for the operational deployment of any MX missiles.

(4) In conjunction with submission to Congress of any request after the date of enactment of this Act for funds for the procurement or operational deployment of MX missiles, the President shall submit to the Committees on Armed Services of the Senate and House of Representatives a written report containing his assessment of the future requirements of the strategic triad of the United States and of the prospective alternatives for developing the most effective land-based intercontinental missile force to meet projected future needs. The President shall include in such report a comparison and evaluation of the various alternatives, including the MX missile and a new small, mobile intercontinental missile, with respect to the following:

(A) The ability to maintain a high degree of survivability in light of current and pro-

jected threat environments through the year 2,000.

(B) The impact on developing an overall land-based missile force with a lower ratio of warheads to launchers, thus enhancing stability by creating a potential exchange ratio which is unattractive to an attacker.

(C) The degree to which current and projected international conditions require the development of particular alternatives, including the momentum, level of effort, and likely future directions of the Soviet Union's strategic programs.

(D) The progress of efforts to develop more feasible and effective basing modes for land-based intercontinental missiles.

(E) The cost and the ability of the United States to pursue multiple alternatives without impinging on expenditures for the development of a new small, mobile intercontinental missile system.

COHEN (AND OTHERS) AMENDMENT NO. 3210

Mr. COHEN (for himself, Mr. KENNEDY, Mr. MATSUNAGA, Mr. BIDEN, and Mr. RANDOLPH) proposed an amendment to the bill S. 2723, supra, as follows:

On page 25, line 8, strike out "4 percent" and insert in lieu thereof "5.5 percent".

On page 25, strike out lines 14 through 21 and insert in lieu thereof the following:

(b) The rates of basic pay and the basic allowance for subsistence for members of the uniformed services are increased by 5.5 percent effective January 1, 1985.

At the end of the bill, add the following new section—

"SEC. . Notwithstanding any other provision of this bill, the authorizations contained in Part A of this bill are reduced by .6 percent".

HATCH AMENDMENT NO. 3211

(Ordered to lie on the table.)

Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 2723, supra, as follows:

At the end of page 239 add the following new section:

STUDY OF MILITARY DRESS AND APPEARANCE REGULATIONS AND RELIGIOUS REQUIREMENTS OF MEMBERS OF THE ARMED SERVICES

SEC. . (a) In an effort to augment religious freedom in the Armed Services, to the greatest extent possible, consistent with requirements for discipline and uniformity, the Secretary of Defense shall form a Joint Service Study Group, to consist of two representatives from each Service appointed by the Chief of each Service, and four nonmilitary citizens, one to be selected by the Chief of Chaplains of each of the four services, to conduct an objective study concerning the dress and appearance standards for members of the Armed Services.

(b) Such study shall focus on necessary changes in military regulations to reasonably accommodate the interests of members of the Armed Services in abiding by their religious tenets and the interests of the military services in maintaining discipline and uniformity of appearance. The views of nonmilitary representatives of major religious organizations concerning religious dress and appearance requirements shall be presented to the Study Group in written or oral testimony and included in the study.

(c) Upon completion of the study the Study Group shall recommend to the Secretary of Defense such changes in military regulations necessary to reasonably accommodate the interests of members of the Armed Services in abiding by their religious tenets and the interests of the military services in maintaining discipline and uniformity of appearance. The Secretary of Defense shall issue changes in military regulations pursuant to these recommendations to become effective no later than January 1, 1985.

(d) A report of the findings and recommendations of the study group, together with proposed changes in military regulations shall be submitted to the Committees on Armed Services of the Senate and House of Representatives by January 1, 1985.

COLORADO RIVER SALINITY LEGISLATION

BOREN AMENDMENT NO. 3212

(Ordered to lie on the table.)

Mr. BOREN submitted an amendment intended to be proposed by him to the bill (H.R. 3903) to authorize the Secretary of Agriculture to develop and implement a coordinated agricultural program in the Colorado River Basin as follows:

On page 4, after line 25, insert a new section as follows:

SEC. 6. Section 107B(e)(8) of the Agricultural Act of 1949 (7 U.S.C. 1445b-1(e)) is amended by striking out "1984 crop" and inserting in lieu thereof "1984 and 1985 crops".

● Mr. BOREN. Mr. President, today I am submitting an amendment to H.R. 3903, the Colorado salinity bill. The amendment I am submitting will require the Secretary of Agriculture to permit haying and grazing of acreage diverted under the 1985 wheat program at the option of each State.

The Secretary of Agriculture announced earlier today the provisions of the 1985 wheat program. Once again, the administration has failed to recognize the devastating economic climate America's wheat producers are confronting. Once again, the Secretary could have announced a more attractive program—one that would lead to greater farmer participation and ultimately to lower Government costs.

The Nation's wheat producers are facing another year of declining prices. Wheat ending stocks are estimated to rise to 1.47 billion bushels, the second highest level on record. With stocks this high, the average wheat price is estimated to be no higher than $3.30 per bushel this year, compared to $3.50 in 1983-84.

Mr. President, the Secretary says he needs more flexibility to operate our commodity programs. Yet, for the past 2 years, due to the Secretary's refusal to use his discretionary authority, Congress has had to step in and legislate our commodity programs. This spring, when Congress legislated the basic provisions of the 1985 wheat program, we again gave the Secretary the authority to make the program more attractive. Again, it appears that the Congress must legislate each and every specific provision.

The amendment I'm offering today will increase participation in the 1985 wheat program without costing the Government anything. This provision, alone, will increase participation in Oklahoma by 15 to 20 percent. This provision is the only thing that allows Oklahoma farmers to make any money when participating in acreage-reduction programs. With the parity price of wheat over $7 per bushel and a market price of only $3.30, our wheat producers need every penny they can get just to break even.

It is imperative that the 1985 wheat program be as attractive as possible. This amendment will help to make the program more attractive and in the long run, particularly, more fiscally responsible. I urge my colleagues to support this amendment.●

OMNIBUS DEFENSE AUTHORIZATION ACT, 1985

TOWER AMENDMENT NO. 3213

Mr. TOWER proposed an amendment to the bill S. 2723, supra, as follows:

On page 146, between lines 7 and 8, insert the following new part:

PART K—CLERICAL AMENDMENTS TO TITLE 10, UNITED STATES CODE

AMENDMENTS TO CORRECT CLERICAL ERRORS IN TITLE 10, UNITED STATES CODE

SEC. 1201. Title 10, United States Code, is amended as follows:

(1) Section 125(a) is amended by striking out "section 401 of title 50" and inserting in lieu thereof "section 2 of the National Security Act of 1947 (50 U.S.C. 401)".

(2) Section 138(g) is amended by inserting "(22 U.S.C. 2795 et seq.)" after "chapter 5 of the Arms Export Control Act".

(3) Section 139 is amended—

(A) by striking out "thirty" both places it appears and inserting in lieu thereof "30"; and

(B) by striking out "ninety" and inserting in lieu thereof "90".

(4) Section 175(C) is amended by inserting a comma after "Reserve Affairs".

(5) Section 177(a)(1) is amended by striking out "sec. 29-1001" and inserting in lieu thereof "sec. 29-501".

(6) Section 191(a) is amended by striking out "such use in" and inserting in lieu thereof "such use is".

(7)(A) Section 264 is amended by striking out "Reserve components" in subsection (b) and inserting in lieu thereof "reserve components".

(B) The heading of such section is amended to read as follows:

"§ 264. Reserve affairs: designation of general or flag officer of each armed forces; personnel and logistic support for Reserves".

(C) The item relating to such section in the table of sections at the beginning of chapter 11 is amended to read as follows:

"264. Reserve affairs: designation of general or flag officer of each armed

forces; personnel and logistic support for Reserves.".

(8) Section 280 is amended by striking out "5597,".

(9) Section 374(a)(3) is amended by striking out "(19 U.S.C. 1202)".

(10) Section 378 is amended by striking out "prior to the enactment of this chapter" and inserting in lieu thereof "before December 1, 1981".

(11) Section 630(2) is amended by striking out "eighteen-month" and inserting in lieu thereof "18-month".

(12) Section 633 is amended by striking out "twenty-eight" and inserting in lieu thereof "28".

(13) Section 634 and 635 are amended by striking out "thirty" and inserting in lieu therof "30".

(14) Section 636 is amended by striking out "thirty-five" and inserting in lieu thereof "35".

(15) Section 637(a) is amended—

(A) by striking out "twenty" in paragraph (2) and inserting in lieu thereof "20"; and

(B) by striking out "twenty-four" in paragraph (3) and inserting in lieu thereof "24".

(16) Section 673c(b)(1) is amended by inserting "of this title" after "or 673b".

(17) Section 680(a)(2)(D) is amended by striking out "Reserve Officer" and inserting in lieu thereof "reserve officer".

(18) Section 701(g) is amended—

(A) by striking out "sixty-day" and inserting in lieu thereof "60-day";

(B) by striking out "ninety-day" and inserting in lieu thereof "90-day"; and

(C) by striking out "one hundred and fifty" both places it appears and inserting in lieu thereof "150".

(19)(A) Section 1034 is amended by striking out "member of Congress" and inserting in lieu thereof "Member of Congress".

(B)(i) The heading of such section is amended to read as follows:

"§ 1034. Communicating with a Member of Congress".

(ii) The item relating to such section in the table of sections at the beginning of chapter 53 is amended to read as follows:

"1034. Communicating with a Member of Congress.".

(20) Section 1035(b) is amended—

(A) by striking out "per centum" and inserting in lieu thereof "percent";

(B) by striking out "Act" and inserting in lieu thereof "subsection"; and

(C) by striking out "ninety" and inserting in lieu thereof "90".

(21) Section 1040(a) is amended by striking out "thirty" and inserting in lieu thereof "30".

(22) The heading of section 1077 is amended by striking out the semicolon and inserting in lieu thereof a colon.

(23) Section 1079(e) is amended by striking out the period at the end of the matter preceding clause (1) and inserting in lieu thereof "as follows:".

(24) Section 1087(b)(2) is amended by inserting "(42 U.S.C. 1395c et seq.)" after "the Social Security Act".

(25) Section 1216(b) is amended by striking out "of this section".

(26) Section 1401a(f) is amended by striking out "prior to the effective date of this subsection" and inserting in lieu thereof "before October 7, 1975".

(27) Section 1464(c) is amended by striking out "section 1466" and inserting in lieu thereof "section 1465(c)".

(28) Section 1465(c)(1) is amended by striking out "(A)".

(29) Section 1586 is amended—

(A) in subsection (b)—

(i) by striking out "thirty" and inserting in lieu thereof "30";

(ii) by striking out "of this section" after "subsection (c)"; and

(iii) by striking out "of this subsection ";

(B) in subsection (c)—

(i) by striking out "thirty" and inserting in lieu thereof "30";

(ii) by striking out "ninety days" both places it appears and inserting in lieu thereof "90 days";

(iii) by striking out "ninety-day" in paragraph (5) and inserting in lieu thereof "90-day";

(iv) by striking out "of this subsection" each place it appears in paragraphs (3), (4), and (5);

(v) by striking out "such" in paragraph (5); and

(vi) in paragraph (6)—

(I) by striking out "of this subsection" after "paragraph (1)"; and

(II) by stiking out "of this subsection," after "as applicable,";

(C) by striking out "of this section" in subsections (d), (e)(1), and (g)(1); and

(D) by striking out "of this subsection" in subsection (e)(2).

(30) Section 2002(b) is amended by striking out "For the purposes of this section, the word" and inserting in lieu thereof "In this section,".

(31) The item relating to section 2003 in the table of sections at the beginning of chapter 101 is amended by striking out the semicolon and inserting in lieu thereof a colon.

(32) Section 2031(a) is amended by striking out "the date of enactment of this section" and inserting in lieu thereof "October 13, 1964".

(33) Section 2107(b) is amended by aligning the second sentence flush with the left margin.

(34) Section 2233 is amended—

(A) by striking out "subsection (c) of this section" in subsection (a) and inserting in lieu thereof "to subsection (c)"; and

(B) by striking out "or Territory, Puerto Rico, or the District of Columbia" both places it appears in the second sentence of subsection (b).

(35) Section 2381(c) is amended—

(A) by striking out "section 486 of title 40" and inserting in lieu thereof "section 205 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486)"; and

(B) by striking out "section 481(a) of that title" and inserting in lieu thereof "section 201(a) of that Act (40 U.S.C. 481(a))".

(36) The heading of section 2394a is amended to read as follows:

"§ 2394a. Procurement of energy systems using renewable forms of energy".

(37) Section 2577(a)(1) is amended by striking out "puposes" and inserting in lieu thereof "purposes".

(38) Section 2668(a)(10) is amended by striking out "section 961 of title 43" and inserting in lieu thereof "the Act of March 4, 1911 (43 U.S.C. 961)".

(39) Section 2672a is amended—

(A) by designating the first sentence as subsection (a);

(B) by striking out "operation" in such sentence and inserting in lieu thereof "operational";

(C) by designating the second sentence as subsection (b); and

(D) in the fourth sentence—

(i) by striking out "provision will" and inserting in lieu thereof "section shall"; and

(ii) by striking out "Armed Services Committees" and inserting in lieu thereof "Committees on Armed Services".

(40) Section 2675(b) is amended by striking out "thirty" and inserting in lieu thereof "30".

(41) Section 2687 is amended—

(A) by striking out "one thousand" in subsection (a)(2) and inserting in lieu thereof "1,000";

(B) by inserting "(42 U.S.C. 4321 et seq.)" in subsection (b)(2) after "National Environmental Policy Act of 1969";

(C) by striking out "sixty" in subsection (b)(4) and inserting in lieu thereof "60"' and

(D) by striking out "three hundred" in subsection (d)(1)(B) and inserting in lieu thereof "300".

(42)(A) The heading of section 2734a is amended to read as follows:

"§ 2734a. Property loss; personal injury or death: incident to noncombat activities of armed forces in foreign countries; international agreements".

(B) The item relating to such section in the table of sections at the beginning of chapter 163 is amended to read as follows:

"2734a. Property loss; personal injury or death: incident to noncombat activities of armed forces in foreign countries; international agreements.".

(43) Section 2777(c) is amended by striking out "of this section".

(44) Section 2822(b)(3) is amended by striking out "section 2833" and inserting in lieu thereof "section 2832".

(45)(A) Section 2857(b)(1) is amended by striking out "use of" and all that follows through "the potential for" and inserting in lieu thereof "use of such forms of energy has the potential for".

(B) The amendment made by subparagraph (A) shall take effect as it it had been included in the amendments made by section 801 of Public Law 97-321.

(46) Section 3579(a) is amended by striking out "subsection (c)" and inserting in lieu thereof "subsection (b)".

(47) Section 5897(b)(5) is amended by striking out the semicolon at the end and inserting in lieu thereof a period.

(48) The item relating to chapter 661 in the table of chapters at the beginning of subtitle C is amended to read as follows:

"661. Accountability and Responsibility ..... 7861".

(49) Section 7227(a) is amended—

(A) by striking out "routine" both places it appears and inserting in lieu thereof "Routine";

(B) by striking out "miscellaneous" and inserting in lieu thereof "Miscellaneous";

(C) by striking out the semicolons at the end of clauses (1) and (2) and inserting in lieu thereof periods; and

(D) by striking out "; and" at the end of clause (3) and inserting in lieu thereof a period.

(50) Section 7421(b) is amended by striking out "naval petroleum reserves numbered 1 and 2" and inserting in lieu thereof "Naval Petroleum Reserves Numbered 1 and 2".

(51) Section 7422(b) is amended by striking out "of this section".

(52) Sections 7426(a), 7431(b)(1), and 7431(c) are amended by inserting "of this title" after "section 7422(c)".

(53) Section 7430 is amended—

(A) by striking out "of this section" in subsection (d)(4);

(B) in subsection (g)(2)—

(i) by striking out "thirty days" and inserting in lieu thereof "30 days"; and

(ii) by striking out "thirty day" and inserting in lieu thereof "30-day"; and

(C) by striking out "of this section" both places it appears in subsection (1)(4).

(54) Section 7572(b)(1)(B) is amended by striking out "onboard" and inserting in lieu thereof "on board".

(55) Section 8851(c) is amended by striking out "of this section".

(56)(A) Sections 2127(b), 2388(c), and 6154 are amended by striking out "section 3324 (a) and (b)" and inserting in lieu thereof "subsections (a) and (b) of section 3324".

(B) Section 7522(b) is amended by striking out "Section 3324 (a) and (b) of title 31 does" and inserting in lieu thereof "Subsections (a) and (b) of section 3324 of title 31 do".

(57) Section 9512(b)(1) is amended by inserting "App." after "49 U.S.C.".

MITCHELL (AND COHEN) AMENDMENT NO. 3214

Mr. MITCHELL (for himself and Mr. COHEN) proposed an amendment to the bill S. 2723, supra, as follows:

On page 128, between lines 12 and 13, insert the following new section:

SURVIVORS OF THE GLOMAR JAVA SEA

SEC. 1019. (a) The Congress finds that—

(1) on October 26, 1983, the United States registered oil drilling ship Glomar Java Sea was reported missing during stormy weather at its drilling site ninety-six kilometers off Hainan Island in the South China Sea and was found sunken near its drilling site on November 1, 1983;

(2) no evidence has been found of forty-six of the eighty-one crewmen, including citizens of the United States, or of the lifeboats which, reportedly, were launched from the Glomar Java Sea, despite an intensive cooperative search involving United States military search and rescue aircraft and commercial vessels;

(3) the Chairman of the United States Coast Guard Marine Board of Investigation has concluded that it is possible that crewmembers of the Glomar Java Sea survived and drifted into waters near the coast of Vietnam; and

(4) the Government of Vietnam has refused to allow an independent search for the possible survivors to be conducted in waters within twenty miles of such coast.

(b) Considering the findings set out in subsection (a), it is the sense of the Congress that the President should instruct the Permanent Representative of the United States to the United Nations to request the Secretary General of the United Nations to seek the cooperation of the Government of Vietnam with the Governments of the United States, the People's Republic of China, the United Kindom, Singapore, Australia, Canada, and the Philippines in ascertaining the fate or locations of the forty-six crewmen of the sunken United States registered vessel Glomar Java Sea.

WILSON AMENDMENT NO. 3215

Mr. WILSON proposed an amendment to the bill S. 2723, supra, as follows:

On page 8, line 8, strike out "$8,959,300,000" and insert in lieu thereof "8,939,300,000".

On page 9, between lines 2 and 3, insert the following:

"(e) not more than $145,000,000 is authorized for procurement associated with the Consolidated Space Operations Center."

On page 9, line 26, strike out "$13,972,507,000" and insert in lieu thereof "$13,992,507,000".

On page 11, between lines 10 and 11, insert the following:

"(e) $345,764,000 is authorized to assure the earliest practicable launch of the Space Shuttle from Vandenberg Air Force Base."

LEVIN AMENDMENT NO. 3216

Mr. LEVIN proposed an amendment to the bill S. 2723, supra, as follows:

On page 92, between lines 22 and 23 insert the following:

"§ 2322. Limitation on set-asides"

"The head of an agency shall not authorize the use of a set-aside for exclusive small business participation—

"(a) in the case of the Foreign Military Sales program, where the foreign government specifies the sources qualified to meet the requirement and only one of those sources is a small business concern, or

"(b) in the case of a prequalification requirement, where only one small business concern has met the standards for qualification.".

On page 93, before line 1, insert at the end of the items in the table of sections "§ 2322. Limitation on Set-asides".

WARNER AMENDMENT NO. 3217

Mr. WARNER proposed an amendment to the bill S. 2723, supra, as follows:

On page 128, between lines 12 and 13, insert the following new section:

SUPPLEMENTAL INFORMATION TO THE ENVIRONMENTAL IMPACT STATEMENT OF THE NAVY ON THE PROPOSED TRANSFER OF CERTAIN PERSONNEL

SEC. . In addition to any other requirements regarding an environmental impact statement prepared by the Secretary of the Navy in connection with any proposed transfer of military and civilian personnel of the Department of the Navy from Arlington County, Virginia, to the Washington Navy Yard in Washington, D.C., the Secretary of the Navy shall also prepare as a supplement to such impact statement a detailed analysis with respect to the following matters:

(1) The socio-economic impact on the area from which the transfer is proposed to be made.

(2) The impact of the proposed transfer on the traffic capacity of bridges over the Potomac River and the Anacostia River.

(3) The impact of the proposed transfer on shuttle requirements of the Department of Defense.

(4) The overall impact of the proposed transfer on the area from which the transfer is proposed to be made and on the area to which the transfer is proposed to be made, taking into consideration all other planned moves of personnel by the Navy to the Washington Navy Yard and by all other agencies of the Government.

(5) The impact of such proposed transfer, and all other planned transfers to the Washington Navy Yard, on both present and potential parking capacity in the vicinity of such facility.

(6) The impact of the proposed transfer on communications and security requirements of the Navy.

(7) The impact of the proposed transfer on supporting and servicing contractors and the impact that the movement of such contractors will likely have on public and private facilities in the area from which they move and the area to which they move.

AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS, 1985

EXON AMENDMENT NO. 3218

(Referred to the Committee on Appropriations.)

Mr. EXON submitted an amendment intended to be proposed to the bill (H.R. 5743) making appropriations for Agriculture, Rural Development, and related agencies programs for fiscal year ending September 30, 1985, and for other purposes, as follows:

On page 28, line 4, strike: "$2,070,000,000" and "$150,000,000", and insert in lieu thereof: "$2,370,000,000" and "$450,000,000" respectively.

Mr. EXON. Mr. President, I am proposing an amendment to the Agriculture appropriations bill for fiscal year 1985 which has been received in the Senate and seeks to increase the farm operation loan money by $300 million.

Today, we face the necessity to save a major and basic industry: agriculture and the American family farmer. The economic health of U.S. agriculture continues to deteriorate. Farming is no longer the stable, secure business venture it once was. Of special interest is the serious problems surrounding the ability of our family farmers to obtain the necessary credit to continue operation. As my colleagues will remember, the U.S. Department of Agriculture recently published a report on the decline in land values across this Nation. This decline is directly related to the current difficulties our farmers are having obtaining sufficient credit to continue operating.

The amendment I am proposing today would simply add an additional $300 million to the operating loan program. In my view, this is the first increment of at least a 3-year, $1 billion program. These loans are made to farmers and ranchers for costs incident to reorganizing a farming system for more profitable operations, for a variety of essential farm operating expenses and farm supplies. In other words, to allow our family farmers the necessary capital to continue in operation. These additional funds are critically necessary if there is to be enough money to go around during these extremely critical times in our agriculture sector.

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. WEICKER. Mr. President, I would like to announce that the

Senate Committee on Small Business will hold a full committee markup on S. 2375, a bill to improve the operation of secondary market for loans guaranteed by the Small Business Administration, on June 20, 1984, at 10 a.m., in room 428-A Senate Russell. For further information, please contact Mike Haynes, chief counsel of the committee staff at 224-8487.

SUBCOMMITTEE ON ENERGY CONSERVATION AND SUPPLY

Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing regarding Outer Continental Shelf leasing activities has been scheduled before the Subcommittee on Energy Conservation and Supply for Tuesday, June 26, at 10 a.m. in room SD-366 of the Dirksen Senate Office Building.

Those wishing to testify or wish to submit written statements for the hearing record should write to the Subcommittee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510.

For further information regarding this hearing you may wish to contact Mr. Allen Stayman of the subcommittee staff at 224-2366.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McCLURE. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Committee on Energy and Natural Resources to consider the nomination of Frank K. Richardson, to be Solicitor of the Department of the Interior.

The hearing will be held on Thursday, June 21, beginning at 10 a.m. in room SD-366 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510.

For further information regarding this hearing, you may wish to contact Mr. Gary Ellsworth at 224-5304.

SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

Mr. WALLOP. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Subcommittee on Public Lands and Reserved Water on Thursday, June 28, beginning at 9 a.m. in room SD-366 of the Dirksen Senate Office Building to consider the following bills: H.R. 2889, to amend the National Historic Preservation Act, and for other purposes; S. 2692 and H.R. 2982, to exempt water conveyance systems from fees and conditions under the Federal Land Policy and Management Act of 1976, and for other purposes; and H.R. 2838, to authorize the Secretaries of the Interior and Agriculture to provide assistance to groups and organizations volunteering to plant tree seedlings on public lands, and for other purposes.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Subcommittee on Public Lands and Reserved Water, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510.

Because of the number of people expected to testify, witnesses will be placed in panels and oral testimony will be limited to 3 minutes. Witnesses are asked to provide the subcommittee with 25 copies of their written statements 24 hours in advance of the hearing, as required by the committee rules, and 75 copies on the day of the hearing.

For further information regarding this hearing, you may wish to contact Mr. Tony Bevinetto of the subcommittee staff at 224-5161.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. ANDREWS. Mr. President, I would like to announce for the information of the public that the Select Committee on Indian Affairs will be holding a hearing on June 21, 1984, beginning at 10 a.m., in Senate Russell 485, on the following bills: S. 2480, a bill to declare that the United States holds mineral rights in certain lands in trust for the Three Affiliated Tribes of Fort Berthold Reservation in North Dakota; and, S. 2663, a bill pertaining to the inheritance of trust or restricted land on the Sisseton-Wahpeton Reservation.

Those wishing additional information should contact Paul Alexander or Peter Taylor of the committee at 224-2251.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTE ON AGRICULTURAL RESEARCH AND GENERAL LEGISLATION

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Agricultural Research and General legislation, of the Committee on Agriculture, Nutrition, and Forestry, be authorized to meet during the session of the Senate on Thursday, June 14, at 9:30 a.m., to hold a hearing on S. 1128/H.R. 2714, the Agricultural Productivity Act of 1984.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 14, at 10 a.m., to hold a hearing to consider pending treaties.

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

SUBCOMMITTE ON ENERGY CONSERVATION AND SUPPLY

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Energy Conservation and Supply, of the Committee on Energy and Natural Resources, be authorized to meet during the session of the Senate on Thursday, June 14, at 10 a.m., to hold a hearing on S. 2370, a bill to provide for the distribution to States of certain amounts resulting from enforcement of the Emergency Petroleum Allocation Act of 1973, and for other purposes; and to oversee existing weatherization programs.

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

ADDITIONAL STATEMENTS

SOVIET JEWRY ON THE 14TH ANNIVERSARY OF THE LENINGRAD TRIALS

● Mr. KENNEDY. Mr. President, my colleagues and I have joined together today to mark the 14th anniversary of the Leningrad Trials. We all know the facts surrounding this incident; 11 Soviet citizens were arrested, tried, convicted, and received outrageous sentences; 2 of the 11 were sentenced to death, and for what? For devising a plan by which they could leave forever a system which robbed them of their basic human rights. Severe international pressure was brought to bear on the Soviet Union and, thankfully, the sentences were commuted. Only 2 of those 11 are still imprisoned—Alexei Murzhenko and Yuri Fiodorov—and Murzhenko is scheduled for release tomorrow. Let us hope that he is released, and that he is permitted to live his life free from the fear that the least misdemeanor—the least infraction or questionable interpretation of Soviet laws—will find him back in prison.

As United States-Soviet relations have deteriorated, so has the situation for Soviet Jews. We have all watched as the figures for Soviet Jewish emigration have fallen drastically over the past 5 years. For all intents and purposes, emigration by Soviet Jews has come to a halt. I take strong exception to the Soviet claim, via the officially sanctioned Anti-Zionist Committee, that this precipitous decline in emigration is due to the so-called fact that all Jews wishing to leave have done so. How can that be when approximately 400,000 Jews still in the Soviet Union have requested, or have already received, from friends and relatives in Israel, a vyzov—the first document necessary to begin the arduous emigration process?

This assertion, as well as the very existence of the Anti-Zionist Committee, displays an alarming turn in Soviet treatment of the Jewish com-

munity. Anti-Semitism is on the rise in that country. It is manifested in print and in vicious cartoons; in television and radio broadcasts; and in the treatment of individuals within the Jewish community. The most prominent case in point is the recent treatment of Yelena Bonner by Soviet authorities. Depicted in the Soviet media as a Zionist agent who managed to manipulate her husband, Mrs. Bonner has now been confined to Gorky along with him. If the authorities are trying to remove Dr. Sakharov from the public eye by placing more emphasis on the alleged misdeeds of his wife, they are sadly mistaken. The world is watching them both, and is eager to see that they receive the medical treatment that both of them have been so diligently seeking.

Our thoughts today also turn to Anatoly Shcharansky, Ida Nudel, Iosef Begun, and Vladimir Slepak; to Alexander Lerner, Nadezhda Fradkova, and Victor Brailovsky; and to the countless others who have been denied their rights in the Soviet Union.

Not all Jews living in the Soviet Union have sought emigration. There are undoubtedly thousands who, if given the opportunity to live in peace, to have equal access to education, to be free to teach their youth in the Judaic tradition, and to openly practice their religion, would choose to stay in the land where their fathers, and their fathers before them, have lived. But, at this point in time, there is harsh treatment of the Jews.

Mr. President, international pressure has worked in the past, and it must be used again and again to gain concessions from Soviet authorities in the realm of human rights. Words alone are not enough. We need a forum for concrete diplomatic negotiations; we need to shift the recent emphasis in American foreign policy away from our overreliance on the military answer as opposed to the political solution; we need to recommence the dialog between Moscow and Washington if any real progress is to be made in the area of United States-Soviet relations.

To this end, I urge the Reagan administration to take seriously Soviet President Chernenko's recent call to begin negotiations on the use of antisatellite weapons. We have an advantage in this area, and the Soviets want something from us—namely, a ban on the use of antisatellite weapons. And we want something from them—heightened respect for human rights in the Soviet Union, and a willingness to recommence Jewish emigration. There is room for give and take on both sides. That is what diplomacy is all about.

There is no time like the present. And we in the Senate must do what we can to encourage the initiation of serious negotiations between the United States and the Soviet Union, negotiations that will result in greater respect for the rights of the Jews in the Soviet Union.●

SOVIET JEWRY

● Mr. BRADLEY. Mr. President, I would like to express my strong support for this year's Congressional Prayer Vigil and Fast for Soviet Jewry.

The vigil highlights the plight of nearly 500,000 Soviet Jews who have asked only to emigrate from the Soviet Union and who have had their requests denied. It is appropriate that this event take place on the 14th anniversary of the Leningrad trials.

Since 1979, there has been a drastic decline in the number of Soviet Jews who have been allowed to emigrate. Today, emigration has slowed to a mere trickle. Only 300 Soviet Jews have been allowed to emigrate so far this year; during the last 5 years, Jewish emigration has declined by 98 percent. Refuseniks have also been subjected to anti-Semitic sanctions including loss of jobs, denial of medical treatment, and restrictions on education. We have all been disturbed to see the deterioration in the condition of Andrei Sakharov.

Emigration is a right guaranteed by International law. The Soviet Union is a signator of the Universal Declaration on Human Rights, the International Convention on Civil and Political Rights, and the Helsinki agreement. We must insist that those agreements be enforced.

We know that the Soviet Union has reponded to world opinion. The Leningrad trials of 1970 showed that international outcry could help the plight of Soviet Jews wishing to emigrate. I hope today's vigil and fast will help mobilize public opinion and draw attention to this issue. I urge my colleagues to join me today in support of Soviet Jews seeking their rights to emigrate.●

25 YEARS OF LOYAL SERVICE

● Mr. JOHNSTON. Mr. President, all of us in the Congress, and elsewhere in Government, take a certain pride in knowing that whatever our capacity, we are performing a service for our country. Yet, at certain points, the service of some of us becomes so noteworthy that it deserves public mention.

Such is the case with my administrative assistant and good friend, David Batt. Today, June 15, marks David's 25th anniversary in Government service. These years include 2½ years in the Air Force, 17 years as an employee of Congressman Joe D. Waggonner of Louisiana and 5½ years as my administrative assistant.

Throughout those 25 years, David has demonstrated the diligence, the competence, and the warm, friendly personality for which he has become widely known. David's contributions in these years are too numerous to mention, but the universal respect which he receives in the Halls of Congress stands as a tribute to his effectiveness and his commitment to public service.

We are fortunate to have people like David Batt in this country. Those of us around him are fortunate to know him and to have shared in his work.

Congratulations to David on 25 years of loyal, dedicated service.●

A COOKIE FARM

● Mr. GOLDWATER. Mr. President, the other night, in what I feel was a justified fit of pique, I commented that the Senate was becoming "a cookie farm." Probably very few Members of the Senate and members of the press understood that remark because not many of them are my age.

When I was a young boy in school, one of the various insults we would hurl at each other would be "he is a cookie," meaning he was a weakling or sissy. A cookie farm is a place where weakness could be the primary commodity. I hope that clears up the meaning of "a cookie farm," and it might be advantageous for those people who have read or will read the Wall Street Journal editorial on Thursday, June 14 commenting on the use of that term.

I could not agree more with the Wall Street Journal and its observation that our Congress is more and more not doing the work that the Soviets are praying and hoping that we will not do and even encouraging us not to do. The first job we have under the Constitution is to provide for the defense of our country. If you sit in the Senate, as I do, you would soon begin to wonder how many Members understand that? Or, how many Members respect that? Followed by a feeling, frankly, where in the devil are we going? What are we trying to do? Constantly, I am amazed at the Republican Senators who repeatedly overlooked our constitutional duty and joined with the opponents of defense in trying to make our Armed Forces even weaker than many of the members of the press would like them to be. I believe we have armed strength and I believe we should work to stay that way.

I ask that the editorial entitled, "The Cookie Farm," be printed at this point in my remarks.

The editorial follows:

[From the Wall Street Journal, June 14, 1984]

THE "COOKIE FARM"

On Sunday, the world got its first detailed look at the evidence leading Italian investi-

gators to the conclusion that the Russians were behind the shooting of Pope John Paul II. On Monday, Chief Russian Konstantin Chernenko demanded that the U.S. subject itself to yet another intrigue by agreeing immediately to ban testing of antisatellite (ASAT) weapons—which the Soviets have already tested and deployed. On Tuesday, the U.S. Senate moved with alacrity to give Mr. Chernenko exactly what he demanded. At that point, an exasperated Sen. Barry Goldwater said, "This place is getting to be like a cookie farm."

Today the Senate will get a chance to give Mr. Chernenko even more than he has so far asked when it votes on whether to deploy the Tomahawk cruise missile, and important new deterrent to Soviet nuclear attack. The House already has voted no. The cookie farm teems with activity.

Probably it's the heat. Retiring Sen. Baker and endangered Chuck Percy went to the White House before the Tuesday vote to demand that Mr. Reagan rush off to Moscow to figure out some way "not to blow each other up." (Sen. Percy, remember, trooped off to Moscow between Mr. Reagan's election and inauguration to open arms negotiations with the Soviets, reporting afterward that he tried to assure them the incoming president was not a "warmonger.") As the Senate votes this week on the president's military budget, the dominant mood seems to be that if the Russians won't give us solid disarmament agreements, by golly, we'll disarm all by ourselves.

The ASAT vote bars the Pentagon from spending to test anti-satellite weapons unless the president certifies that he is "endeavoring, in good faith" to negotiate limitations on such weapons. In other words, Mr. President, you should not only go to Moscow, but go hat in hand and agree to anything that looks like arms control whether or not it endangers world security. Mr. Reagan already said in a report to Congress in April that "no arrangements or agreements" on ASAT systems "have been found . . . that are judged to be in the overall interests of the U.S. and its allies."

The Soviets already have at least two facilities that could attack U.S. satellites with laser and radar beams; they also have ASAT missiles and "killer" satellites. They have tested these systems against their own "dummy" satellites, and have even jammed and blinded U.S. satellites. Moreover, the Soviets are developing a large, manned space station that is expected to be equipped with kinetic-energy and directed-energy weapons; the first part of this orbiting battle station could be launched as early as next year.

The Senate is expected to turn today to the Tomahawk cruise missile, which is ready for deployment on U.S. naval vessels. A House-approved binding amendment, sponsored by Rep. Les Aspin, halts deployment of any sea-launched cruise missile until the president, the director of Central Intelligence and the Joint Chiefs of Staff certify a "high confidence" method of verifying whether such a missile is carrying a nuclear or conventional warhead. The only way to do that is to put someone on a ship with a Geiger counter.

Aside from the verification difficulties, what is the logic of holding the U.S. to a limitation that doesn't affect the Soviets? They currently have operational seven different types of sea-launched cruise missiles, six of which can carry nuclear as well as conventional warheads. Several are capable of attacking not only other ships but also land targets. The SSN-19, for instance, when switched to a land attack mode, can extend its range by two to three times to around 1,500 kilometers by flying at subsonic speeds. More-advanced Soviet systems are in the offing.

President Reagan badly needs to do something to bring Congress to its senses on these issues. Probably he ought to proclaim that he has been seeking verifiable agreements, and therefore will provide whatever certifications Congress demands. On the cruise missile, in particular, he ought to certify that yes, there is a foolproof method of verification, called on-site, on-demand inspection, and that we can have verifiable agreements as soon as the Soviets let us take a Geiger counter up to each of their cruise missiles. Pending some such shakeup, what is going on in the U.S. Congress is not some sort of sinister sellout, but a totally mindless fixation on arms control. Congress insists in arms control even when the Soviets don't cooperate. They don't ever cooperate unless they see some advantage, they routinely violate agreements if they can gain an edge. Yet congressional dreamers still peddle the nonsense that the Soviets will respond if only the U.S. makes the right gestures. We have never seen a cookie farm and we are not even sure what it is, but merely from the sound of it Mr. Goldwater somehow conjured up the right image for a Senate that refuses to face reality.●

ADVANCE NOTIFICATION OF PROPOSED ARMS SALES

● Mr. PERCY. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $50 million or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon receipt of such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Foreign Relations Committee.

Pursuant to an informal understanding, the Department of Defense has agreed to provide the committee with a preliminary notification 20 days before transmittal of the official notification. The official notification will be printed in the RECORD in accordance with previous practice.

I wish to inform Members of the Senate that such a notification has been received.

Interested Senators may inquire as to the details of this advance notification at the office of the Committee on Foreign Relations, room SD-423.

The notification follows:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, June 12, 1984.

Dr. HANS BINNENDIJK,
Professional Staff Member, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR DR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a Middle Eastern country tentatively estimated to cost in excess of $50 million.

Sincerely,

PHILIP C. GAST,
Lieutenant General, USAF, Director.●

ISIDOR PAIEWONSKY

● Mr. JOHNSTON. Mr. President, on Saturday, March 24, the St. Thomas-St. John Chamber of Commerce honored an extraordinary individual for his 40 years of service to the chamber and to the people of the Virgin Islands.

Isidor Paiewonsky is a genuine Renaissance man, simultaneously a historian, a businessman, and an activist on behalf of the Virgin Islands to whose betterment he has devoted his life. He knows the stories of the islands and shares them with the readers of the newspaper for which he writes a column. He is a spokesman for economic commonsense, working tirelessly to develop the islands' tourism industry while protecting them from measures which would threaten their fragile economy. As a preservationist, he has left his mark on the Charlotte Amalie Historic District.

But he is also a 20th-century man, aware that "Progress * * * is respect for God's handiwork as it is reflected in the natural beauty around us." During his 22 years on the planning board, he committed himself, in his own words, to planning and building "so that man's efforts fit into the natural scheme of things."

If the measure of a man is the mark he has made on the world, Isidor Paiewonsky looms very large in the islands he loves. The Daily News of the Virgin Islands has devoted an editorial to his accomplishments. I ask that its full text be printed in the RECORD.

The text follows:

MAN FOR ALL SEASONS

Isidor Paiewonsky: businessman, historian, environmentalist, community activist, philanthropist, story-teller par excellence, preserver of the past, watchdog for the future.

In these roles and others, Isidor Paiewonsky has contributed immensely to the betterment of the Virgin Islands community.

And so it was fitting that the St. Thomas-St. John Chamber of Commerce chose to honor him last weekend for his 40 years of service to that organization and his countless contributions to the people of these islands.

We feel a special sense of pride in the honors bestowed upon this man, for he is part of The Daily News family. For 11 years he has been writing his History Corner. Few people realize the lengths to which he goes to unearth still-hidden bits of our past, present them to Virgin Islanders of today and preserve them for Virgin Islanders of

tomorrow. In doing so he makes an incalculable contribution to all of us.

But regardless of his ties to this newspaper, we would feel a special sense of satisfaction in the chamber's decision to honor Isidor Paiewonsky. He demonstrates qualities that we wish were evident in more people in these islands: the courage to speak out even if his views are unpopular, a desire to right what he sees as wrongs, a passionate commitment to the free-enterprise system, a willingness to listen as well as espouse his own views, a realization that good aesthetics make good economics.

In his speech before 400 friends and well-wishers at Saturday night's dinner-dance, Paiewonsky called upon the business community to organize politically to make its weight felt in the upcoming senatorial election. We think he's got a good idea.

The business community could deliver thousands of crucial votes to people who have a similar commitment to strengthening the job-producing private sector, particularly people who know what it is to meet a payroll and could be counted upon to deal responsibly with the fiscal crisis facing these islands.

We don't believe that what's good for any given business is necessarily good for the Virgin Islands, to paraphrase an infamous line. But given the enormous problems confronting us, especially on the financial front, we believe we would benefit from the business community exercising more political interest and more political clout.●

HEALTH CARE COSTS

● Mr. DURENBERGER. Mr. President, the American Medical Association's annual meeting will begin this Sunday, June 17, 1984 in Chicago. Dr. Joseph Boyle, the new president of the AMA, faces the challenge of providing leadership to physicians at a time when the health care system—both in financing and delivery of service—is rapidly changing.

The rising cost of health care services has forced all buyers to focus on price. Today's physician will be required—out of economic necessity—to be more cost conscious in the management of patient care. At the same time, the quality of care will become increasingly important as buyers shop for the best quality care at the best price.

Change is never easy. The new attention to price presents an immediate challenge to Dr. Boyle and the AMA in developing a leadership role for physicians in the evolving health care system. I look forward to working with Dr. Boyle and other physicians on future health policy issues.

I would like, Mr. President, to submit for the RECORD an article about Dr. Boyle and the AMA written by Allan Parachini that appeared in the Los Angeles Times on June 10, 1984. I would also like to submit for the RECORD another Times article describing the Louis Harris survey on physician and patient attitudes about the American health care system. The survey outlines yet another challenge to physicians today—patient attitudes and expectations.

The articles follow:

CALIFORNIAN JOSEPH BOYLE TO HEAD "NEW-LOOK" AMA

[He Says Americans Must Try to Avoid the Crunch of Limited Resources, Rationed Health-Care Services]

(By Allan Parachini)

Dr. Joseph Boyle, internist and specialist in chest disease, steps momentarily out of his office in a medical building adjoining the Hospital of the Good Samaritan, returning a few minutes later with a document in his hands and a cigarette in his mouth.

He sits down behind the desk, piled high with the paper work of a successful practice that began in 1954, oblivious to a seeming contradiction between his views as the president-elect of the American Medical Assn. and the ciagarette he has just lit.

When Boyle takes the office of president a week from Wednesday, he will step into one of the most powerful positions to which a doctor can aspire outside the federal government. He will hold office for a year as the first Californian to serve as president since Dr. Malcolm Todd, a Long Beach surgeon, did so a decade ago.

Boyle has been a fixture in organized medicine, first in California and later nationally, since 1962. He has held all of the top positions of the Los Angeles County Medical Assn. and California Medical Assn. and already has served for two years as chairman of the AMA's powerful board of trustees.

And as a smoker—recent polls have concluded that only 17 percent of doctors in general, and 12 percent of physicians in Boyle's specialty, still haven't given up tobacco—Boyle will confront what he says is a reality Americans must face if they hope to stave off the rationing of health-care services: Among other things, people need to take more direct responsibility for their own health.

LIMITATION OF RESOURCES

Clearly, according to the overwhelming weight of medical opinion, that includes not smoking.

"There is going to be some sort of limitation put on resources (available for health care) in the future, but we don't have to have a collision that will lead to services just not being available to some people at some times," is the way Boyle put it. Boyle specifically contends that rationing of health services, a possibility many health-care observers see as almost inevitable, can be avoided.

"It will be important for us to return to something people have given up, or had taken away from them, and that is the responsibility for the consequences of their actions," Boyle said.

If such life-style change does not come voluntarily, however, Boyle argues, something more unpleasant is likely to be imposed. Limiting access to health care will be the major medical-policy battle of the 1980s and 1990s, most experts agree. At stake is the system of private practice with which most Americans seemingly are comfortable.

Even many advocates of revolutionary change have backed away in the last few years from proposals for a publicly funded American national health service, similar to a program in existence for years in Great Britain, out of a belief that neither patients nor their physicians in this country would accept such a radical change.

But the existing American system has become ever more costly. In 1982, health-care costs rose above 10 percent of the total gross national product for the first time and the inflationary trend has defied most attempts at more than momentary moderation. Cash-strapped businesses and government programs have demanded a far more effective reining in of medical bills, and the pressure for change has risen apace.

Sitting behind the clutter desk in front of an X-ray viewing screen, Boyle winced slightly at his cigarette.

A VERY DUMB THING

"It is not a very smart thing to do," he said after a pause. "It is a very dumb thing, as a matter of fact. It is something that I need to stop, no question about it. I am probably relying on my ancestors (he comes from a family generally free of cancer) more than I should."

A fellow AMA official, Dr. John J. Coury, said Boyle's colleagues have urged him to quit smoking. Coury, a Port Huron, Mich., surgeon who is the current chairman of the AMA board and who has known Boyle for 15 years, noted that Boyle voted with the majority when, a few years ago, the AMA moved to outlaw smoking at all of its functions, including board meetings.

Born in Jersey City, N.J., Boyle, who turns 60 this November, came west in the early 1950s to finish his residency training at a Navy hospital in Oceanside and at the Long Beach Veterans Administration Medical Center, after medical school at Temple University in Philadelphia. He has been here ever since. He shares a common background with most AMA presidents: His academic and scientific research credentials are limited and he has, instead, a strong background in private practice, the constituency with which the AMA has always identified most strongly.

Boyle and his wife of four years, Marilyn, live in North Hollywood. Between them, they have 10 children—all by previous marriages and all of them adults.

He has a reputation among AMA colleagues for being intelligent and so quick to grasp complex issues that he sometimes loses patience with other members of the board of trustees who require more time to master them. His sense of humor is restrained, but at the same time, he indulges passions for his hobbies: photography and golf.

On the golf course, he is known to play with a vengeance, even though he did not start playing frequently until three or four years ago—just after he underwent successful surgery in which cataracts on both eyes were removed and new lenses implanted. The cataract surgery gave Boyle personal experience with an aspect of medicine with which many doctors are unfamiliar, according to Dr. James H. Sammons, the AMA's executive vice president.

"He is like many people who have visual problems and undergo this kind of surgery," said Sammons. "It just makes their whole lives different."

Boyle takes office as president of the AMA at a time when, both its allies and many of its foes agree, the association is making a concerted and generally successful effort to present a less doctrinaire and strident, more flexible, pragmatic and conciliatory face.

Unlike a growing body of opinion among health-care economists and policy makers—typified most recently by "The Painful Prescription: Rationing Hospital Care," a

report published within the last few weeks by the Brookings Institution in Washington—Boyle believes rationing of health care in the U.S. can be avoided.

But he predicts that the Medicare program of health-care services for the aged will have to impose some sort of limitations if it is to survive financially very far into the next decade.

The limit probably would take the form of a "means test" that would deny Medicare benefits to people with income above a predetermined level, even if they have contributed all their working lives to the Social Security system that finances Medicare.

The times have diminished the AMA's dominance of its traditional turf somewhat and, despite improvements in its membership rolls, the association remains a minority organization, representing only 47 percent of the 505,000 doctors who practice in the United States. But it remains by far the largest and still one of the most influential medical organizations in the nation.

This evolutionary AMA has begun to establish that it stands ready to swim with—as opposed to simply trying to struggle against—the current of public opinion and health policy.

DEALING WITH TODAY'S WORLD

"I don't think there was ever a time when there was a sudden flip from one (philosophy) to another," Boyle said. "Gradually, it became generally recognized that while what was done in the past may have been right or wrong, it doesn't matter now. We've got today's world to deal with.

"(That realization) created a body of leadership that knew you had to be a part of the game if you were going to be allowed to play. If you wanted to come in and simply pound your hand on the table and say, 'I'm right because I'm right,' people would say, 'Fine, just don't get stuck on the doorknob on your way out.' It's just that simple."

Boyle is possibly the first member of a new generation of AMA leaders to assume the presidency. He began his ascendancy by winning election to the board of trustees in 1974 and 1975 during a crisis that nearly saw the demise of the association as it has traditionally been known.

In that two-year period, the association awoke to a nightmare, realizing that the AMA was not the impregnable, indisputable voice of American medicine, the embodiment of the kindly, family doctor whose advice was trusted and taken, largely without question, by patients.

"It was incredible," Boyle recalled of the first realizations, in 1974, that the AMA was in deep trouble, with its survival possibly in doubt. "The board walked in one October morning and were told not only that they were bankrupt but that they were borrowing $1 million a month just to meet the payroll.

"It was the first time anybody knew anything about it. You know, it was the old story: One atom bomb can ruin your whole day. It was just poor management."

BREACH OF SECURITY

In addition, the AMA discovered that the security of its own confidential files had been breached by what turned out to be several sources who leaked thousands of pages of internal AMA documents to news outlets and law-enforcement agencies. The purloined papers included memoranda that linked the AMA to questionable dealings with the U.S. Postal Service in which the association got improper favorable treatment on rates for its journals and other publications.

Almost overnight, the AMA embarked on a massive retrenchment, raising dues and laying off dozens of employees. Whole AMA divisions disappeared. Red ink for 1974 alone totaled $3.5 million. Membership went into a sharp decline and, before things bottomed out, the AMA saw its market share of representation of American doctors slip to 39 percent.

A new generation of idealistic young physicians who started college at the height of the Vietnam war protest movement flocked out of medical schools and residency programs. The young doctors found the AMA too conservative and too unwilling to work actively to improve public health. They refused, by the thousands to join up.

Worse, perhaps, the perception of the AMA changed in Washington and other seats of power. The association's lobbying clout waned and, for a few years, it seemed to have lost control politically over many of the key issues that most concerned doctors.

But by the end of the 1970s, the bitter-tasting medicine had begun to have an effect. To manage its way out of the crisis, the AMA named Sammons, a blunt-talking but politically astute Texas family physician, as its executive vice president. Sammons functions as the association's chief operating officer.

"The only time they've been extremely active was on the very narrow sense of protecting the doctor's pocketbook (when the Federal Trade Commission sought authority, against AMA opposition, to investigate anti-competitive practices by physicians) and not the American public's health."

Whatever their opinion of the AMA, most observers agree that a significant alteration in the American health-care system is imminent because the development of new medical technology is quickly outstripping the ability of the existing economic system to pay for new technology. Involved are such developments as heart-bypass and transplant surgery, more sophisticated body-replacement parts, coronary-care units, improved cancer therapy, the still-experimental artificial heart and such things as the nuclear magnetic resonance and computerized tomography scanners.

Sammons had headed the AMA's powerful American medical Political Action Committee, whose influence has grown since Sammons took over. In 1983, Common Cause said the committee invested $6.3 million in congressional campaigns alone during a three-year period.

An old-guard AMA leadership was pushed aside to be replaced by a more moderate group that realized that the association could not simply write off an entire generation of physicians.

"I think it's probably true that the AMA became more flexible and pragmatic," said Paul Rogers, a Washington lawyer who served, as a Florida Democrat, as chairman of the House subcommittee on health before he retired from Congress in 1978. The trend has continued, Rogers said in a telephone interview. As a Washington lawyer, Rogers has continue to represent clients involved in health-care-policy issues since he left the House.

"I think, for instance, (state medical groups') recent (positions) on doctors voluntarily holding down their fees as a way of trying to adjust to public reaction to the high cost of medicine . . . I think that you're beginnng to see some things like that and you're not seeing (as much) resistance from the AMA to some new methods of health-care delivery."

One observer who does not hold a flattering view of the AMA is U.S. Rep. Henry Waxman (D-Calif.), the current chairman of the subcommittee Rogers used to head. Waxman said he has seen little of Boyle that establishes him as an individual, as opposed to simply being a mouthpiece for the AMA.

Worse still, asserted Waxman, "I see no indication they (the AMA) are moderating and that they are less strident when it comes to the critical issues.

"I think practicing physicians have the mistaken notion that the AMA represents organized medicine. It doesn't. What the AMA does is represent the very narrow special economic interests for certain doctors."

Far from moving to a position of public-health leadership, the AMA, Waxman contended, ignored massive cuts in a wide variety of federal health programs imposed by the Reagan Administration. The AMA stood mute when the President cut $20 million from a program to vaccinate children, Waxman said.

[From The Los Angeles Times, June 10, 1984]

DOCTORS DIFFER ON NEED FOR HEATH CARE CHANGE

(By Allan Parachini)

There is a wide gulf separating the opinions of doctors and their patients on how well the American health care system works, with doctors believing that the existing system works "pretty well" more than twice as often than the people they treat, according to a Louis Harris survey.

Moreover, physicians who head organized medical groups tend to be even less in agreement with the feelings of the public than doctors in practice, the survey found. And members of the American Medical Assn. are less likely to question the direction of the health care system than doctors who don't belong to the AMA.

Fewer then half—48 percent—of all doctors, versus just 21 percent of the general public, agree with the assertion that the existing health care system "works pretty well" and that it requires "only minor changes." The Harris organization called the conclusions of doctors and the public "strikingly different."

Among conclusions that may be drawn from the new poll is that doctors who join the AMA—47 percent of the nation's physicians are members—have quite a different outlook on their profession than doctors who stay out.

But while the gap between doctors in general and the public is great, the separation is even more pronounced for leaders of medical groups—68 percent of whom agreed with the positive statement about the health care system. Far more AMA members agreed with the statement than doctors who don't belong to the nation's largest organized medical group.

SURVEY OF PRACTICING DOCTORS

The new Harris survey, released late last week, is the second such poll conducted by the Harris organization for the Equitable Life Assurance Society. Last year, the polling group compared the attitudes of physician leaders and the public.

This year, struck by the disparity of opinion in the first survey, Equitable sent Harris researchers out again to gauge the attitudes of practicing doctors—with special attention paid to the differences in attitudes between

AMA members and doctors who don't belong to the AMA.

In the latest Harris poll, 500 physicians were questioned, 53 percent of whom are AMA members and 46 percent of whom are not. (The survey did not account for the other 1 percent). The sample was balanced geographically and by age, specialty and type of practice. Of the total, 66 percent of the physicians were in private practice.

Among other key findings of the survey were these:

There is a similar difference between the public, physician leaders and doctors about whether fundamental changes are needed in the American health care system, and there is a corresponding gap between the beliefs of AMA members and nonmembers. Of physicians-at-large, 48 percent agree basic changes are needed, compared to just 32 percent of the leadership of medical societies and 50 percent of the general public. AMA members believed basic change is necessary far less frequently—43 percent versus 54 percent—then nonmembers.

While few physicians—8 percent of those in practice—believe a lack of price competition in the health care system has contributed "very much" to increasing medical costs, 44 percent of the public, but only 4 percent physician leaders, share the view. AMA membership seems to portend a difference of opinion, as well. While only 5 percent of AMA members believed a dearth of competition has driven up costs, more than twice that number 11 percent—of non-AMA members agreed.

Almost no physicians agree with a statement that there is so much wrong with the American health care system that it needs complete restructuring, but 25 percent of the general public did concur. No physician leader agrees and only 3 percent of physicians-at-large feel that way.

A majority—59 percent—of doctors believe the costs of hospitalization are too high and large majorities believe seven specific factors are responsible: Increasing use of new technology; the more rapid aging of the population; the proliferation and higher costs associated with malpractice suits; increased availability of government program such as Medicaid (Medi-Cal in California) and Medicare; increased use of private health insurance; overuse of laboratory tests by doctors, and unnecessary hospitalizations.

While doctors and the public agree on some possible cost-control tactics, such as requirements for a second opinion for nonemergency surgery and a system of some kind to discourage duplication of expensive hospital technology in the same geographic area, there are also areas of wide disagreement.

DIFFERENCES ON PRICE CONTROLS

For instance, 61 percent of the public, 13 percent of practicing doctors and only 7 percent of physician leaders agree that government price controls of doctor and hospital fees are desirable. And 76 percent of the public, 37 percent of practicing doctors and 32 percent of medical leaders concur that fees should be set in advance, based on standardized payments for all patients with the same problem.

In all, concluded the Harris survey, "physicians are out of step with the nation on many key issues.

"They are less critical of the status quo, much more likely to believe that the health care system is price competitive and much less willing to accept alternatives to the traditional fee-for-service, doctor-patient relationship than the public, hospital administrators, employers, union leaders or insurance executives.

"However, practicing physicians are more likely to see the need for change than are their elected leaders."

James T. Glynn, Equitable's vice-president for marketing, said the new survey of doctors may help to "clearly define what the real issues are rather than us just surmising where the physicians will resist change."

Glynn said several of the results surprised Equitable officials. The biggest shock, Glynn said, was the finding that a near-majority of doctors believe basic changes are needed in the existing system.●

SECOND ANNUAL CONGRESSIONAL FAST AND PRAYER VIGIL FOR SOVIET JEWRY

● Mr. LAUTENBERG. Mr. President, I wish to express my continuing concern today over the injustices suffered by Soviet Jews and to announce my participation in the Second Annual Congressional Fast and Prayer Vigil for Soviet Jewry.

Boris and Rita Aizenberg are Soviet refuseniks who were denied exit visas in 1979, 1980, and 1981. In typical Soviet fashion, the Aizenberg's were not accorded the decency of an explanation for the decision which effectively severs them from close family members who have already emigrated to Israel.

Instead of permission to leave, or a reason why they could not leave, the Aizenberg's were assaulted by the harrassment and ostracism which has come to be expected, and which has been courageously endured, by thousands of Jewish people who seek permission to leave the Soviet Union.

As a consequence of their request, Rita Aizenberg lost her job as an engineer and she remains today unable to secure any meaningful employment. Their daughter, Irina, was expelled from a Soviet university and she too found herself unemployed.

Mr. President, just a few short weeks ago, international attention was focused on the outrageous Soviet refusal to permit Dr. Andrei Sakharov, or his wife, Dr. Yelena Bonner, to emigrate to the West. The international community was particularly distressed due to Dr. Bonner's pressing need for specialized health care unavailable to her in the Soviet Union.

Thus, it is quite clear that religious, political, and personal repression are not unique to the Aizenberg family. The themes of oppression and internal exile are, unfortunately, old and familiar ones which continue to persist in the Soviet Union. The story of Boris and Rita Aizenberg is one of many which captures and depicts the plight of those in Russia who dare to seek permission to emigrate anywhere; let alone Israel.

Although a grave disappointment, it is of little surprise to the free world that the Soviets have virtually closed the door on Jewish emigration. This is undeniable in view of the unhappy fact that Jewish emigration has declined 98 percent since 1979. It is against this background Mr. President, that I am proud to join with a number of my colleagues as a participant in the Second Annual Congressional Fast and Prayer Vigil for Soviet Jewry.

It is incumbent upon us, both as spokesmen for the free world and as advocates of the principle of freedom, to support today's vigil and to call upon the Soviets to modify their inhumane policies.●

NEW TELEPHONE SERVICE FOR ALABAMA

● Mr. DENTON. Mr. President, I bring to the attention of the Senate a new long-distance telephone service that will soon be offered in Alabama.

Brindlee Mountain Telephone Co., an independent telephone company located in Arab, AL, has signed with Satellite Business Systems an agreement under which Satellite Business Systems will build a national network Earth station in Arab to connect with Brindlee Mountain Telephone Co.'s toll switching facility. Brindlee Mountain will be joined in offering the service by SCI-Net, a subsidiary of SCI Systems, Inc., located in Huntsville, AL.

The services made available will be provided to resellers and independent telephone companies throughout the State.

The arrangement is unique because it will provide communications services to rural Alabama that have not been offered before. It will also provide those services to the public at a lower price than is not available.

I believe that Alabama will greatly benefit from the arrangement, which was made possible by the divestiture of AT&T. Although I have concerns about some of the aspects of the divestitute, the arrangement is an example of how the public will benefit from competition.

I want to commend all of the parties involved. I especially want to commend Sid McDonald, president of the Brindlee Mountain Telephone Co., for his active role in bringing about the new service. I have known Sid for some time, and I recognize that the latest arrangement is just another example of his foresightedness. He has always been concerned about improving all aspects of life in his community and in the State. Sid has built Brindlee Mountain Telephone Co. into what is generally recognized as one of leading independent telephone companies in the Southeast.

I ask that an article from the Huntsville Times be printed in the RECORD.

The article follows:

[From the Huntsville (AL) Times, June 13, 1984]

AREA FIRMS PLAN NEW STATE LONG-DISTANCE PHONE SERVICE

(By Peter Cobun)

Huntville's SCI Systems Inc. and Brindlee Mountain Telephone Co. in Arab will jointly offer new long-distance telephone service to Alabamians at rates 10 to 20 percent lower than AT&T's WATS rates, the firms said today.

An SCI subsidiary, SCI Net, is now completing construction of a $10 million, statewide microwave network connecting Huntsville, Arab, Birmingham, Montgomery and Mobile, to be managed by Brindlee, an independent phone company.

The new system was announced in Washington today by the two companies.

Brindlee will use the facilities of Satellite Business Systems (SBS), a nationwide communications firm owned by IBM, COMSAT and Aetna Life and Casualty Co. SBS is installing an satellite "earth station" in Arab to interconnect Brindlee's toll-switching facilities with SBS' nationwide system.

The earth station in Arab will make possible small town access to major, low-cost, long-distance telephone service other than AT&T, the firm said.

Long-distance calls will be transmitted by satellite from Arab to any of 30 existing SBS earth stations nearest the call's destination. With stations already in the nation's 20 largest metropolitan areas, SBS plans to extend its network service to 50 metropolitan areas this year, and to 100 by 1985.

The earth station in Arab will be the first in the nation not located in a metropolitan area.

SBS now operates three orbiting communications satellites, and a fourth is scheduled for launch by the Space Shuttle Discovery.

In a press briefing late Tuesday, Sid McDonald, owner of the Brindlee Mountain phone company, said the new long-distance service will be available for Huntsville and Birmingham in August, with service for Montgomery and Mobile to become available later.

McDonald said re-sellers and independent telephone companies throughout Alabama will be able to provide customers with service to any telephone number at any time in the 48 contiguous states, Puerto Rico and the U.S. Virgin Islands.

"We are excited about this opportunity to offer Alabamians quality, low-cost, long-distance telephone service," added McDonald "through the advanced technology and management of Brindlee Mountain Telephone, SBS and SCI."

Delta Communications, Inc., a WATS (Wide Area Telephone Service) re-seller owned by Brindlee and SCI Net, will act as the marketing arm for the new telephone service.●

THE PASSPORT PROBLEM

● Mr. PELL. Mr. President, in the last few years the strength of the dollar and the advertising campaigns of foreign tourist boards have encouraged Americans to travel abroad, particularly during the summer season. The increase in foreign travel by Americans is reflected in the rising demand for passports. Whereas approximately 3 million passports per year were issued in fiscal years 1979–81, 3.6 million were issued in fiscal year 1982. In fiscal year 1983 the number jumped to 4.2 million, and it is estimated that this year's total will be about 4.7 million.

The skyrocketing demand has had its greatest impact on the processing of applications during the peak season—March through July—when the influx of applications is the heaviest. Passport agencies, presently 13 throughout the United States, process applications according to the date of departure and try to issue the passport within 10 days after an application is received. In recent years, agencies have had more and more difficulty meeting this goal during the peak season. In fiscal years 1979–81, the longest time to issue a passport, on the average, was 3 to 4 weeks. In March and April of this year, the average was 6 to 7 weeks. Currently it is 5. Delays such as this are both annoying and troublesome, especially when one is trying to finalize travel plans.

To cope with the spiraling demand for passports, the Department of State has instituted 6-day workweeks, set up evening shifts, and transferred applications from agencies with backlogs to those without during peak seasons. In addition the Department has been expanding and automating passport agencies. In spite of this good faith effort, demand continues to exceed processing capabilities during the peak periods. Presently, the nationwide backlog of applications is 280,000 per week—75 percent of the number of applications processed by an average agency in an entire year.

This season, the problem of delays has been particularly severe in the Northeast corridor, a region encompassing most of New England and upstate New York. An unusually heavy flow of applications before the start of the peak season, when additional staff is hired, created a backlog in the Boston agency which services this area. Although Boston, has traditionally been one of the best processing agencies, it fell behind this year and by late April had a backlog triple that of its weekly processing capability. As a result, applicants from New England, including many Rhode Islanders, have experienced the frustration of waiting nearly 2 months for a passport. To provide some relief to the Boston agency, the State Department has decreased Boston's area of coverage by permanently shifting the New York applications to a new processing center in New York State. However, other steps, such as computerizing the Boston agency as soon as possible, must be taken in order to prevent a recurrence of this situation during next year's peak season.

The State Department expects that the demand for passports will continue to increase and estimates that 6 million passports will be issued in fiscal year 1987. As one who has long been an advocate of foreign travel and exchanges as a means of developing understanding between peoples of the world, I am delighted that a growing number of Americans are interested in traveling abroad. As Members of Congress, we have a responsibility to our constituents to see that passport applications are processed efficiently and expeditiously. I believe that we must do all that we can to assist the State Department's effort to cope with the rising demand for passports. In particular, we must make sure that the Department has all the necessary resources to deal effectively with this problem. I am working closely with the Department on this matter because I do not believe that Americans should have to endure interminable delays in obtaining a passport.●

FEDERAL DAMS

Mr. DECONCINI. Mr. President, the May 1984 issue of Constructor, a monthly magazine published by the Association of General Contractors, contains an excellent article on the subject of Federal dams.

The integrity and soundness of our Federal dams has always been a very important issue to this Senator and to thousands of citizens across the Midwest and the West growing increasingly concerned about the possibility of dam failure. Dams represent a vital component in our Nation's infrastructure and like many public projects, are in desperate need of attention. Legislation authorizing additional Federal funds for safety modifications to existing reclamation dams must be considered by the Senate before the close of this session. I urge the leadership to schedule time for debate on this issue to allow critical safety corrections to move forward.

Mr. President, I ask that the full text of the Constructor article be printed in the RECORD.

DAMS AS A PART OF AMERICA'S INFRASTRUCTURE

(By John E. Carlson)

Dams provide for many purposes in the United States. They provide water for irrigation and sustaining life; they impound water for improved navigation and flood control. They sometimes are sources for developing hydroelectric power, and, sometimes, they provide recreational opportunities.

A Corps of Engineers report on the safety of non-federal dams indicates that there are over 65,586 non-federal dams in the country which are higher than 25 feet or impounding more than 50 acre feet of water. Of the hundreds of thousands of dams, these could be called significant dams. In addition to these there are approximately 3,000 federal dams in this category.

The Corps' report also indicates that of the significant non-federal dams, approximately 8,800 are classified as high hazard. A dam is classified as high hazard not because it is structurally unsafe but because if it did fail the dam has a great potential to do

damage to human life and property. However, the Corps' report does indicate that of these high-hazard dams, more than a third are rated unsafe.

The loss of a dam could severely affect a community. The greater impact of a dam failure is the possible loss of life and devastation to downstream development. However, a community is also adversely impacted economically when a dam fails either through loss of power, loss of water supply or loss of recreational benefits.

These facts underline the fact that America needs its dams—all of them large and small. The fact is alarming that approximately a third of America's non-federal high hazard dams are rated unsafe by the Corps of Engineers. The loss in the event of a failure or failures would be high. This sample of unsafe dams is large enough to presume that a third of all non-federal dams are unsafe. Failure of these dams, while not threatening any lives, would be costly economically. Returning the unsafe dams to a safe condition would not only greatly reduce the chances of loss of life but also ensure that the economic benefits will not dissipate due to a dam failure.

No estimate exists for the cost of upgrading the non-federal dams to a safe condition. The Bureau of Reclamation has done an inventory of its dams to ascertain how many are unsafe and what the cost would be to repair them. The Bureau determined that 48 of its dams are unsafe with the cost to upgrade them to a safe condition being $650 million. This is an average investment of $13.5 million per dam. AGC in its report entitled "America's Infrastructure: A Plan to Rebuild" estimates that $83.5 billion is needed to bring all dams and reservoirs to a safe condition and to satisy all of America's water resource needs.

Methods to finance dams' improvements, both public and private, must be addressed. Given the tens of thousands of dams existing in the United States for a multitude of purposes, development of one single recommended funding mechanism is impossible. Funding mechanisms must be developed for each class of owner (including governmental agencies) and each purpose (including hydroelectric, flood protection, water supply and irrigation).

For federal dams, the vendible products of a dam could be sold at a fair market price or at a price which recovers the federal investment in the dam, whichever is less. Beneficiaries of the flood control or recreation could be assessed for a fair portion of the development of a dam.

Energy generation, water supply and irrigation prices could be determined from the cost of the project. Flood control and recreational benefits, however, even if they are the primary benefits created by the dam, are more difficult and subjective to determine. Flood control beneficiaries could be assessed an amount that is equal to a portion of the taxes generated by the development within the area protected by the flood control structure and 100 year flood line. Recreational beneficiaries could be assessed increased fees for park access, use of boat ramps, registration of pleasure craft, hunting and fishing licenses, concessions and rental of concession facilities.

For private dams, since private dams exist for the intended benefit of the owner, funding mechanisms can vary greatly.

This issue of Constructor looks, in part, at the need for dams, why dams fail, dissects a recent dam failure, and courtesy of the Bureau of Reclamation, looks at the new technology being developed to avert dam failures. It reinforces the need to improve this segment of America's infrastructure.

WHY DAMS FAIL—SOME HISTORICAL EXAMPLES

Ruins of early irrigation dams dot the landscape of ancient Egypt and Persia—vestiges of civilizations which once flourished in the arid region. The art of dam building is at least 6,000 years old; it was first practiced by Persian Kings, then by Egyptian Pharoahs in the Mid-East.

Dams were important strategic landmarks in the arid Mediterranean dominions. The region near the pyramid of the Labyrinth, Egypt (the cradle of Western civilization in 1700 B.C.), was divided into two kingdoms: the Hyksos of Lower Egypt and the Egyptians of Upper Egypt. A common thread between the two kingdoms was the Nile River, which was dammed at the contiguous border of the two countries for basin irrigation purposes. By capturing Lower Egypt's frontier fort and breaching two sizeable earth dams, the King of Upper Egypt produced a catastrophic famine in the time of Joseph; a drought lasting for three years. Retaking of the fort and restoration of the water barrier brought the famine to an end and thereby returned prosperity to the Lower Nile.

Few dam failures are caused by sudden and deliberate acts of man, however. Neglect is the major factor in deterioration of a dam, leading to incremental degradation of embankments, spillways and other crucial components. Neglecting a dam after the structure has been affected by natural phenomena—such as floods, rockslides, and earthquakes, is a sure invitation to disaster.

Following the decline of the Roman empire, many concrete and masonry dams built by Roman engineers fell into ruin from lack of maintenance. Roman water structures were unparalleled for their durability and design sophistication, but like a building which loses its roof in a storm, dams which sustained flood damage along spillways or embankments were weakened and more vulnerable to later natural calamities. Proserpina Dam at Merida, Spain is a notable exception. Repairs on Proserpina in 1617, 1689, 1791 and 1942 have allowed this structure to provide water (by Roman aqueduct) to the town for nearly 2,000 years. Built about 100 A.D., this classic dam is 62 feet high, 1,400 feet long, of concrete encapsulated by masonry. Upstream stone buttresses and downstream earth backfill overlaid with masonry spillways stabilized and protected the structure against flood surges. The Romans were the first to use combinations of innovative dam construction techniques such as stepped spillways, dam face buttressing and intake towers to control reservoir levels.

Causes of failure. Each dam failure is unique and different, due to a variety of factors—topography of the watercourse, intensity of the precipitating disaster (flood, earthquake, etc.) and type of construction. Buttress dams usually fall in a domino fashion, as each buttress successively collapses. A concrete gravity dam may fail suddenly, but be damaged only where the area of greatest stress occurred. An earth/rock embankment dam failure may be relatively slow, with erosion progressively wearing down the face until great quantities of water pour through the breach.

There are three general types of dam failures:

1. Structural—caused by weak foundation, excessive water pressure, loss of strength, sliding or settlement, cracks.

2. Seepage—caused by pervious dam foundation or embankment, leaking seams or conduits, internal erosion, soluable material.

3. Hydraulic—caused by overtopping, wave erosion, spillway scour, embankment or abutment slides, blocked or broken gate and outlet mechanisms.

Some specific examples of dam failures and their causes follow.[1]

BUFFALO CREEK TAILINGS DAM (WEST VIRGINIA)

Failed: February, 1972.

Causes: Unconsolidated fill, seepage erosion, slumpage of downstream face, overtopping.

Buffalo Creek was not an engineered dam. It consisted of low grade coal, sand, shale, timber and metal scrap dumped by a mining company over 25 years. Originally, the waters of Buffalo Creek filtered through the loose fill. In 1960, however, the company began using the reservoir as a settling pond to reduce pollution. The finer material tended to seal the embankment, and the water level subsequently rose. Two more upstream embankments were added during the 1960s, after federal inspections called attention to the unsafe condition of the dam, resulting in a stepped series of three poorly constructed water barriers. The dams also were without spillways or cut-offs except for one 24 inch diameter steel pipe for overflow.

Four inches of rain had fallen in the three days before the dam break. Storm run-off greatly increased the reservoir level behind the third dam, until it was overtopped at 8:00 on the morning of February 26. A burning refuse bank then exploded on the lower dam, probably due to internal steam pressure, which released a further deluge of water and debris. Within a span of 15 minutes, about 400 acre-feet of sludge and water poured down the Buffalo Creek valley. The town of Saunders was totally wiped out, 4,000 people were left homeless and 125 people died.

Court depositions later indicated that the mining company had acted too late to prevent the flooding—about an hour before the failure, an employee had put out a call for contractors with bulldozers to create an emergency spillway, however, before any heavy equipment could arrive, the situation had deteriorated beyond hope.

ST. FRANCIS DAM (CALIFORNIA)

Failed: March 12, 1928.

Causes: Abutment movement, geological inadequacies, seepage at foundation, cracks in face.

In the hills north of Los Angeles stands a single concrete monolith; the sole remaining section of the 205 foot high St. Francis Dam. The failure in this case was not due to the strength of the dam, but of weaknesses in the surrounding rock formations which had measured compressive strengths as low as 550 pounds per square inch.

Seepage at the dam's foundation began at the initial impoundment of water in San Francisquito Canyon. Two weeks before the catastrophe, flow near the abutment increased substantially and drains were installed, but the Southern California water system inspectors found the structure to be "not hazardous."

At 11:57 pm, the lights in Los Angeles flickered briefly. A break had occurred in a power transmission line further down the

[1] Source for examples of dam failures: Robert B. Jansen, *Dams and Public Safety—A Water Resources Technical Publication*, U.S. Department of the Interior, 1980.

canyon. At the powerhouse downstream from the dam, a worker awakened as windows rattled and houses shook. He hurried outside in the face of a flood wave nearly 60 feet high—as the roof of a building washed toward him, he scrambled up on top of it for a brief but turbulent ride downstream. Bumping against a canyon wall, he was able to climb out of the waters without serious injury. He wandered until morning in a frantic search for his family, but found nothing. The company settlement at the powerplant had vanished, and its inhabitants had been swept away to their deaths.

Collapse of the massive concrete structure was sudden and without warning. Discharge of 500,000 cubic feet per second caused a flood wave reaching depths of 120 feet, causing disaster all along the Santa Clara River. Three hours after the break, the waters slammed into slumbering Santa Paula, Calif. In all, 450 people were killed.

Investigators later admitted it was a testament to human skill that the concrete dam held together for two years without failing, and testimony to human folly that the dam was placed where it was bound to fail.

CANYON LAKE (RAPID CITY) DAM (SOUTH DAKOTA)

Failed: June 9, 1972.

Causes: Spillway clogged with debris, overtopping/inadequate spillway, embankment erosion, soil saturation from rainfall.

Rain started falling in the late afternoon of June 9 over Rapid City, intensifying after nightfall to a rate approaching three inches an hour. Normal annual precipitation in the Rapid Creek watershed was 14 inches, more or less. With no chance for absorption, rainwater accumulated rapidly in the Black Hills, quickly filling all streams and lowlying areas. Floodwaters rose rapidly in Canyon Lake, lapping against the earth rim of the 20 foot high earth fill dam, constructed in 1938 by the Works Progress Administration.

Firemen were dispatched at 10:00 pm to warn citizens of an impending flood. On the shore of Canyon Lake, one fireman went into a house as it was being torn from its foundation, rushed up onto the roof and held on as the dwelling was washed across the reservoir. The structure caught on some trees on the crest of the dam, and from that vantage point, the fireman watched the failure of the embankment. The first flood wave was held back by the earth-fill restraining barrier, but a second, larger surge overtopped the dam and began scouring the spillway. Just as a breach occurred, the roof section dropped down onto a portion of the dam which was still intact enabling the horrified firemen to crawl up the abutment to safety.

Half of the town of Rapid City was destroyed. Two-hundred forty persons lost their lives and 5,000 were left homeless. National Guardsmen, sent in for rescue operations, had limited mobility due to 5,000 wrecked automobiles strewn through downtown streets. Eighty blocks of streets and nine bridges were destroyed, along with approximately 1,500 buildings. Total property damage—$60 million.

The severe thunderstorm of June 9 would have caused some flooding regardless of the condition of the Canyon Lake Dam. However, the dam may have survived if its spillway capacity had been upgraded and properly maintained. Ironically, the Pactola Reservoir, only 15 miles upstream, was unaffected by the storm. This 230 foot high BuRec-owned earth dam, completed in 1956, has come under increasing scrutiny since the Canyon Lake disaster.

Preventing dam failures. The political solution for unsafe water barriers has often been "breach the dam and eliminate the problem." Of course, this drastic solution is usually unacceptable since dams contribute huge calculable benefits to the neighboring civilization. Better technology and more ambitious public works projects create a higher standard of living; and a higher standard of living carries with it increased risks. Careful engineering and skillful construction can reduce the hazards of these projects to acceptable levels, providing there is a periodic inspection and maintenance program to protect their structural integrity.

Corrective measures taken to repair an unsafe dam normally involves removal and reconstruction of some of the dam's components. The most fundamental remedial measures are:

Spillway improvements. Spillways sized for the probable maximum flood (PMF) will allow sufficient discharge to prevent overtopping. Inadequate spillway capacity is the most frequently mentioned problem on unsafe dams. When the spillway of an existing dam is reconstructed, careful attention must be given to "clean" channels which will not snag debris, protection against erosion and undermining and non-corrodible gates and valves.

Foundation improvements. Movement of foundations due to settlement, or shifting and sliding at abutments due to the cumulative weight of the dam and impounded water, can be detected and protective work undertaken before a failure occurs. Remedial construction on concrete dams would consist of additional drains, rock reinforcement or buttressing. On earth dams, construction to compensate for a weak foundation or extreme hydrologic pressure may consist of deep drain trenching, relief wells, flattening of slopes and replacement and recompaction of material.

Embankment/core improvements. Seepage through a dam is the primary indicator of an unsafe condition. Internal water movement carries away fine and soluable material, softening the core and possibly causing small conduits which could lead to piping and partial washouts. Seepage can be controlled by adding an impervious blanket on the floor of the reservoir, installing foundation cut-offs (if not already functioning properly), waterproofing joints with chemical admixtures (or by replacement of waterstops), and grouting of voids.

Earth embankment dams are especially susceptible to internal degradation by seepage, which could cause erosion or sliding of the downstream face. Liquefaction, the saturation of zoned gradations of the embankment which will then act like a liquid when shaken (by earthquake or explosion), will undermine the stability of the dam. Reconstruction with better fill (higher-density) material and scrupulous attention to compaction of each lift will alleviate the dangerous condition.

(John E. Carlson is vice president of Sundt Corp., Tucson, Ariz., and chairman of AGC's Bureau of Reclamation Committee.)

ANATOMY OF A DAM FAILURE

(By Jeffrey Beard)

Steve Cashman awakened early the morning of July 15. In the pre-dawn light he walked up the slope from his campsite to prepare a fire for a camper's breakfast. Just the previous afternoon, he and his companion, both from Hilbert, Wisconsin, had hiked through the mountain foliage along the River Trail up from State Highway 34, stopping at nightfall to make an encampment.

Weather in the Rockies had been perfect for outdoor recreation that week in July 1982—typically crisp, cool nights with temperatures in the 40's and daytime highs in the 80's. As the morning sun's glow appeared over the mountain forest, Cashman busied himself on the high ground, gathering twigs and listening to what he thought were gusts of wind through the tall evergreens and sounds of a rushing mountain river.

Soon after his arising, the roar of the river became more audible—like the rumble of a freight train over a railroad bridge. Cashman abandoned his activities upon hearing loud cracking noises upstream; then watched in horror as a 30-foot wall of water cascaded down the mountain toward the campsite. His companion, still dozing below in his sleeping bag, was swept down the valley in a thunderous torrent of broken trees and mud, while Cashman clambered up some rocks barely out of reach of the floodwaters.

Lawn Lake was originally a large natural pond draining into the Roaring River near Loveland, Colo. In 1903, an earthen dam was constructed on the water body to provide irrigation water for farmers on the Colorado high plains. Original storage and recharge rights were granted to the Farmer's Irrigation Ditch and Reservoir Company in 1912 for containment of 760 acre-feet of water. The dam was well-constructed with compacted earth fill, rip-rap facing and a three foot diameter steel pipe outlet originally 12 feet below the crest. At some point during its 79 years of existence, the dam had been enlarged to what Colorado State officials listed as 1,276 acre-feet maximum impoundment capacity, with a "normal" reservoir content of 817 acre-feet.

"The probable cause of failure on the 24 foot high dam was piping," according to state inspectors.[1] Piping is a form of erosion where water pushes its way through cracks or other passageways, enlarges the opening and eventually creates a breach in the structure. The inspectors' report stated "There is no evidence that water overflowed the top of the dam. It appears that the level of water in the reservoir was about three feet below the crest." However, the inspectors found evidence of improper enlargement of the dam. "An organic, clay and silt seam, approximately 12 inches thick, was found running through the dam midway between the dam foundation and crest," said the report. This could indicate that the owner, sometime in previous years, had placed soil directly atop grass growing on the dam, instead of grubbing and removing soil down to consolidated fill to provide a proper seal.

Dams require periodic inspection and maintenance to preserve their structural integrity. Records show that the Lawn Lake Dam was inspected four times over the last 31 years, and not at all after 1978. Trees and bushes had been growing on sections of the dam face, thereby weakening the embankments. Seepage through sand and organic seams may have caused sloughing on the downstream face. There were rodent holes, approximately six inches in diameter, 12 feet below the dam crest, probably caused by marmots or badgers. And a University of Florida student visiting the park the morn-

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[1] Estes Park Trail Gazette, July 21, 1982.

ing of July 8 observed "three farmer types" struggling with a corroded valve on the dam "cursing and fuming" because it was stubborn. The workers told the visitor the valve was "tricky" and they were unable to get it to work the way it should.

Driving by himself after sunrise on July 15, Stephen Gillette began his 70-mile trash collection route through Rocky Mountain National Park. He had started his route an hour earlier than usual because so many of the garbage trucks owned by A-1 Trash Service were mechanically disabled from heavy use during the tourist season.

When he reached Horseshoe Park at the Lawn Lake Trailhead, he heard a noise "like a jet airplane crashing. Then I saw trees being thrown in the air like toothpicks and realized it wasn't a plane." [2] Gillette jumped into his truck and raced to the nearest emergency phone two miles away. His call was received by the Park Service at 6:23 am.

Authorities later admitted that Gillette's quick thinking gave them precious moments to alert campers and evacuate the downstream area of Estes Park before the floodwaters thundered through.

At Park Service Headquarters, the dispatcher began a series of warning calls that probably saved many lives. The local sheriff's office, police department and park rangers mobilized to notify all people on either side of the river—telling vacationers and residents to get out of the area. Estes Park Radio station KSIR learned of the dam failure on a police radio scanner, and after confirming the report, gave continuous updates on the flood starting at 7:00 am.

The flood plain along Roaring River is narrow and steep, dropping about 2,500 feet from Lawn Lake to an intersection with Fall River 4.5 miles away. Floodwater from Lawn Lake flowing at nearly 8,000 CFS (three million gallons plus per minute) were slowed somewhat at a large meadow known as Horseshoe Park located immediately downstream from the junction of the two rivers, leaving a wide brown gash like the track of an avalanche. From Horseshore Park, the floodplain along Fall River traverses another 6.5 miles to downtown Estes Park, descending about 1,100 feet in elevation.

The Fall River through and above Estes Park is typical of mountain streams. It has heavy vegetation along the banks of the channel, a cobbled stream bed, large rock outcroppings, steep channel slopes and has the potential for high water velocities. The climate of the region is best described as high-altitude and semi-arid with some attendant ramifications: sudden and violent thunderstorms, heavy snowpacks, flash floods and the critical need for storage reservoirs. Flooding on Fall River is not unusual—high water has been recorded there seven times since 1949.

Damages from the 1965 flood were the result of encroachment upon the river channels and blockage of the river through the central business district. And although current federal regulations discourage it, many public facilities remain in the Fall River Floodplain. On July 15, 1982, development along the flood plain was again victimized by a river out-of-control. Aspenglen campground is accessible by a single road which became impassable due to floodwaters. A fish hatchery operated by the State of Colorado sustained heavy flood damage. Both of these facilities are located on the Fall River between the Cascade Lake Dam and the City of Estes Park.

By 7:15 am, park rangers had notified all campers in the Aspenglen campground of the impending flash flood. "Everybody decided to leave their campsites for higher ground," said Park Information Director Glenn Kaye of the 200 persons registered at the National Park. "But after the initial surge, two campers, Bridget Dorris of Arlington, Texas and Terry Coates of Peoria, Illinois, decided, against the warnings of other campers, to go back and retrieve their belongings."

Immediately upstream of the campground, Cascade Lake Dam was absorbing huge volumes of floodwater. The restraining barrier and 10 acre-foot reservoir, owned by the City of Estes Park, was overtopping by 7:20 am. At 7:42 am, the second dam failure of the morning occurred, sending another surge of water crashing down through Aspenglen toward Estes Park. The two campers were probably working at their campsites at 7:43 am when the torrent struck. Their bodies were found five days later in a muddy quagmire 1.5 miles downstream.

The disaster of July 15, 1982 could be characterized as a fair weather flood. Brief, but of unprecedented severity. It washed away bridges, destroyed road systems, inundated 177 businesses and flooded 108 homes. It also destroyed a hydroelectric plant, fish hatchery and caused three confirmed deaths. At the west end of Estes Park near the beginning of the downtown business corridor, flood waters could not pass under a bridge clogged with debris and instead flowed over the structure and down Elkhorn Avenue through the central part of town. The waters rose up to six feet deep in many of the downtown stores, 2.5 times the estimated 500 year flood depth.

Just below the town of Estes Park is the Olympus Dam and reservoir, part of the Bureau of Reclamation's Colorado—Big Thompson Project. About 7:15 am. BuRec's Bob Berling was notified that the Lawn Lake Dam had failed, and immediately initiated actions to absorb floodwaters into Lake Estes. Knowing the size of Lawn Lake, Reclamation experts realized that with proper releases, the Olympus Dam reservoir (Lake Estes) would be able to contain the flood surge. First, water entering the reservoir from the West Slope Reservoirs was shut off, then releases to the Olympus Tunnel/Power system were increased to its maximum carrying capacity of 575 cubic feet per second. Releases to the river were maintained at 420 cubic feet per second.

At 9:15 am, peak inflow to Lake Estes was 6,000 cubic feet per second. The lake captured nearly 700 acre-feet of water and an enormous amount of debris (trees, silt sections of buildings, etc.), raising the elevation of the reservoir to within two feet of holding capacity at 7,473 feet above sea level. Fortunately most of the debris lodged at the south shore of the reservoir away from the dam's radial gates, allowing the gates to operate freely.

By afternoon, the Bureau decided to contract out the clean-up work for the reservoir, citing the usual quick response of local contractors to procurement needs. By evening, the work had been bid and was awarded to Donkehm Construction Company of Fort Collins. A second contract was awarded July 29 to Varra Companies, Inc. (AGC) of Broomfield for the removal of sand, gravel and rock which was used to enlarge an existing levee adjacent to the inlet area. These two projects were essential in restoring the water quality of lake Estes, a multi-purpose reservoir used for recreation, water supply and hydropower.

Total dollar losses from the Lawn Lake/Cascade Dams' failure as estimated by Federal Emergency Management Agency officials:

Private Business Sector	$17,200,000.00
Home and Personal Property	1,570,000.00
Rocky Mountain National Park	4,980,000.00
Agricultural Losses	2,550,000.00
Public Facilities	4,130,000.00
Total	$30,430,000.00

The town of Estes Park and Larimer County participated in an intergovernmental Flood Hazard Mitigation Report in response to the July 22 disaster declaration by the President of the United States. The hazard mitigation team made recommendations which are universally applicable to communities downstream from dams:

A. Design Standards and Mapping.—Structures in areas susceptible to floodwaters should be designed and constructured to pre-determined standards. More accurate floodplain mapping will delineate inundation zones for developers.

B. Minimize Flood Recurrence.—Any flood-lessening measure as opposed to actions that accommodate flooding. Examples include: dam safety and inspection program; streambank and channel clearing; slope reduction; debris removal.

C. Hazard Warnings.—Warning and evacuation plans; and coordination of all resources to lessen the effect of the disaster (public sector leadership and private sector participation—Red Cross, individual volunteers, contractors with heavy equipment, etc.).

D. Structural Measures.—Approaches that address the inevitability of flooding and offer a degree of physical protection. This involves elevation, floodproofing, new construction and reconstruction of existing structures.

This article is based on reports published in the following newspapers and government reports: "Post Flood Recovery and Progress Report," January 15, 1983, by FEMA Region VIII Intergovernmental Hazard Mitigation Team; "The Lawn Lake Dam Failure," December, 1982, by Wayne J. Graham and Curtis A. Brown, Bureau of Reclamation; "Report of the Bureau Response to Lawn Lake Dam Failure," August 3, 1982, by Robert L. Berling/BUREC; "Rocky Mountain Region; Report on Dams," August 1982, by Ronald E. Hermance/National Park Service; "Lawn Lake Dam Failure & Fall River Flood," August 6, 1982, by the Town of Estes Park and Larimer County, Colo.; and accounts published in Estes Park Trail Gazette, Denver Post, Boulder Daily Camera, Rocky Mountain News, Salt Lake Tribune, and The Washington Post.

Other high dams in the U.S. include: No. 15—Hoover, 221 feet, Nevada, 1936; No. 18—Dworshak, 219 feet, Idaho, 1972; No. 19—Glen Canyon, 216 feet, Arizona, 1964; No. 22—Auburn, 210 feet, California, Engineered but unfunded.

[2] Source: Robert B. Janse, "Dams and Public Safety—A Water Resources Technical Publication," U.S. Department of the Interior, 1980.

MAJOR DAM DISASTERS OF THE PAST CENTURY

Dam	Country	Year	Approximate No. of lives lost
South Fork	U.S.A.	1889	2,200
Valparaiso	Chile	1888	[1] 100
Walnut Grove	U.S.A.	1890	150
Bouzey	France	1895	[1] 100
Austin	U.S.A.	1911	80
Bila Desna	Czechoslovakia	1916	65
Lower Otay	U.S.A.	1916	30
Gleno	Italy	1923	600
Eigiau-Coedty	Wales	1925	15
St. Francis	U.S.A.	1928	450
Zerbino	Italy	1935	[1] 100
Malpasset	France	1959	420
Vega DeTera	Spain	1959	144
Oros	Brazil	1960	[2]
Kuala Lampur	Malaya	1961	600
Hyokiri	South Korea	1961	250
Baldwin Hills	U.S.A.	1963	5
Vaiont	Italy	1963	2,600
Zgorigrad	Bulgaria	1966	95
Nanaksagar	India	1967	100
Sempor	Indonesia	1967	200
Buffalo Creek	U.S.A.	1972	125
Teton	U.S.A.	1976	20
Machhu II	India	1979	2,000

[1] Plus.
[2] Unknown.

A DIRTY DOZEN

[12 of the most unsafe dams in the U.S. (not ranked)]

Dam	Location and owner	Problem	Cost to repair
Candidates:			
1. Jackson Lake Dam	Wyoming, Bureau of Reclamation	Foundation	$82.0 million.
2. Waltonville Lake Dam	Illinois, Town of Waltonville	Structural	Unknown.
3. Lake Harmony Dam	Missouri, Prop. Assoc. of L. Harmony	Stability	Unknown.
4. Veaucluse/Flat Rock Dams	South Carolina, Graniteville Manufacturers	Structural	Unknown.
5. Waterbury Dam	Vermont, Corps of Engineers	Seepage	Unknown.
6. Casitas Dam	California, Bureau of Reclamation	Foundation	$5.0 million.
7. Haiku Dam	Hawaii, Maui Irrigation Co	Seepage	Unknown.
8. Mod Branch Dam	West Virginia, City of Welch	Structural	Unknown.
9. Dugan Lake Dam	Indiana, W.M. Dugan	Stability	Unknown.
10. Marian Lake Dam	Missouri, Lake Sherwood Estates	Seepage	Unknown.
11. Rye Patch Dam	Nevada, Bureau of Reclamation	Foundation	$4.0 million.
12. Lake Chateau Dam	Missouri, Lake Chateau Inc	Seepage	Unknown.

Source: Based on inventories by the U.S. Army Corps of Engineers, Bureau of Reclamation, and various State dam officials.

WHERE ARE THE HIGHEST DAMS IN THE WORLD?

Name	Country	Type	Height (feet)	Completion	Status
1. Rogun	U.S.S.R.	Earth	1,082	1985	Under construction.
2. Nurek	U.S.S.R.	Earth	1,040	1986	Under construction.
3. Grand Dixence	Switzerland	Gravity	935	1962	Operational.
4. Inguri	U.S.S.R.	Arch	892	1985	Under Construction.
5. Chicoasen	Mexico	Rockfill	866	1980	Operational.
6. Vaiont	Italy	Arch	860	1961	Operational after Landslide.
7. Mica	Canada	Earth	794	1973	Operational.
8. Sayan-Shushen	U.S.S.R.	Arch	794	1980	Operational.
9. Mauvoisin	Switzerland	Arch	777	1957	Operational.
10. Chivor	Columbia	Rockfill	776	1975	Operational.
11. Oroville	U.S.A.	Earth	770	1968	Operational.
12. Chirkey	U.S.S.R.	Arch	758	1975	Operational.

Source: Robert B. Jansen, "Dams and Public Safety—A Water Resources Technical Publication," U.S. Department of the Interior, 1980.

Responsibilities of Federal Agencies Involved With Dams

(By David A. Johnston)

U.S. Army Corps of Engineers: The Corps of Engineers has some degree of responsibility or jurisdiction for five categories of dams: 1) structures the Corps plans, designs, constructs and operates; 2) dams the Corps designs and constructs but others operate and maintain; 3) dams owned by other agencies in which flood control storage has been provided at federal expense; 4) dams for which the Corps issues permits; and 5) dams which the Corps covered in its inventory and inspection work under the National Dam Inspection Act.

The Corps has sole responsibility for the safety of the dams in category 1 and shares the responsibility in category 2. The owners and agencies are responsible for safety of dams in categories 3 and 4. Owners and state officials have the responsibility in category 5.

The Corps issues permits for the construction of nonfederal dams of the nation's waterways, but does not provide an independent engineering review. Unless another federal agency requires inspection of the dam, the permit requires the owner to operate and maintain the structure.

The following five agencies are within the Department of Agriculture.

Agricultural Research Service: Provides support services through research programs in hydrology and hydraulics and uses dams in specific research studies.

Farmers Home Administration: Provides loans and grants.

Forest Service: Has a degree of administrative control over more than 15,000 dams, with some direct responsibility for planning, design, construction and maintenance. The Forest Service also regulates dams operated by private owners on FS-administered land. The owner designs, contracts for and operates these dams and the Forest Service reviews and approves activities relating to dam safety.

Rural Electrification Administration: Provides loans and loan guarantees for dams for hydroelectric generating plants and thermal electric plants.

Soil Conservation Service: More than 25,000 dams have been built with some form of assistance from the SCS, as part of its programs to assist landowners and users in the conservation and enhancement of soil, water and related resources. SCS does not

actually own dams, but does operate cost-sharing programs under the Watershed Protection and Flood Prevention Act and the Resource Conservation and Development program. SCS also provides technical assistance to individuals and groups. However, for "nonproject" dams in which SCS had only a technical assistance role, the agency does not monitor inspections and therefore cannot maintain an assessment of those structures' condition.

SCS requires that state conservationists base continued technical and financial assistance on a state's progress with its own dam safety program.

Where failures and deficiencies occur and SCS becomes involved, an engineering report is prepared "to improve procedures for future design and construction," according to SCS's report an implementation of the Federal Guidelines for Dam Safety.

Federal Energy Regulatory Commission: Authorized under the Federal Power Act to regulate and license nonfederal hydroelectric projects, issuing licenses to private individuals and corporations, states and municipalities. According to the most recent figures available, FERC has regulatory authority over more than 1,200 dams.

The following eight agencies are within the Department of Interior.

Department of the Interior: The Bureau of Reclamation, Fish and Wildlife Service, National Park Service, Bureau of Indian Affairs and Bureau of Land Management all own dams, and all have direct project responsibility for planning, design, construction, and operation/maintenance. In addition, the U.S. Geological Survey, Bureau of Mines and Office of Surface Mining have regulatory and support functions related to dams.

The Bureau of Reclamation controls some 240 reservoirs impounded by more than 300 dams and dikes in 17 western states.

Mine Safety and Health Administration (MSHA): MSHA enforces regulations on the disposal of mine and mineral processing wastes within impoundments, and has guidelines for design of dams suitable for such impoundment. MSHA periodically inspects the more than 1,100 dams associated with mining operations in the United States.

Nuclear Regulatory Commission: At nuclear power plant sites, the NRC regulates dams whose failure could result in a radiological risk to the public health and safety.

Tennessee Valley Authority: TVA has complete responsibility for the planning, design, construction, operation and maintenance of dams for navigation, flood control and generation of hydroelectric power. TVA generally performs all its construction work with its own forces, a situation AGC has been working to remedy since the 1930s.

TECHNICAL TERMS IN DAM CONSTRUCTION

Abutment: That part of the valley side against which the dam is constructed. Right and left abutments are those on respective sides of an observer when viewed looking downstream.

Acre-Foot: The volume of water that would cover one acre one foot deep or 43,260 cu. ft. or 325,851 gallons.

Active Storage: The volume of the reservoir that is available for use either for power generation, irrigation, flood control, or other purposes. Active storage excludes flood surcharge.

Aqueduct: An artificial way of conveying water, i.e., by canal, pipe, or tunnel; hence the expressions "connecting aqueduct" and "diversion aqueduct."

Arch Dam: Variations include arch centerline, angle arch, radius arch, crown cantilever, double curvature, fillet, etc. A concrete or masonary dam that is curved in plan so as to transmit the major part of the water load to the abutments.

Batter: Angle of inclination from the vertical.

Berm: A horizontal step or bench in the sloping profile of an embankment dam.

Blanket: An impervious layer placed on the reservoir floor. In the case of an embankment dam the blanket may be connected to the impermeable element in the dam.

Buttress Dam: Variations include multiple arch, flat slab, solid head, diamond head, etc. A dam consisting of a watertight upstream face supported at intervals on the downstream side by a series of buttresses.

Cofferdam: A temporary structure enclosing all or part of the construction area so that construction can proceed in the dry. A diversion cofferdam diverts a river into a pipe, channel, or tunnel.

Core (Impervious Core) (Impervious Zone): A zone of material of low permeability in an embankment dam; hence the terms central core, inclined core, puddle clay core, and rolled clay core.

Crest of Dam: The crown of an overflow section of the dam. In the United States, the term crest of dam is often used when top of dam is intended. To avoid confusion, the terms crest of spillway and top of dam should be used for referring to the overflow section and dam proper, respectively.

Crib Dam: A gravity dam built up of boxes, cribs, crossed timbers, or gabions and filled with earth or rock.

Culvert: A gallery or waterway constructed through any type of dam, which is normally dry but is used occasionally for discharging water; hence the terms scour culvert, drawoff culvert, and spillway culvert.

Cutoff: An impervious construction by means of which seepage is reduced or prevented from passing through foundation material.

Cutoff Trench: The excavation to be filled later with impervious material so as to form the cutoff. Sometimes used incorrectly to describe the cutoff itself.

Drainage Wells (Relief Wells): Vertical wells or boreholes usually downstream of impervious cores, grout curtains, or cutoffs, designed to collect and control seepage through or under a dam so as to reduce uplift pressures under or within a dam. A line of such wells forms a drainage curtain.

Drawdown: The resultant lowering of water surface level due to release of water from the reservoir.

Embankment Dam (Fill Dam): Other variations include homogenous earthfill, hydraulic fill, rockfill, zoned, rolled fill, etc. Any dam constructed of excavated natural material or of industrial waste materials.

Earth Dam (Earthfill Dam): An embankment dam in which more than 50 percent of the total volume is formed of compacted fine-grained material obtained from a borrow area.

Fetch: The straight line distance between a dam and the farthest reservoir shore. The fetch is one of the factors used in calculating wave heights in a reservoir.

Filter (Filter Zone): A band or zone or granular material that is incorporated in a dam and is graded (either naturally or by selection) so as to allow seepage to flow across or down the filter without causing the migration of material from zones adjacent to the filter.

Flood Plain: An area adjoining a body of water or natural stream that has been or may be covered by flood water.

Gate: In general, a device in which a leaf or member is moved across the waterway from an external position to control or stop the flow.

Gravity Dam: A dam constructed of concrete and/or masonry that relies on its weight for stability.

Headrace: A free-flow tunnel or open channel that conveys water to the upper end of a penstock.

Heel of Dam: The junction of the upstream face of a gravity or arch dam with the foundation surface.

Intake: Any structure in a reservoir, dam, or river through which water can be drawn in to an aqueduct.

Membrane (Diaphragm): A sheet or thin zone or facing made of a flexible impervious material such as asphaltic concrete, plastic concrete, steel, wood, copper, plastic, etc. A cutoff wall, or core wall, if thin and flexible is sometimes referred to as a diaphragm wall or diaphragm.

Overburden. All earth materials that naturally overlie rock.

Parapet Wall: A solid wall built along the top of a dam for ornament, for the safety of vehicles and pedestrians, or to prevent overtopping.

Penstock: A pipeline or pressure shaft leading from the headrace or reservoir to the turbines.

Precast Dam: A dam constructed mainly of large precast concrete blocks or sections.

Probable Maximum Flood (PMF): The flood that may be expected from the most severe combination of critical meteorologic and hydrologic conditions that are possible in the region.

Probable Maximum Precipitation (PMP): The maximum amount and duration of precipitation that can be expected to occur on a drainage basin.

Pumped Storage Reservoir: A reservoir filled entirely of mainly with water pumped from outside its natural drainage area.

Reservoir (Man-Made Lake): An artificial lake, basin, or tank in which water can be stored.

Riprap: A layer of large uncoursed stones, broken rock, or precast blocks placed in random fashion on the upstream slope of an embankment dam, on a reservoir shore, or on the sides of a channel as a protection against wave and ice action. Very large riprap sometimes is referred to as armoring.

Rollcrete: A no-slump concrete that can be hauled in dump trucks, spread with a bulldozer or grader, and compacted with a vibratory roller.

Seepage: the interstitial movement of water that may take place through a dam, its foundation, or its abutments.

Seepage Collar: A projecting collar usually of concrete built around the outside of a pipe, tunnel, or conduit, under an embankment dam, to lengthen the seepage path along the outer surface of the conduit.

Sill: (a) A submerged structure across a river to control the water level upstream. (b) The crest of a spillway.

Slope: Inclination from the horizontal. Expressed in percent when the slope is gentle; in this case also termed gradient.

Slurry Trench: A narrow excavation whose sides are supported by a slurry made of mud, clay, or cement and mud filling the excavation. Sometimes used to describe the cutoff itself.

Spillway: A structure over or through which flood flows are discharged. If the flow is controlled by gates, it is considered a controlled spillway; if the elevation of the spillway crest is the only control, it is considered an uncontrolled spillway.

Fuse Plug Spillway: A form of auxiliary or emergency spillway comprising a low embankment or a natural saddle designed to be overtopped and erroded away during a very rare and exceptionally large flood.

Ogee Spillway (Ogee Section): An overflow in which the cross-section of the crest, downstream slope, and bucket forms an S or ogee curve.

Primary Spillway (Principal Spillway): The principal or first-used spillway during flood flows.

Shaft Spillway (Morning Glory Spillway): A vertical or inclined shaft into which flood water spills and then is conducted through, under, or around a dam by means of a conduit or tunnel.

Side Channel spillway: A spillway in which the crest is roughly parallel to the channel immediately downstream of the spillway.

Siphon Spillway: A spillway with one or more siphons built at crest level.

Stilling Basin: A basin constructed so as to dissipate the energy of fast-flowing water, e.g., from a spillway or bottom outlet, and to protect the river bed from erosion.

Toe of Dam: The junction of the downstream face of a dam with the ground surface. Also referred to as downstream toe.

Waterstop: A strip of metal, rubber, or other material used to prevent leakage through joints between adjacent sections of concrete.

Weir: A low dam or wall built across a stream to raise the upstream water level. Termed fixed-crest weir when uncontrolled. Types of weir include broad-crested weir, sharp-crested weir, drowned weir and submerged weir.

New Technology for Dam Repair and Modification

(By Billy J. Brink)

The Bureau of Reclamation is actively engaged in many facets of new technology related to safety of both new and existing dams, including the modification and repair of existing structures. Several projects describing technological innovations recently used by the Bureau are described in this article.

Inadequate spillway capacity is one of the primary reasons some Bureau dams require rehabilitation and modification. With advances in the fields of hydrology and meteorology and an increased streamflow and runoff data base, the probable maximum flood a dam must safely withstand may increase substantially over the original design flood. This is especially true for older dams. If design analysis indicates that a spillway is not adequate to safely pass the updated flood, modifications must be made.

The Bureau is also involved in enlarging dams and reservoirs to meet increasing downstream water demands to provide additional flood control capacity in reservoirs, and to develop greater hydroelectric generation capabilities. One of the major difficulties in raising a dam is modifying the spillway to function adequately at higher reservoir levels.

An alternative that should be considered for these modification needs is the use of a labyrinth spillway. These spillways are particularly well suited for rehabilitation of existing structures because the developed crest length can be greatly increased for a given width. This increased crest length allows passage of a greater design flood. A free overflow labyrinth spillway provides reservoir storage capacity equal to the traditional gated structure, which requires manual or mechanical operation. In addition, labyrinth structures may be built economically, provided an adequate foundation is available. This design was incorporated in the modification of the spillway at Ute Dam in New Mexico, resulting in an estimated savings of $20,000,000.

Increased Spillway Capacity for Safer Dams

Dam safety concerns have renewed interest in the use of fuse plugs as an economical alternative to installing gates in auxiliary spillways. A fuse plug is an embankment designed to wash out in a predictable and controlled manner when flow capacity in excess of the normal capacity of the service spillway and/or outlet works is needed. An uncontrolled overflow spillway with a high crest elevation would serve the same purpose; however, the uncontrolled spillway would have to be very wide to pass a large flow. A fuse plug controlled auxiliary has the advantage of developing deeper flow after the embankment is washed away, thus allowing the spillway channel to be narrower. Several methods are now available to provide spillway capacity for infrequently occurring floods. One of the most common and least expensive alternatives is to provide flood surcharge. Additional surcharge space, however, may not be available for several reasons: development along the reservoir shoreline, raising the dam crest may be impracticable, or additional reservoir head could result in damaging flows to existing waterway structures. Another alternative is to provide an auxiliary spillway. Constructing a fuse plug across the auxiliary spillway would restrict the operation of the waterway to floods of infrequent occurrence, much the same as the installation of gates. In many cases, auxiliary spillways with fuse plug embankments can provide an economical alternative to passing all of the flow through concrete structures. The fuse plug embankment is designed to preclude use of the auxiliary spillway during minor floods.

Another method of providing emergency spillway capacity for embankment dams involves the use of flexible membrane-lined emergency spillways. The membrane industry in the United States and abroad now offers a wide range of materials for consideration. Although limited work has been done by others in this field, the results appear promising.

The Bureau of Reclamation has begun an investigation on the use of flexible membranes as a low-cost means of constructing emergency or auxiliary spillways for a variety of low-head structures, including embankment dams. With increased experience and knowledge, consideration can be given to higher head structures. The purpose of this investigation is to define design and construction guidelines and materials requirements.

A field study has been started and construction is expected to be completed in 1985. It will involve installation of 262-foot-long, 36-mil hypalon flexible membrane lining on a spillway at Cottonwood Dam, located near Grand Junction, Colo., at an elevation of 10,000 feet. A study program will follow the installation to evaluate the design, field performance, and materials used.

Other Methods for Improved Dam Safety

In many cases, raising an existing dam is the best method for improving its safety and may provide other benefits. Lake Sherburne Dam, located in northern Montana, was constructed by the Reclamation Service, between 1914 and 1921, to provide reservoir storage for irrigation of project lands. The embankment is a rolled earthfill structure consisting of high density gravelly clay. Prior to a recent modification, the dam had a structural height of 85 feet and crest length of 900 feet. The reservoir formed behind the dam had a total capacity of about 90,000 acre-feet.

Original designs included an 8,000 ft^3/s concrete overflow spillway to pass floodflows. During construction, slide movements on the unstable abutment above the spillway forced abandonment of the spillway, leaving only the 2,000 ft^3/s outlet works for reservoir discharge. It was recognized that additional discharge capability was needed and in 1961, an overflow spillway was added to the outlet structure. This increased reservoir discharge capacity to approximately 4,200 ft^3/s.

Using new procedures and updated hydrometeorological data, a new probable maximum flood for the watershed above the dam was developed. This flood would have a peak reservoir inflow of 32,700 ft^3/s and five-day volume of 69,000 acre-feet. Routing the flood through the reservoir and outlets indicated that the existing dam could be overtopped by as much as 1.6 feet. Because this overtopping would cause dam failure, corrective measures were necessary. Modification of the existing structures was chosen as the least costly alternative since it would provide the necessary protection against dam failure without reducing project benefits. Based on significant cost advantage, raising the crest with a retaining wall of reinforced earth and precast concrete panels was selected as the most practical method of structural modification. This would require no modification to the stilling basin structure and only one season to construct.

Monitoring Dam Safety

The Bureau has long recognized the importance of instrumentation in the design, construction, and operation of dams under its jurisdiction. During the last five years, an increased emphasis has been placed on the timely use of instrumentation data for surveillance and analysis of its structures. In 1978, centralized responsibility for instrumentation data gathering functions for concrete and embankment dams was instituted. Since the new equipment still relied on manual input of hand-recorded data transmitted by mail, a program was developed to provide electronically gathered data, automatic transmittal of any out-of-limit warning values, and, on demand, a record of all the latest structural behavior data from Bureau dams.

This dam monitoring automation program encompasses a wide range of areas, from landside surveillance to embankment and

concrete dam instrumentation throughout the western United States. To meet these diverse requirements, a system was designed which would provide for the distribution of sensor data within each structure. Data monitors were strategically located and linked to a master station which would gather the information for transmission. A terminal was supplied at the master station to allow the operator to monitor data, program sensors, and perform diagnostics throughout the system. Each data monitor has a miniterminal attached, which allows the operator to perform local scanning and calibration of sensors.

Telephone transmission of data from the master station at the dam to outside locations was selected as the most universal means of data distribution. Microcomputers interfaced to the telephone system at the regional and design offices can peform data request, receipt, storage, and presentation functions.

CAUSES AND STUDIES OF DAM FAILURE

Overtopping of earth embankments is a common cause of dam failure. To study the nature and modes of failure resulting from overtopping, the Bureau is conducting model studies in its hydraulic laboratory. These studies will investigate various methods for preventing or delaying dam failure such as slope protection, a hard capped crest, various slopes, and toe erosion.

In addition to the above studies, the Bureau has an active research program, a part of which is specifically directed to improved repair methods and to other dam safety considerations. These studies include concrete repair, protective coatings, prevention of cavitation, cement and chemical grouting, dynamic analysis of structures, liquefaction of soils, flood flow routing and reducing spillway damage.

As the age of Bureau structures increases, it is expected that other technological innovations will be used by the Bureau of Reclamation in the repair and maintenance of its facilities.

(Billy J. Brink is a physical scientist and research coordinator of the Division of Research and Laboratory Services, Bureau of Reclamation, Denver, Colo.)

DAM PROJECTS ON THE EDGE OF OPTIMISM

Federal budgetary pressures have slowed construction of locks and dams while new mechanisms for water projects financing have been examined. This downward trend in dam construction has been realized at all levels. The U.S. Corps of Engineers and the Bureau of Reclamation have decreased their respective budgets by 1.25 percent every year for 30 years. In Congress, House and Senate members have not approved an omnibus water resource authorization bill in seven years.

But the turnaround in dam spending may be near. Rep. Robert Roe (D-N.J.) and Senator James Abdnor (R-S. Dak.) have both introduced omnibus water project authorization bills (H.R. 3678, S. 947). Rep. Roe's bill would authorize nearly $15 billion in federal water projects during the next 10 years for more than 150 new or expanded projects. To offset the cost of the bill, Rep. Roe is proposing to deauthorize more than 300 other projects considered environmentally unsafe or no longer essential, representing a savings of over $11 million.

If Roe's bill does pass, a multitude of benefits could be realized: flood control, water supply, irrigation water for farmers, recreation and hydroelectric power. If the bill or a similar measure does not get through Congress, floods and droughts, which periodically plague parts of the country, are likely to continue.

Severe flooding along the Colorado River and the Great Salt Lake last spring no doubt increased the pressure for dam construction, especially on flood control projects. Total U.S. flood damage sustained in FY 1983 was slightly over $4 billion, well above the average of $1.5 billion. According to the U.S. Army Corps of Engineers' Annual Flood Damage Report, only one other year, 1972, recorded greater damages of $4.5 billion. During FY 1983, approximately 200 lives were lost in flood-related incidents primarily in the Lower Mississippi River Valley and Southern Gulf states.

While some regions were plagued by floods last year, others were hit by droughts. The hot and dry weather conditions during last summer caused significant monetary losses to the agricultural community, the Corps reported. The losses in corn and soybean crops alone are estimated to be in the billions of dollars.

Although the nation's natural supply of water appears to be more than adequate to meet the needs of its present population, the real problem is not inadequate quantities of water nationwide, but in the fact that good quality water is not always available at specific times and places.

Nearly every state has identified water supply problems. Localized problems of inadequate surface-water supply have been identified by the U.S. Water Resources Council in its second national water assessment in every region of the country. However, 17 of the 106 subregions they looked at have or will have a serious problem of inadequate surface-water supply by the year 2000, the Council predicts.

In other areas of the country, groundwater overdraft has been underway for a number of years, complicated by inadequate planning for long-term consequences of the loss of groundwater supplies. Moreover, the discharge of groundwater has resulted in poor quality groundwater. According to the Council, groundwater levels are declining from 7 to 10 feet per year in areas such as the High Plains, central Arizona and parts of California.

While these reports indicate that the nation's dam structures are far from being completed, there is additional pressure to repair or replace existing dams that are beginning to show their age. The nationwide inspection for some 9,000 non-federal dams undertaken by the Corps found that about one-third or nearly 3,000 dams are unsafe because of inadequate spillway capacity, unstable structural components, seepage or inoperable components.

The fiscal year 1985 budgets of the three primary agencies responsible for construction and maintenance of dams—The U.S. Army Corps of Engineers, the Interior Department's Bureau of Reclamation and the Agriculture Department's Soil Conservation Service—all are asking for increases in their maintenance budgets. The Corps of Engineers' operations and maintenance expenditure, for example, is much greater than its general construction budget. The budget request for fiscal year 1985 for operation and maintenance is nearly $1.3 billion while for general construction it is $874 million.

Repairing the nation's water infrastructure has also received widespread attention in Congress. Both houses have reported out bills that would amend the Reclamation Safety of Dams Act of 1978 which authorizes $100 millon for dam safety repair. The House bill authorizes an additional $650 million for safety improvements for western dams while the Senate bill calls for an additional $550 million.

Federal funds are also likely to go toward completing projects already started. The Bureau of Reclamation is seeking federal dollars in fiscal year 1985 to complete the Central Arizona Project, authorized in 1968, which will pump water out of the Colorado River, up some 1,000 feet and across 300 miles through a system of aqueducts and reservoirs to house taps and irrigation sprinklers near Phoenix and Tucson. Besides completing the Central Arizona Project, the Bureau of Reclamation is also hoping to complete the $2 billion Auburn Dam in Auburn, Calif. The project was halted in 1975 after an earthquake occurred, 41 miles north of the site.

This is increasingly the kind of contract the three main agencies intend to award. Other likely projects, the Corps claims, are hydroelectric facilities. The Corps, now the single largest U.S. hydroelectric power producer, has completed a study which identified about 2,000 sites that have potential for future hydro-electric development. In all, the Corps identified 1,948 economically feasible projects with no overriding environmental, social or other economical constraints that would preclude development. Of these sites, 1,407 have existing dams and 541 are underdeveloped. The areas they see the most promising: the Pacific Northwest; Rocky Mountain states such as Colorado, Utah and Wyoming; Eastern Pennsylvania; Michigan; and Wisconsin. In the Pacific South, the creation of reservoirs for hydropower could be a real benefit if water supply was added as a purpose of each facility, the Corps noted. The North Atlantic, the most promising area for hydropower, has a number of dams in need of replacement because of high hazard ratings from the Corps. Furthermore, in the South Atlantic, major emphasis is being placed on the restoration and retrofitting of Soil Conservation Service impoundments and on several small-scale hydro facilities, particularly abandoned dams from 19th century textile mills in the Western Carolinas and Northern Georgia.

The report adds that although construction activity right now on hydro facilities is minimal, there are a number of large-scale multiple-purpose projects which are now in various stages of planning and design, and many of these are expected to proceed to construction. "A conservative forecast is that a large percentage of existing dams will be retrofitted with hydroelectric power facilities and that the construction of new dams will continue, although perhaps at a slower rate than experienced over the past 30 years," the report concluded.

Many see the tilt in dam construction dependent on the success of cost sharing—the amount that state and local beneficiaries spend for each project's cost. In all 14 new construction starts, the Corps has proposed in its FY 1985 budget, that all have local and state sponsors pay for a greater share than they have historically. Funds totaling $32 million are budgeted in FY 1985 to finance the second year requirements of the 12 projects the Corps proposed in FY 83 and

FY 84 budgets, and $3 million is budgeted to finance the first-year requirements of two new starts for FY 1985. The total project cost for the 14 new starts is expected to be $631 million.

One area apparently not affected by the cost-sharing requirement is recreational facilities. Approximately $22 million have been authorized to recreational facilities through FY 1984, and an additional $25 million is included in the FY 1985 budget. All work is being undertaken at 100 percent federal cost and is expected to be completed by FY 1988.

Even if state and local funding is guaranteed, contractors interested in dam construction will not likely see increases in their market unless the seven-year stalemate in Congress ends. Rep. Roe's bill stands the best chance for passage, particularly those seven key projects he has identified as critical. They are:

Replacement of the Gallipolis Locks and Dam on the Ohio River (Ohio and West Virginia).

Replacement of Oliver Lock and Dam on the Black Warrior-Tombigbee River (Alabama).

Replacement of Winfield Locks and Dam on the Kanawha River (West Virginia).

Replacement of Lock and Dam 8 on the Monongahela River (Pennsylvania).

Construction of a second lock (600 feet long) at Lock and Dam 26 on the Mississippi River (Alton, Ill.).

Construction of a second lock at Bonneville Lock and Dam on the Columbia River (Oregon and Washington).

As the 1984 election draws near, there might be more support for a water resources bill. As a Corps spokesman put it: "Dam construction can't be held back much longer."

INCENTIVE TO REBUILD . . . OWNERS CAN GET LOW-INTEREST LOANS IN SOME STATES

Because dams deteriorate over time and the decline is usually unnoticed, it can be a shock for an owner to suddenly find, after an inspection, that his dam needs major repairs in order to meet state or national safety requirements. But in some states, the regulatory authorities making those inspections are offering a way to ease the financial burden.

Joseph J. Ellam is chief of the Division of Dam Safety within Pennsylvania's Department of Environmental Resources. He is also head of the new National Association of Dam Safety Officials in Pennsylvania and a growing number of other states, Mr. Ellam says, states are offering grants and low-interest loans to public and private owners for dam repairs. Pennsylvania's $300 million water facility loan program was created out of a bond issue. It offers loans at 8 percent interest for dam repair and upgrading of associated distribution systems. The loan program provides valuable assistance to owners such as Pennsylvania Gas and Water Company, 16 of whose dams were found in need of a total of $21 million in repairs. Municipalities are also among the owners taking advantage of the program, Mr. Ellam says.

He credits the program for an increase in dam rebuilding in Pennsylvania. In 1983, 44 permits for such construction were issued by his office. By the end of March 1984, 26 had been issued already for the year.

The Division of Dam Safety, and counterpart agencies in other states that have such loan programs, usually negotiate a consent agreement with owners whose dams have been found unsafe, and establish a schedule for the needed repair.●

BALTIC FREEDOM DAY

● Mr. RIEGLE. Mr. President, today marks the third consecutive year in which the Senate has designated June 14 as Baltic Freedom Day. As the author of the legislation which called on the Congress to pay tribute to the Baltic nations in 1982, I am pleased to join Senator D'AMATO as a cosponsor of this year's resolution commemorating Baltic Freedom Day.

Mr. President, in the many years that the Congress has lent its voice to those of the citizens in this country and the world in calling upon the Soviets to grant to the peoples of the Baltic States of Latvia, Lithuania, and Estonia the freedom that was taken from them, the situation has not improved.

The 44 years since the Molotov/Ribbentrop Pact "gave" the Baltic States to the Soviet Union have seen increasing efforts by the authorities there to Russify the Baltic people. The Baltic people have had to endure the forced relocation away from their homelands and an all-out assault against the traditional values of family and religion which they hold so dear. The native languages of Latvia, Lithuania, and Estonia, as well as the ethnic traditions unique to each group are slowly being eliminated as the Russian language and traditions are imposed on the Baltic people.

Despite these hardships, the Baltic peoples continue to fight to retain their national identity. Amnesty International reports that the Soviet authorities "continue to imprison members of non-Russian nationalities who protest against what they consider an official policy of Russification." Today, in Latvia, as in Lithuania and Estonia, the KGB has intensified its campaign against real and perceived dissents. Reports of terror, repression, and other human rights violations against minorities in the Soviet Union are so commonplace that they rarely make the news in the West. We hear, however, from recent Soviet emigres, that terrorism in the Baltic States is on the rise.

Still, resistance to Soviet rule remains, as it has for decades, the dominant factor of political life in the Baltic States. Citizens of Latvia, Lithuania, and Estonia remain defiant, and continue to demonstrate their opposition to repressive Soviet policies.

Dissidents who have made their way out of the Soviet Union to the West report that one of the most critical contributions those of us here can make to the efforts of those fighting for their freedom, is to speak out publicly on their behalf. We in the West have the unique opportunity to remind the Soviet authorities of the commitments they have made, as a signatory to international treaties and accords, to upholding the fundamental human rights of their citizens.

And so, Mr. President, today I join with my colleagues in the Senate in expressing support for the aspirations of the Baltic people to regain the freedom they once enjoyed, and in calling upon the Soviet Government to respect the sovereignty of the Baltic nations of Latvia, Lithuania, and Estonia.●

VIGIL FOR SOVIET JEWRY

● Mr. RIEGLE. Mr. President, I am pleased to join Senator LEVIN and Senator HEINZ and my other colleagues in observing the plight of Soviet Jews through participation in the Congressional Fast and Prayer Vigil. The occasion of the 14th anniversary of the infamous Leningrad trials brings us together for this vigil. These trials, in which 11 Soviet dissidents, including 9 Jewish refuseniks were tried and imprisoned, focused international attention on the continued denial of human rights in the Soviet Union.

Despite their signing the Helsinki accords and other solemn agreements, the Soviet Government continues to blatantly violate the fundamental human rights of its citizens. One of the groups which has suffered greatly from the repressive policies of the Soviet Union is the Soviet Jews.

Article 52 of the Soviet constitution guarantees freedom of conscience, that is, the right to profess or not to profess any religion, and to conduct religious worship or atheistic propaganda. Unfortunately, restrictions still apply to Soviet Jews.

Despite these legal protections, the Jews face a daily struggle as they try to maintain their religious identity. A vicious media campaign is being conducted which is directed specifically against Judaism. Although more than 2½ million Jews live in the Soviet Union, the Kremlin prohibits the existence of Jewish schools. Parents find it difficult to teach their children Judaism because they themselves often lack the necessary knowledge and have no sources of authority to turn to for guidance. The absence of synagogues, rabbis, and religious books present additional obstacles to Jews in the Soviet Union seeking to practice their religion.

Discrimination also exists in higher education, where admission of Jewish students into graduate school has

dropped dramatically. Many teachers have been subjected to arbitrary arrests, searches, and seizures. They have been slandered in the press, threatened with prosecution and been forced to undergo interrogation.

In addition to these violations of the rights of Soviet Jews, there is another which is even more distressing. That is, the Kremlin is now trying to sever the link between Jews living in the Soviet Union and their relatives and friends abroad. Tens of thousands have applied for permission to emigrate from the Soviet Union to join their families in Israel and elsewhere, only to have their requests denied. Over the past few years, the number of those permitted to emigrate has declined dramatically. In May of this year, only 109 Soviet Jews emigrated from the Soviet Union, which is less than would have left on a typical day in 1979.

Mr. President, the dismal emigration figures, accompanied by reports of increasing persecution of these people, clearly indicate that the plight of Jews in the Soviet Union is worsening.

The issues of emigration and human rights were key topics of discussion when I, along with several other Members of the U.S. Senate, met with Chairman Andropov in the Soviet Union last summer. We shared with the Soviet leader the concern of the American people for those—many of them Jews—who seek to emigrate and cannot; for those who have pleaded publicly for peace and for adherence to the Helsinki agreement, and who have been persecuted or jailed. As part of our appeal, we left individuals letters with Chairman Andropov requesting relief on behalf of some lesser-known dissidents seeking permission to emigrate.

Although the response to my own appeals on behalf of my constituents has not been encouraging, I believe that we must continue to pursue every diplomatic effort in an effort to awaken the Soviet Government to the reality that the fundamental human rights of its citizens cannot be ignored.

And so, Mr. President, today I join in speaking out against the intolerable oppression of Jewish people in the Soviet Union. It is my hope that today's Congressional Prayer Vigil and Fast will again focus the world's attention on the injustices endured by these courageous people, and will bring closer the day when the Soviet Government truly honors its commitments to protect the human rights and freedoms of all its citizens.●

BALTIC FREEDOM DAY

● Mr. PRYOR. Mr. President, June 14 has been set aside as "Baltic Freedom Day" so that we can take time to remember the fate of the many thousands of Estonians, Latvians, and Lithuanians who have been force to yield their liberty and independence to the Soviet Union.

Today is also an occasion to be thankful for the freedoms we enjoy in the United States, something which we can easily take for granted. We should also pause today to express the U.S. continued opposition to the Soviet Union's illegal occupation of the Baltic States.

We might well add to the list of Soviet victims Poland, Afghanistan and Eastern European countries like Hungary and Czechoslovakia, all of which have suffered the heavy oppression of the Soviets.

Many citizens of the Baltic States chose to flee their homes and settle in the United States, where they have become respected citizens. In Hot Springs, AR, an active Lithuanian American community has kept alive memories of the homeland, and I know that today their thoughts have turned to the sad history of their country of origin, which was torn between the world's worst tyrants—Hitler and Stalin.

The Lithuanian American community in Hot Springs is a constant reminder to me that while tyranny can conquer territory, it cannot conquer the spirit of a proud people.●

CONFEREES ON H.R. 4170

Mr. STEVENS. Mr. President, I ask unanimous consent that the conferees on H.R. 4170, Omnibus Deficit Reduction Act of 1984, be changed with respect to the Governmental Affairs Committee jurisdiction:

For subconference 6, concerning civil service issues, the minority conferees would be Senators EAGLETON, CHILES, and BINGAMAN.

For subconferences 7 and 11, concerning titles XV and XVI, the minority conferees would be Senators EAGLETON, CHILES, and LEVIN.

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

BILL HELD AT DESK—H.R. 5504

Mr. STEVENS. Mr. President, I ask unanimous consent that the bill H.R. 5504, the Surface Transportation and Uniform Relocation Assistance Act of 1984, be held at the desk for a period not to exceed 10 calendar days.

Mr. President, I make this request in order to allow formulation of a unanimous-consent agreement to provide for joint referral of H.R. 5504 to the several Senate committees with jurisdication over portions of the bill.

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

CORRECTIONS IN ENROLLMENT OF H.R. 1149

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate turn to the consideration of the House Concurrent Resolution 316 to make corrections to the enrollment of H.R. 1149, the Oregon wilderness bill.

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

The clerk will state the House concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 316) directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 1149.

The House concurrent resolution was considered and agreed to.

Mr. STEVENS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

ORDERS FOR FRIDAY

ORDER FOR RECESS UNTIL 10 A.M.

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate stands in recess today, it reconvene tomorrow morning at 10 a.m.

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

ORDER FOR RECOGNITION OF SENATORS KASTEN AND PROXMIRE

Mr. STEVENS. Mr. President, following the recognition of the two leaders under the standing order, I ask unanimous consent that the following Senators be recognized under orders for not to exceed 15 minutes each: Senators KASTEN and Senator PROXMIRE.

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

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that, following the time for the special orders tomorrow, there be a period for the transaction of routine morning business for not to extend beyond the hour of 11 a.m., with statements limited therein to 5 minutes each.

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

PROGRAM

Mr. STEVENS. Mr. President, following the time for routine morning business just provided for, the Senate will resume consideration of the pending business, the DOD authorization bill.

PENDING BUSINESS

Mr. NUNN. Mr. President, will the Chair give us the pending business to-

morrow morning after the period for morning business?

The PRESIDING OFFICER. The pending business will be to resume consideration of S. 2723 and the pending question will be amendment 3204, the amendment of the Senator from West Virginia [Mr. BYRD].

Mr. NUNN. I thank the Chair.

RECESS UNTIL 10 A.M. TOMORROW

Mr. STEVENS. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 10 a.m. on Friday, June 15, 1984.

The motion was agreed to and, at 12:53 a.m., the Senate recessed until Friday, June 15, 1984, at 10 a.m.