SENATE—*Tuesday, September 15, 1987*

The Senate met at 10 a.m. and was called to order by the Honorable TERRY SANFORD, a Senator from the State of North Carolina.

PRAYER

The PRESIDING OFFICER. Our prayer today will be offered by Rabbi Leslie Yale Gutterman, of Temple Beth-El, Providence, RI. He is sponsored by Senator CLAIBORNE PELL and Senator JOHN H. CHAFEE.

Rabbi Leslie Yale Gutterman offered the following prayer:

Let us pray:

G-d of the free, hope of the brave: In this historic valley of decision, we invoke Your blessing upon these Senators that their deliberations may lead our Nation from strength to greater and more certain strength. We thank You, Lord our G-d, for the goodly heritage of our democracy, our Constitution. May we always be worthy. Let us never disappoint ourselves by neglecting or abusing it.

We are all created in Your image. We are equal in our inalienable rights to life, liberty and the pursuit of happiness. May the world never have reason to believe that our actions do not equal our faith. May we always put service above self, ideals above interests, and moral responsibility above partisanship.

Help our Nation achieve peace and justice abroad and to preserve them at home. Commit us to strengthen our blessed land as we rededicate ourselves to You, to whom we give victory and majesty and dominion forever—Great G-d our King.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 15, 1987.

To the Senate:

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

JOHN C. STENNIS,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Chair recognizes the distinguished majority leader.

THE JOURNAL

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

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

Mr. BYRD. Mr. President, I yield from the leader's time such time as he may require to the distinguished Senator from Rhode Island.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is recognized.

PRAYER OF THE VISITING CHAPLAIN

Mr. PELL. Mr. President, we are greatly honored this morning by the presence of Rabbi Leslie Yale Gutterman, the senior rabbi at Temple Beth-El in Providence.

Rabbi Gutterman, who has been at Temple Beth-El since 1970, is a man of considerable wit and wisdom. He is a lecturer at Providence College and is very active in community affairs.

A popular speaker at public events, Rabbi Gutterman is widely noted for his perceptive humor. He is, of course, first and foremost a leading figure in Rhode Island's religious community.

Rabbi Gutterman is former president of the Jewish Family Service, which he now serves as honorary president; former president of the Rhode Island Board of Rabbis, and former chairman of the Rhode Island Community on the Humanities.

He also is among the 150 Providence residents selected to organize the celebration of Providence's 150th birthday. He currently also serves on the board of Miriam Hospital in Providence.

I am delighted that Rabbi Gutterman is here with us today in the Senate. I am honored to welcome him and express our appreciation to him for joining us and to say how personally glad I am because I consider him a dear friend.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. BYRD. Mr. President, I yield such time as he may require from the time under my control to Senator CHAFEE.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I join with my colleague and friend Senator PELL in welcoming Rabbi Gutterman this morning. As has been mentioned, he is really a leader in our State in all community activities. Of course, amongst religious leaders, he is one of our top ones and helps in inestimable ways.

I would like to make a comment about the personal characteristics of Rabbi Gutterman. In his prayer, he mentioned service above self. I think the life of Les Gutterman emphasizes that, service above self. I just think we are blessed in our State to have such a leader in our community, a leader in his religion and a leader in the community as a whole. We welcome Rabbi Gutterman as he honors us by his presence.

THE ART OF DIPLOMACY

Mr. BYRD. Mr. President, talks begin today between Secretary of State Shultz and Soviet Foreign Minister Shevardnadze on the full range of issues on the table between our two nations—arms control matters, bilateral relations, and regional questions, such as Afghanistan—as well as on human rights questions. The focus of the discussions is, as everyone knows, on the remaining issues which need to be resolved to conclude a treaty on intermediate nuclear forces, primarily in the European theater.

I remain cautiously optimistic about the prospects for a successful conclusion to an INF Treaty.

My position, and that of the Senate, will depend on the details of the treaty and on our collective judgment as to whether any treaty serves the national interest, and the interests of our allies and friends in Europe and Asia.

Let us not forget the important role the U.S. Senate has in the making of treaties. It requires a two-thirds vote in the Senate, of course, to approve the ratification of any treaty.

There will have to be a very thorough examination of its provisions, particularly on the question of verification, but also on the questions of its impact on the security and strength of the NATO alliance and on our relations with Japan, China, and the other nations of Asia.

I believe that the advice and counsel of members of the Senate Arms Control Observer Group will be of great value to the Senate if and when deliberations begin on an INF Treaty. That group was created by the distinguished minority leader and myself

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

some 2½ years ago, and it has diligently followed the details of the negotiations and has had very full cooperation by the executive branch.

If an INF Treaty if concluded, it will be the culmination of an effort spanning the last two administrations, an effort by both of our parties to meet a Soviet challenge to Western Europe by virtue of its deployment of SS-20 intermediate range missiles. This is an important lesson for us—we can more easily reach agreements which serve our national interest if there is clear and sustained bipartisan support for them.

Mr. President, the Secretary of State is engaged today and for the next couple of days in an exercise of diplomacy. It is the reaching of accommodations with an adversary nation through the exploration of common ground which is in our mutual interests. If it succeeds, I applaud it. But I must observe that such diplomatic successes have been few and far between under the present administration. There are many points of friction and conflict around the world, and between nations with which we are friendly. These continue to go on unresolved without any apparent effort by the United States to act as a creative broker, and a good friend to those nations. This is certainly the case in the Middle East where vigorous American efforts to bring the Arab-Israeli peace process back on track are needed. We have squandered our capital as a good faith broker in the Persian Gulf region for reasons now known all too well to the Nation as a result of the Iran-Contra investigation. We have not apparently attempted to ease tensions between India and Pakistan, which one presumes would ease the pressures in the Pakistani political system to move into dangerous waters on the question of nuclear weapons. We should certainly be making a vigorous attempt to ease the tensions, and begin a dialog between Greece and Turkey on the burning issues of the Aegean. Greece and Turkey are not only friends of the United States, but they are our partners in the NATO alliance.

The lack of vigorous, creative, and assertive diplomacy by the United States is disappointing and puzzling. It is highlighted again in Central America, where the nations of that region are making serious efforts, under the enlightened initiatives by President Arias of Costa Rica and with the support of President Cerezo of Guatemala, to bring peace to that region. Yet it is unclear whether the current administration is ready to make a very strong, good-faith attempt to help bring that peace process to fruition. I sometimes wonder whether the administration, wedded as it has been to the rhetoric of bluster, bravado, and confrontation with regard to the Sandinista regime, is afraid that the peace process in that region will succeed.

Where is American diplomacy when our Central American friends need it? Instead of focusing, immediately and once again, on military aid to the Contras, the administration should be challenging the Sandinista regime to live up to its commitments under the Arias plan, and should be engaging the Sandinista government directly, in bilateral discussions, regarding Soviet and Cuban military influence and hardware in Nicaragua, as a parallel track to the Arias plan talks. Instead, there is a lot of shuffling around, and no apparent commitment to lend American influence and diplomatic skill to achieve real and lasting accommodations in the region which would be in our national interest.

The Soviet Union has been engaging in a diplomatic challenge to the United States, in a range of theaters, such as the Persian Gulf and Western Europe, and the Middle East, and on the question of Cyprus. It even has had its puppet regime in Kabul, Afghanistan, active around the world, attempting to gain support for its legitimacy. The Kabul regime has almost no case going for it. It is illegitimate, and it is a tool of the Soviets. The Soviets are getting away with the impression that they have all but wrapped up their involvement in Afghanistan.

Mr. President, when that treaty on the INF comes before the Senate, there may be some efforts to add some understanding or whatever with respect to Afghanistan. We might be thinking in those terms.

The reality is far different—no tangible evidence yet exists that they are leaving Afghanistan. Instead, they are building up their infrastructure of war there, and they continue to maintain a force of some 115,000 troops. This deplorable situation should continually be brought to the world's attention by the United States.

Mr. President, during the remaining months of this administration, I hope that the art of diplomacy would be reinvigorated around the world, in those regions which continue to look to us for our good offices, and good judgment and our influence in the economic and political spheres. At least the initiation of such efforts could bear fruit in the next administration, just as I hope that the efforts to meet the Soviet challenge in Western Europe and the 1970's has now the promise of a successful conclusion to an INF Treaty during the present administration.

RESERVATION OF REPUBLICAN LEADER'S TIME

Mr. BYRD. Mr. President, I ask unanimous consent that the time of the Republican leader be reserved for his use later in the day.

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

Mr. BYRD. I yield the floor.

BICENTENNIAL MINUTE

SEPTEMBER 15, 1787: ELBRIDGE GERRY OPPOSES THE SENATE

Mr. DOLE. Mr. President, 200 years ago today, on September 15, 1787, delegates from 9 of the 12 States represented at the Federal Convention in Philadelphia, unanimously agreed to approve the newly drafted Constitution. Although outnumbered in the Massachusetts delegation, Elbridge Gerry, a signer of the Declaration of Independence and the Articles of Confederation, refused to sign the Constitution. In particular, he objected to the document's specific provisions for a Senate in which Members would serve 6-year terms and be eligible for reelection. During the subsequent ratification campaign, Gerry wrote:

> A Senate chosen for 6 years will, in most instances, be an appointment for life, as the influence of such a body over the minds of the people will be coequal to the extensive powers with which they are vested, and they will not only forget, but be forgotten by their constituents. A branch of the supreme Legislature thus set beyond all responsibility is totally repugnant to every principle of a free government.

Elbridge Gerry, described as a "man of sense, but a grumbletonian," also objected to the unlimited power of Congress over its Members' own salaries. He feared the role of the Vice President as the Senate's presiding officer would destroy the Senate's independence. He was particularly bothered by "the general power of the Legislature to make what laws they may please to call necessary and proper" and Congress' ability "to raise armies and money without limit." The Massachusetts delegate concluded that the best thing the Convention could do would be "to provide for a second general convention."

Despite his misgivings, Gerry reported to the Massachusetts Legislature that in many respects the Constitution had great merit, and, it could be made improved with the addition of a few amendments, including a Bill of Rights. Such was the spirit among the Constitution's framers, that even its opponents were willing to see it given a chance—200 years ago today.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to exceed 20 minutes with Senators permitted to speak therein for 5 minutes each.

The Senator from Wisconsin.

HOW WEINBERGER IS WRONG WHEN HE IS RIGHT

Mr. PROXMIRE. Mr. President, why should we persist in compliance with the ABM Treaty and go to the mat with the U.S.S.R. over any suspected violation by the Soviets of the treaty? No one has put the case more clearly than Secretary of Defense Caspar Weinberger when he said in a speech last January:

> I cannot envision any circumstance more threatening and dangerous for the free world than one in which our population and military forces remain vulnerable to Soviet nuclear missiles while their population and military assets are immune to our retaliatory forces.

There is the case for the ABM Treaty and for meticulous compliance on both sides. But Weinberger should ask himself, couldn't a Soviet Defense Secretary make precisely the same statement Weinberger made, but in reverse? Wouldn't the Soviets consider that the most threatening and dangerous development for them is one in which their population remained vulnerable to United States nuclear missiles while the United States population and military assets were immune to the Soviet's retaliatory forces? And isn't this just what a U.S. SDI—if it worked—would do? Think about that for a long moment. Isn't this exactly what a United States decision to proceed forthwith with repudiation of the ABM Treaty and deployment of SDI would surely signify to the Soviet Union? After all, what would SDI do if it worked except to destroy the credibility of the Soviet deterrent? This Senator is convinced SDI cannot achieve that, unless the Soviets freeze or reduce their nuclear offensive arsenal.

If we develop an SDI that can prevent half, that is 50 percent, of the Soviet arsenal from striking United States targets in a preemptive strike, what will Russia do? The answer is simple. The Soviets can simply double their arsenal of nuclear warheads to 20,000. Result: The same number of Soviet warheads would strike American targets as would be the case under present circumstances with no SDI facing the present 10,000 Soviet strategic warheads. If SDI would prevent 90 percent of Soviet warheads from reaching American targets, why couldn't the Soviets simply increase their warheads tenfold? Again the result would be the same. SDI is 90 percent effective. But 10,000 Soviet nuclear warheads strike their targets. Has anyone challenged the virtual certainty that it would be far cheaper for the Soviets to multiply their number of offensive nuclear warheads than for us to build and deploy an SDI system? No one has. Why not? Because it would cost the Soviets a small fraction of the United States cost of SDI to greatly expand the number of their nuclear warheads.

So is it not clear that for precisely the reason put so forcefully by Secretary Weinberger with respect to our reaction to a Soviet SDI, the Soviets will react to any United States renunciation of the ABM Treaty with a massive offensive buildup? A huge increase in the Soviet ICBM arsenal is, of course, only the most obvious element of such a buildup. The Soviets could also be expected to develop and deploy an offensive arsenal that would strike with thousands of decoys and with huge quantities of chaff to divert and deceive SDI. Even more certain is the strong likelihood that the Soviets would swiftly move away from their present nuclear weapon deployment. That deployment is heavily concentrated in land based, stationary launchers. This is the only mode that an SDI system as presently conceived and advanced by the Defense Department would or, indeed, could defend against. Kinetic kill vehicles or battle stations orbiting hundreds of miles above the Earth could keep the present slow-burn launchers in their sites. SDI might have very considerable success in striking these stationary launchers during the highly vulnerable slow-burn launch of 6 to 8 minutes. The heat, the light, and especially the relatively long, slow-burn before the missiles develop their velocity make an ideal target for the SDI we have conceived. But don't the Soviets fully understand this? And isn't it certain that the recent Soviet buildup of their nuclear-weapon-carrying submarine and bomber fleet represents a response to this threat? Of course, it is. And what defense does SDI represent against invisible submarines moving swiftly and quietly anywhere off our 2,500 miles of coastline, equipped with tree-top level-flying cruise missiles. If anyone claims that SDI provides a significant defense against this kind of mobility and invisibility, this Senator has not heard it. Similarly, Soviet bombers traveling in the vast air envelope of the Earth at the speed of sound and also carrying cruise missiles represent another challenge that neither kinetic kill vehicles or any other SDI weapons on the horizon could be expected to meet.

Needless to say, the United States' nuclear arsenal as presently deployed—mostly in mobile undersea or air mode—also represents a deterrent that no Soviet antimissile defense can challenge. This is why the Weinberger statement of last January indicating that our military assets are vulnerable to a preemptive Soviet nuclear attack is wrong. The Secretary of Defense knows it. So do the Soviets.

What some in the administration advocate in proposing a repudiation of the ABM Treaty is simply a long shot trillion-dollar effort to destroy the credibility of the Soviet Union's nuclear deterrent. It is bound to fail. It is worse. It will trigger a wholly wasteful arms race that will increase the threat of nuclear war. Far from repudiating the ABM Treaty, we should build on it. And we should enforce it. The Soviet construction of the radar installation at Krasnoyarsk is, indeed, a violation of the treaty. But to date that violation has no military significance. We should go to the Standing Consultative Commission and press for Soviet compliance including elimination of that radar. Both superpowers can only gain by continuing the ABM Treaty and complying with it fully. We face a tragic loss if we repudiate it.

DR. C. EVERETT KOOP—INDEPENDENT AND COURAGEOUS SURGEON GENERAL

Mr. PROXMIRE. Mr. President, last week, Surgeon General C. Everett Koop denounced his colleagues in the medical profession who refused to treat AIDS patients as being guilty of "unprofessional conduct."

This clear and strong statement is just the most recent example of the independence and courage Dr. Koop has consistently shown in handling the highly emotional issues surrounding the AIDS crisis.

The Surgeon General is well aware of the threats posed by working with virulent disease agents. During his 46 years as a practicing physician and surgeon, Dr. Koop accidentally gave himself hepatitis B when he stuck an infected needle through his hand. Therefore, he knows and acknowledges the hazards involved but believes that with proper precaution the risk of infection from AIDS and other dangerous disease agents can be kept low. But most important of all, he firmly believes that health workers are morally and professionally bound to serve all afflicted people including AIDS patients.

On virtually every difficult AIDS related issue, Dr. Koop has showed himself to be an individual with unbounded amounts of integrity, sincerity, and courage. His stands have dismayed ideologues on both the left and right.

Dr. Koop has consistently argued for a more candid sex education which would emphasize "safe sex" as well as the need for more self-restraint in sexual relations.

In spite of great pressure, he has consistently stated his reservations concerning the efficacy of widespread mandatory AIDS testing and its implications for civil liberties and human dignity.

I salute this remarkable man for his honesty and dedication to relieving human suffering and preserving human life.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

U.S. BOYCOTT OF U.N. CONFERENCE ON DISARMAMENT AND DEVELOPMENT

Mr. HATFIELD. Mr. President, in a shocking but little noticed display of myopia, the administration chose to boycott the recently concluded United Nation Conference on Disarmament and Development because, in the words of Ambassador Herbert Okun, "United States participation in this Conference would contribute unnecessarily to the erroneous linkage of these two subjects."

If only President Dwight Eisenhower were here to respond. Speaking to the American Society of Newspaper Editors in 1953, he suggested the very linkage this administration now denies: "Every gun that is made, every warship that is launched, every rocket that is fired signifies, in the final sense, a theft from those who hunger and are not fed, who are cold and are not clothed. This world is not spending money alone. It is spending the sweat of its laborers, the genius of its scientists, the hopes of its children. * * * This is not a way of life in any sense. Under the cloud of threatening war, it is humanity hanging from a cross of iron."

Of course, it was not just the "erroneous linkage" inherent in the Conference which concerned the administration. As Ambassador explained: "at a time when the United States is urging the United Nations to reduce expenditures, we were also concerned at the figure of $1.2 million which the U.N. Secretariat estimated was involved in holding the Conference."

Mr. President, in a world in which nations spend almost a trillion dollars a year on weapons of mass destruction, I find that comment appalling.

The Conference, which was attended by more than 100 nations, ended last week. There is nothing we can do about the administration's decision, but I think my colleagues ought to know about it. I ask unanimous consent that a letter written to me by Ambassador Herbert S. Okun detailing the administration's position be inserted in the RECORD, along with an editorial which recently appeared in the New York Times.

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

DEPUTY REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS,

March 2, 1987.

Hon. MARK O. HATFIELD,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATFIELD: Thank you for your letter of February 17 concerning the UN Conference on the Relationship between Disarmament and Development which will be held in New York from August 24 to September 11. Ambassador Walters, who is now out of the country, has asked me to reply to your letter.

The question of U.S. participation in the Conference was considered at senior levels of the Department of State, the Arms Control and Disarmament Agency, and the National Security Council. In April, 1986, the Administration decided on both policy and financial grounds not to participate in the Conference.

U.S. reservations about the Conference rest on two primary concerns. First, the international community should consider the questions of disarmament and development as two distinct issues. Secondly, the proposal for an international conference on disarmament and development mistakenly presumes that there is an inherent relationship between these two areas. Supporters of the Conference erroneously assert that development requires disarmament, regardless of the implications for international security. Consequently they advocate a transfer of resources among nations at the expense of a necessary prior examination of the impact of national policies upon development.

After extensive consideration of this issue, the Administration concluded that U.S. participation in this conference would contribute unnecessarily to the erroneous linkage of these two subjects.

U.S. non-participation in the meeting stems from our belief that the two matters are not appropriately considered in terms of their inter-relationship. It should not be seen as the sign of a decrease in our support for arms control and disarmament or for international economic development. We believe disarmament should be pursued to the extent it leads to greater security and stability through balanced, verifiable agreements.

Development, too, has its own logic, which depends as much on the policies of developing countries as on the policies of developed ones. The assumptions of this Conference, however, are that there is a link between disarmament and development: that disarmament should be pursued not for its own merits, but for its possible contribution to development; and that the basic engine of development is resource transfers from the developed to the developing world. The U.S. Government decided that participation in the Conference would have lent credibility to those arguments and that the best way of showing our rejection was to absent ourselves.

At a time when the U.S. is urging the United Nations to reduce expenditures, we were also concerned at the figure of $1.2 million which the UN Secretariat estimated was involved in holding the Conference.

I appreciate your interest in this important issue. If you have additional comments, I know that Ambassador Walters would be happy to hear from you.

Sincerely,

HERBERT S. OKUN,
Ambassador,
Acting Permanent Representative.

[From the New York Times, Sept. 3, 1987]

BOYCOTTING GUNS AND BUTTER

By staying away from the current U.N. conference on disarmament and development the United States escapes some simplistic oratory, silly Soviet propaganda and requests to commit funds it can't commit. It also throws away a chance to learn and to lead on critical issues, and moves further down the regrettable path of thwarting rather than encouraging international cooperation.

The State Department's explanation for boycotting the conference, now under way in New York, is: "we believe disarmament and development are not issues that should be considered interrelated." That's not farfetched. People gathered to talk over these two topics are unlikely to switch easily from spending for guns to spending for butter.

Yet the conference grows out of broader thinking. It's the brainchild not of some radical kook but of France's President, François Mitterrand. The world's resources are limited and arms eat up a towering proportion, nearly $1 trillion a year. The arms industry is the leading money maker in many industrialized countries. Little wonder that human imagination seeks new ways to beat swords into plowshares.

The Soviet Union, with its new public relations skill, came to the conference brimming with ideas on how development might progress if less were squandered on arms. Yet it is the world's foremost arms merchant, having overtaken the U.S. It spends a greater percentage of its resources on arms than any other major power. Its spending on development assistance is dismally small.

Developing countries are coming to see that their future depends on finding their own economic answers. The West has much to gain by encouraging this pragmatism, and by helping governments see their security more in the health, education and opportunities open to their people than in the size of their armed forces. All of America's NATO allies are at the conference valiantly making these points. The U.S. sits out the opportunity.

This boycott is part of a larger trend, which has found the U.S. in the Reagan years resisting international cooperation—in the Law of the Sea treaty, World Court jurisdiction in the Nicaragua conflict, and in withholding funds for family planning. Washington sent such a low-level delegate to a recent U.N. conference on trade and development that he aptly described himself as a "traveling insult."

The insult is to the American people. Encouraging worldwide community and cooperation is very much in the American interest. That does not require saintly acceptance of bombast at international conferences. The U.S. would have had a strong case against some of the glib oratory at this one. Would that it were there to make it.

MSGR. FRANCIS J. LALLY

Mr. KENNEDY. Mr. President, many of us were saddened to learn of the death earlier this month of Msgr. Francis J. Lally, of Boston.

Father Lally's remarkable life involved a rich tapestry of religious education, public service, civic participation, and spiritual dedication. For more than 20 years, he shared his warm wit and thoughtful perspective

as editor of the award-winning Catholic diocesan newspaper, the Pilot. A dedicated public servant, he chaired the Boston Redevelopment Authority for a decade and was active in a wide range of local, State, and national organizations. In private life, no one had a better or more compassionate friend than Frank Lally.

A priest with extraordinary gifts, Father Lally's wisdom and dedication reached far beyond his commitment to his church. He showed great sensitivity and understanding in his writings, his teaching, and his quiet and unassuming example. His exceptional devotion to enriching people's lives brought him widespread respect and affection, and he will be missed by the many people whose lives and hearts he touched with his eloquent faith and determined work. For me and my family, to whom he was a comforting friend and inspiration for many years, his loss is a deep and very personal one.

I ask unanimous consent that the following articles from the Boston Globe and the Boston Herald, which describe the distinguished contributions and career of Monsignor Lally, be printed in the RECORD.

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

[From the Boston Globe, Sept. 6, 1987]

MSGR. FRANCIS J. LALLY

His death leaves a void in the life of this city and of the church he served and loved. Until stricken several weeks ago with cancer, Msgr. Francis J. Lally had for decades been an energetic, constructive and unfailingly urbane participant in the religious, civil and cultural life of Boston.

From the Kennedys and the Cabots to Hispanic immigrants in the South End, where he closed his career as rector of the Cathedral of the Holy Cross, he knew everyone, and countless persons knew him as a warm friend and a wise counselor. He loved music and plays, often attending opening nights at the Huntington Theater. In good weather, he was a familiar figure, tall, silver-haired, his eyes twinkling with curiosity behind his rimmed spectacles, as he strode from the Cathedral to lunch at his club or a favorite midtown restaurant.

A monsignor for 37 years, he preferred the simpler title of Father Lally. He became best known to the public during the 1960's, when he served for nearly 10 years as chairman of the Boston Redevelopment Authority and helped guide such major projects as the creation of Government Center.

A man of realism and practical vision, he could work effectively with politicians and businessmen. At the same time, he never lost sight of the fact that he was a priest and that he was running the BRA because he wanted to bring nearer to reality the dream of a human community that housed and sustained its weakest members. His dream was about people, not about bricks and concrete.

Within the Catholic Church, Father Lally was a man of influence during the quarter-century that Cardinal Richard Cushing led the Boston archdiocese. He wrote many of the cardinal's speeches, advised him during times of crisis, sat with him during illnesses, and was a sounding board for ideas and emotions. Father Lally's acute intelligence and verbal felicity helped focus Cardinal Cushing's broad humanity and titanic enthusiasms.

It can truly be said of both men that they grew in goodness as they grew in power. They shared a fundamental sense of decency and an openness to experience and truth. They significantly helped the work of Dr. John Rock, the Catholic physician who developed the birth control pill, and Rev. John Courtney Murray, the Jesuit theologian whose progressive views on church and state relations were adopted by Vatican Council II.

No newspaper could say farewell to Frank Lally without a word of admiration for his brilliant accomplishments during the 20 years that he edited and wrote for The Pilot, the archdiocesan weekly. A sensitive editor and a pungent writer, he brought to every controversy a saving sense of charity. Much loved, much admired, much needed. Father Lally leaves a lonesome place against the sky.

[From the Boston Globe, Sept. 4, 1987]

MSGR. LALLY, 69, DIES; LED BRA, EDITED PILOT

(By Edgar J. Driscoll, Jr.)

Rev. Msgr. Francis J. Lally, rector of the Cathedral of the Holy Cross and one of the best known and most highly respected religious and civic leaders in the city, died last night in Deaconess Hospital. He was 69.

Msgr. Lally died at approximately 7:30 p.m. of undisclosed causes after being hospitalized the past three weeks, said Rev. William Roche of the Cathedral of the Holy Cross.

The distinguished clergyman was a prominent architect of the city's urban renewal and former chairman of the Boston Redevelopment Authority; a longtime editor of The Pilot, the oldest Catholic diocesan newspaper in the United States; and, more recently, secretary of the Department of Social Development and World Peace of the US Catholic Conference in Washington.

Msgr. Lally, who preferred the title of Fr. Lally, was editor of The Pilot from 1952 to 1972. He was the widely admired writer of sparkling, courageous and liberal editorials. Under his leadership The Pilot was a consistent winner in Catholic Press Association competition.

He left to go to Washington to become secretary of the US Catholic Conference, the service and program agency of the National Conference of Catholic Bishops. When he returned to Boston as rector of the cathedral in 1984, he promptly set about, as he put it, "bringing new life to one of our venerable monuments and one of our city's notable treasures."

For years Msgr. Lally was one of the late Cardinal Richard Cushing's closest advisers in civil and religious affairs. Indeed, some considered him a kind of alter ego of the cardinal, to whom he was as devoted as a son would be and of whom he spoke with the same almost filial affection.

He was also known for his vigorous activities in brotherhood movements to bring about better relationships among people of all faiths and races. In him, the black and Hispanic communities had an energetic and deeply committed champion. On the subject of race, he was no theoretician; he was an actionist. He was the first chaplain of the Catholic Interracial Council of Boston, a member of the board of directors of the Urban League, vice chairman of Action for Boston Community Development, and a member of the Religion and Race Commission.

Able and friendly, relaxed and witty, and with a keen mind, the popular monsignor was often called a Man for All Seasons. When he resigned in 1970 as chairman of the Redevelopment Authority after almost 10 years at the helm and another three as a member, a Boston Globe editorial called him:

"A man who never spares himself in the discharge of the hard civic responsibilities he has shouldered and who never loses sight, either, of the purposes to which he committed his life when he was ordained a priest—to befriend men of all faiths, to heal troubled spirits, to show the way, to administer the sacraments. The wonder is that this unhurried priest has either the time or the energy to satisfy the demands that are made of his many talents. The load he carries puts most men to shame."

The editorial went on to say "There is no facet of Boston life that has not absorbed Msgr. Lally's interest. But it is the philosophy, the love of people, which he brought to his thankless BRA chairmanship that makes him a standout even more than do such accomplishments as the Government Center renewal, the many changes in the predominantly black section of Roxbury's Washington Park and the emerging South End and waterfront renewal.

"His rule in every case has been to ignore special interest and selfish considerations and to insist that what must always be served is the greatest number. The bricks and the mortar are not his main concern. People are his concern, people and their needs."

For years Msgr. Lally's pastoral duties were carried out at St. Catherine's Church, Charlestown, where he made a practice of hearing confessions each Saturday and offering Mass on Sundays. Before leaving for Washington, he was pastor of Sacred Heart Church in Roslindale for a year.

He was born in Swampscott and was a graduate of Swampscott High School, Boston College in 1940 and of St. John's Seminary in 1944. Ordained to the priesthood Aug. 10, 1944, he also held a licentiate in social science from Laval University, Quebec, awarded in 1948. He was elevated to the rank of monsignor at the age of 34, the youngest man so honored in the Boston Archdiocese.

He held honorary degrees from Stonehill College. Marquette University, Manhattan College, Boston College, Northeastern University and Rivier College. In 1952 he was named a chevalier in the French Legion of Honor.

A fellow and former vice president of the American Academy of Arts and Sciences, he had served on the boards of trustees of St. Elizabeth's Hospital, the Education Development Center, the French Library, the Opera Company of Boston, the Charles Playhouse and the Institute for Politics and Planning; on the Board of Consultors of the Archdiocesan of Boston and the advisory boards of the National Conference of Christians and Jews and of Assumption College; and on the boards of directors of the Boston Council for International Visitors, the Boston Center for Adult Education, the Cambridge Center for Social Studies, the Civic Education Foundation of Tufts University, the Fund for the Republic, the International Friendship League and the New England Lyric Theater.

He also had been spirited director of the League of Catholic Women and was a member of the Boston Committee on Foreign Relations and the United States Committee for UNICEF.

Msgr. Lally was the author of "The Catholic Church in Changing America," the story of Catholics and their church in this country from the first explorers and immigrants to their first president of the United States. He also wrote numerous articles for various publications including The Boston Globe.

Of Msgr. Lally the U.S. Catholic Magazine once wrote: "He is what he always was—priest of God, friend of people, apostle of the printed word. But he is something else again. He is a witness in the modern world.

"Without meaning to embarrass him, in many, many ways he embodies what Schema 13—the Church in the Modern World—is all about.

"He seems precisely the type person that the schema draft had in mind when it prodded the social nature of Christians and urged them to 'take part in community programs and activities,' lending their cooperation also to the renewal of the agencies for cultural, social and civic activity."

He leaves a brother, John of Swampscott; two sisters, Dr. Catherine T. Lally and Margaret Wilson, both of Swampscott; two nephews, Richard and Robert Wilson; and a niece, Catherine Wilson.

A vespers service will be held at 5 p.m. Sunday in the Cathedral of the Holy Cross, where Msgr. Lally will lie in state until 9 p.m.

A funeral Mass will be said by Cardinal Bernard Law at 11 a.m. Tuesday, Sept. 8, in the Cathedral of the Holy Cross. Burial will be in Swampscott Cemetery.

(Contributing reporter Doreen E. Indica assisted in preparing this story.)

[From the Boston Herald, Sept. 4, 1987]

POPULAR HUB CLERIC, FRANCIS LALLY, DIES

Monsignor Francis J. Lally, a strong force in Boston's religious and civic affairs, died last night at the Deaconess Hospital after undergoing a recent operation for liver cancer. He was 69.

A personal friend of Cardinal Bernard F. Law, Lally was admitted to the hospital Aug. 22. His condition worsened earlier this week when doctors described him as "grave and critical."

Lally, the former editor of the Archdiocese newspaper, The Pilot, was rector of the South End's Cathedral of the Holy Cross for the past three years, a charge Law saw as one that would turn the Cathedral into "a model neighborhood of worship."

"My job is to restore the Cathedral to its place as the centerpiece of the Archdiocese," Lally said shortly after his appointment in 1984.

And change it he did.

Through his efforts, attendance at the Cathedral increased dramatically, drawing from the South End's Spanish community as well as its growing numbers of young professionals.

He also worked hard to revitalize the South End church by presiding over plans for the cathedral's liturgical and architectural restoration.

"He was a gentleman, who in many ways, in Chaucer's terms, was the town parson," said Fr. Peter Conley, a spokesman for the Archdiocese.

"He was well known, highly respected and quietly effective in the world of religion, culture and the redevelopment of the city of Boston," said Conley, who knew Lally.

A native of Swampscott, Lally served as secretary of the Department of Social Development and World Peace of the U.S. Catholic Conference in Washington before returning to Boston in 1957 to become one of the original members of the Boston Redevelopment Authority.

He served on the BRA for nearly 13 years, 10 of them as chairman.

One of the best-known priests in Boston, Lally was appointed pastor of Sacred Heart Church in Roslindale in 1971 after serving as assistant at St. Paul's parish in Wellesley.

A graduate of Boston College, he completed his clerical studies at St. John's Seminary, Brighton before being ordained on Aug. 10, 1944 at Holy Name Church, West Roxbury.

When Law became Bishop of Boston in 1984, he picked Lally as his first pastoral appointment, assigning him to the Cathedral.

He was spiritual director of the League of Catholic Women and served on a number of public and private boards including several charities.

[From the Boston Globe, Sept. 9, 1987]

FRIENDS GATHER TO PAY LAST RESPECTS TO MSGR. LALLY AT HOLY CROSS MASS

(By Paul Hirshson)

Family members, friends, fellow clergy and parishioners filed solemnly into Holy Cross Cathedral yesterday to attend a funeral Mass for Msgr. Francis J. Lally, rector of the cathedral, who died Thursday, Sept. 3.

Msgr. Lally, 69, was best known for his editorship of The Pilot, the archdiocesan newspaper, for 24 years. In addition, he had served as chairman of the Boston Redevelopment Authority and on several other civic boards and committees.

Cardinal Bernard Law said the Mass, attended by about 1,300 clergy and lay persons. Among those attending were Sen. Edward M. Kennedy, former Gov. John A. Volpe, former Boston Mayor John F. Collins and dozens of other state and local dignitaries.

The Mass was said with full pageantry, with dozens of robed clergy taking part, and a full choir and a brass ensemble augmenting the organ music. The concelebrants included Auxiliary Bishops Daniel A. Hart, John J. Mulcahy, Lawrence J. Riley and Robert J. Banks.

Cardinal Law brought up the rear of the procession into the cathedral, wearing his bishop's miter and carrying his gold shepherd's crook.

Other clergy in attendance included David Johnson, Episcopal bishop of Massachusetts: Rev. Thomas Kennedy, rector of St. Paul's Cathedral, Episcopal; Dr. James Nash, executive director of the Massachusetts Council of Churches; Rev. Carl Scovel, of King's Chapel, and Irving B. Levine, representing the American Jewish Committee.

Msgr. Daniel Hoye, executive secretary of the National Council of Catholic Bishops in Washington, gave the homily for his old friend, Msgr. Hoye and Msgr. Lally served together on the US Catholic Conference, the social action arm of the Council.

Msgr. Hoye remembered Msgr. Lally for his broad knowledge of temporal and religious figures and issues and for his friendly demeanor.

"He had style," Msgr. Hoye said. "Frank Lally's style was to be happy, and his goal was to infect others with his happiness.

"He was your friend; he was mine."

During the Mass, the Gospel (Mark 25:31-46) was read in English, German and Spanish to reflect Msgr. Lally's many interests and the parishes he served. Rev. Corbett Walsh, SJ, of Immaculate Conception parish in Boston, read in German, Rev. Lawrence Borges, pastor of St. Stephen's in Framingham, read the gospel in Spanish.

Cardinal Law conducted the graveside services at Swampscott Cemetery, near the Lally family home.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that morning business be closed.

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

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I ask unanimous consent that the time between now and the vote on cloture be equally divided and controlled by the two leaders.

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

Mr. BYRD. Mr. President, I ask unanimous consent that Senators may speak on any other subject during this time, if they wish.

I also ask unanimous consent that they may introduce bills and resolutions as in morning business.

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

Mr. BYRD. Mr. President, I yield such time from the time under my control as he may desire. How much would he like to have? How much time do I have under my order?

The ACTING PRESIDENT pro tempore. The Senator has 20 minutes.

Mr. BYRD. How much time would the distinguished Senator like to have?

Mr. DIXON. I would like to have 10 minutes.

Mr. BYRD. Mr. President, I yield 10 minutes to my friend.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized.

Mr. DIXON. Mr. President, I thank the majority leader for his usual kind cooperation.

SENATORIAL ELECTION CAMPAIGN ACT

Mr. DIXON. Mr. President, I am pleased this morning to rise and express my support for S. 2, the election reform legislation that has been before the U.S. Senate now for many months, and upon which my colleagues will again cast a cloture vote this morning.

Mr. President, there has been an evolutionary process in connection with

S. 2. A good deal of the objections that we earlier heard from colleagues on the other side I do not think would be applicable to the present form of S. 2. I first want to address the public financing question on S. 2, because the initial opposition to this bill centered on the public financing question. I can understand how there might be some reluctance on the part of some of my colleagues to support public financing of elections. I think what needs to be noted, though, is what everybody in the Senate already knows; unless you retain some sort of fundamental public financing at least as a triggering device, you cannot answer the Supreme Court's objections to limitations on campaign spending.

I believe I can safely say that there is a substantial majority in the Senate in favor of some kind of "reasonable" limitation on campaign expenditures. Last year I introduced a campaign expenditure bill which included limitations and modified public financing. I had occasion to look at expenditures in a number of campaigns around the country. At that time I believe there was a Congressman who had raised more than $21 a vote to be elected to the House of Representatives. I hope that shocks the conscience of every person in the House and Senate. I hope that everyone realizes there ought to be reasonable campaign limitations on expenditures.

I want to make these two small points. First, conceding that some might have a reasonable objection to public financing, the question is: Have the sponsors of this bill and in particular Senator BOREN of Oklahoma, and the distinguished majority leader fairly answered that objection?

Second, if they have answered that question: Is the present bill reasonable on campaign expenditure limitations? Those are the two questions.

Let me address public financing. I believe everybody here should understand that this is no longer a public financing bill. This legislation speaks about campaign limitation expenditures, but states that there will be no public financing if both of the candidates accept the limitations.

For example, Mr. President, if you run as a Republican, and the senior Senator from Illinois is running as a Democrat, and we both accept the campaign expenditures limitations of S. 2, no public expenditures come into play. The only way that public financing will come into play is if one candidate chooses not to be bound by these campaign expenditure limitations. Such a declaration will bring certain provisions of this legislation into play. First, a candidate would have to print on all literature a disclaimer that reads: "This candidate has not agreed to abide by voluntary spending limits." I get the benefit of the lowest unit broadcast rate for radio and television, and I get the benefit of a reduced first-class mail rate. Those are the things that apply in connection with your unwillingness to abide by the campaign limitation provisions of the law. And thereafter at certain points in the proceeding after you have reached certain spending goals, and I quote:

> At the point a nonparticipating candidate exceeds the general election spending limit, the participating candidate is entitled to a grant equal to 67 percent of the general election limit, and is allowed to raise and spend above the limit.

Second:

> At the point a nonparticipating candidate spends 133 percent of the limit, the participating candidate is entitled to an additional grant equal to 33 percent of the general election limit.

Of course, if both candidates comply with the limitations, public financing does not take place. I say to my friends who have said they oppose the idea of public financing, there does not need to be any under this bill, if we comply. That leaves the second question. Is the limitation a reasonable one?

Mr. President, I believe every Member thinks in terms of their own personal experiences in their own State. I have run for the Senate twice in primaries and twice in general elections, both times with opposition. Therefore, I relate to my own personal experiences when I look at this bill. That is natural. The President would do that in examining his North Carolina experience.

I see my friend, the distinguished Senator from Florida, Senator GRAHAM, is here. He would probably relate to that by looking at his experience in Florida.

What does the law say about Illinois, the specificity of my State, Mr. President? Here is what it says: "The spending limit for Illinois in the primary is $1,815,000. The spending limit in the general election is $2,709,000." That is a grand total of $4,524,000.

The question is whether this amount is reasonable. Allow me to tell you my experience. I ask all Members to judge on the basis of my experience or their own particular experience. In 1980, when I first sought this seat, I ran in the primary against a distinguished Illinoisan by the name of Alex Seith. He was not an unknown. In 1978, he had been our nominee against the distinguished senior Senator from Illinois, Senator Charles Percy. At one time with a week or 10 days left in that campaign he was 12 points ahead in that race. He lost in the close race in 1978. He was a formidable opponent. He had been the candidate for the U.S. Senate, he had been our supported candidate in the fall, he had been 12 points ahead until the last week in the campaign, and narrowly lost. Alex Seith was my opponent in 1980.

Mr. President, let the record show that this Senator from Illinois spent substantially less than $1,815,000 in a primary to defeat a candidate who had almost won only 2 years prior.

In the fall of that year as the secretary of state, a statewide office in Illinois, in the year that President Reagan carried my State against the incumbent President Jimmy Carter, I ran against the Lieutenant Governor of Illinois. He had likewise run statewide a couple of times and spent less than the limit of $2,709,000. In the same election, when President Reagan beat the incumbent President Jimmy Carter by well over 300,000 votes, I won.

I assert, Mr. President, on the basis of my own personal experience, this particular legislation is fair and reasonable. I see my warm friend from Kentucky, who has led the fight against this bill.

I make two points: One, this is not public financing if you comply. It is only the most limited type of public financing imaginable to comply with the Supreme Court. Two, it is reasonable in its scope and reasonable in its limitation.

I want to make this final point, because I see the Senator from Kentucky here: The New York Times this morning has an editorial entitled "The Filibuster and the Smell," in which they candidly say that campaign financing in this country is raising a stink.

We all know this. But I am here to say now that somebody is going to get in trouble, and there is going to be a major scandal in this country if we do not do something about this problem.

My good friend, the minority leader, for whom I have infinite respect, Senator DOLE of Kansas, has indicated that there may be cases where more money is required in some States, such as Illinois or Ohio or Wisconsin or New York; in other words, the deep Southern States, where a Republican candidate, quite frankly, faces massive registration differences—800,000 registered Democrats, 60,000 registered Republicans. I want to say, quite candidly, that he may have a point. However I believe this Senator and others would accommodate the different points of view on how to make a level playing field in such cases. If that is necessary I would vote to change those objectives, so that we have a fair bill.

I see my friend from Florida here. I do not know his experience in his State, which is similar in size to mine, perhaps a little larger. But in some of the smaller States in which the numbers are not high enough, I am in favor of raising those numbers a little to protect those States.

In conclusion, I think it is an outrage for the other side to withhold the votes necessary to get cloture so that

we can get to this bill, because there are many here, like this Senator, who are willing to work to get a fine bill that works. I implore my colleagues to do the right thing that will bring about good, solid legislation to do the job and will put limitations on campaign financing in the future.

Mr. President, I ask unanimous consent to have the editorial from the New York Times printed in the RECORD.

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

[From the New York Times, Sept. 15, 1987]

THE FILIBUSTER AND THE SMELL

The Senate today gets its seventh chance to correct two offenses against decent governance. The first is the filibuster, once a dubious but rare tactic that has recently been turned into routine obstructionism. The second is the smelly system of Congressional campaign finance, in which members count on fat contributions from PAC's, the political action committees of hundreds of industries and special interests.

The two issues will intersect this morning when the Senate votes to cut off a Republican filibuster that has run 'since June 3 against a campaign finance reform bill. A majority of senators, perhaps 55, favor reform but to stop debate requiries 60 votes. If today's effort is to succeed, it will require the votes of senators like Alfonse D'Amato of New York who claim to support some such reform. If the vote fails, voters will know whom to blame.

The filibuster was once the way senators made a last-ditch stand against bills of monumental importance—like the civil rights laws of the 1960's. Until opponents could find 67 votes to close off debate, the obstructers would paralyze the Senate with talk. In 1975 the rules were changed; now only 60 votes are needed. Meanwhile, the Senate has devised the two-track filibuster, which permits some action and avoids total paralysis.

The once-rare filibuster has now become routine. Congressional Quarterly counts 15 votes to cut off debate in just this session. The filibuster, says Senator Dan Quayle, Republican of Indiana, has become trivialized. What once could be defended as a rare protection for an embattled minority has become a regular partisan expedient. Republicans who growl at the thought of a Democratic filibuster against Robert Bork's Supreme Court nomination support this filibuster with barely a blush.

There's plenty to blush about. Running for office costs amazing amounts. Television may be blamed unfairly; a recent study for the National Association of Broadcasters shows that TV and radio time account for only a third of Senate campaign costs, much less than some authorities had guessed. Still, total campaign spending keeps shooting up, also reflecting the costs of other techniques like direct mail and polling. The reform bill, sponsored by the Senate majority leader, Robert Byrd, and David Boren, Democrat of Oklahoma, would restrain spending, in part by limiting PAC contributions.

Their original bill would have created a public finance system similar to that in Presidential elections. The bill has since been moderated to meet Republican concerns. Public financing would become a kind of fail-safe. It would be provided only to candidates who accept spending limits but whose opponents refuse.

Passing this bill would start to disperse the noxious cloud over the Capitol, a cloud redolent of money. The manager of one large corporate PAC is willing, anonymously, to explain how:

"Think of a Congressman who raises an issue of great importance about, say, international trade. Then a week later he announces he's having a fundraising breakfast. It's an easy bet that we, and every other affected PAC, will participate. I'm not saying he's corrupt. I am saying you have to have access; you have to have a hearing. The PAC contribution buys that. There's no question that if he can vote for you, he will."

There is no question of that, which is why a vote against the filibuster today is a vote against the cloud. The Byrd-Boren bill, even as diluted, would deserve the title of Political Clean Air Act of 1987.

Mr. MCCONNELL. Mr. President, I listened with interest to the comments of the Senator from Illinois with respect to S. 2. If I heard my friend from Illinois correctly, he said that the third version of S. 2, or Boren-Byrd III, was essentially cost-free to the public. Our analysis indicates the complete opposite: That the bill as it was brought to the Senate floor would cost an estimated $30 million of the taxpayers' money; and if applied to the Senate and the House together, which would certainly be the case, Boren-Byrd III would cost up to $150 million. So, clearly, this bill is not free of taxpayer financing. Now, it is just a mix of direct taxpayer financing and rate-subsidized mail benefits: The American workers' money going to finance our campaigns, so that we can take it easy here in Washington.

Second, with reference to the amount of money spent in elections, we have had considerable discussion on the floor about that subject. The Senator from Illinois spoke about previous races in Illinois, and he was very fortunate in 1986. He did not have a very tough opponent, and did not have to spend much money. But in his election there was only a 37-percent voter turnout; a little less than two-thirds of those entitled to exercise their democratic prerogative chose not to bother.

The Senator from Kentucky has carefully examined campaign spending and voter turnout data, and discovered a direct correlation between the amount of money spent in an election—that is, in competitive races, since that is where more money is spent—and voter turnout.

In the 1986 Senate election in South Dakota, the race that is frequently cited for having "outrageous sums" spent in a small State, there was the highest voter turnout in the country. It was a spirited contest between good candidates, in which a good deal of money and effort were put forth on both sides. As a result, the people of South Dakota took a great deal of interest in that race; they contributed, they got involved, they learned the issues, they got to know the candidates, and they voted in unprecedented numbers. With spending limits, that kind of democratic competition and grassroots involvement would be crushed.

In the race of the Senator from Illinois, where there arguably was less interest and less money spent, and 37 percent of the voters turned out—21 percentage points less than the turnout in South Dakota.

From this analysis it is clear that more money is spent when people at home contribute more, and they give more when they care. What makes people care more about their democracy? When they have competitive, challenging, inspiring candidates to choose from. In races when this happens, it is a great thing for our system of government, for public involvement; and the so-called spending limits of S. 2 would put a ceiling on the political enthusiasm and activity that these unique races generate. That is not reform, Mr. President, that is a crime against the democratic spirit.

It seems to me, after 4½ months on this issue, that today we will put S. 2 to bed for this calendar year. It has been an interesting debate, an opportunity to educate all of us and the public about a most vital issue.

Some of the things that have been said on the other side, however, do not add up. One of the greatest misrepresentations on the other side is that this extended debate—or filibuster, if you will—is keeping us from writing a bill. It is not preventing this body from writing a campaign finance reform bill. We have been willing on this side to sit down at any point over the last 4½ months to write a truly bipartisan bill. This debate has been designed, however, to stop us from writing a bill on the floor of the Senate, even though Members from either side are free to offer amendments to S. 2 at any time, as the distinguished Senator from North Carolina did the other day. In fact, we could write a bipartisan campaign financing bill tomorrow and have it passed by 90 to 10, probably, once people are willing to sit down, as we usually work these matters out in this body, off the floor of the Senate, and get down to serious campaign financing reform of a bipartisan nature. Until there is willingness on the other side to do that, we are not going to get any closer to achieving real campaign finance reform. We have indicated our opposition to S. 2; now, the other side must be willing to meet us in a spirit of real compromise, to achieve the reform they say they want so much.

So, as we wind down to the end of this debate for this year, I would like to extend my gratitude to a number of people, on this side at least, who have

worked very hard on this matter, making outstanding contributions in terms of research and debate and legislation, and other aspects of this highly complex issue.

First, I wish to thank the distinguished Senator from Oregon [Mr. PACKWOOD], one of the most eloquent speakers in this body, who has done an excellent job—particularly in the early stages of this debate—in outlining powerful objections to the Boren-Byrd approach to campaign finance reform.

In addition, the distinguished minority leader, Senator DOLE, has worked very hard this summer to work out a real bipartisan compromise, which we still hope will be possible next year.

The Senator from Alaska [Mr. STEVENS] has been a leader in campaign finance reform for many years in the Senate, and has made an invaluable contribution to our effort, through his editorials, legislative proposals, and wise counsel.

I also extend thanks to those other Senators who added immensely to the debate through this insightful and often inspiring remarks, particularly Senators GRAMM, DOMENICI, BOSCHWITZ, SYMMS, COCHRAN, and MCCAIN.

Of course, none of it could be done without the staff people, who have proved invaluable in this debate. I list, first, my own legislative assistant, Steven Law, who has sat at my right throughout this often grueling debate, and did a brilliant job of analysis and research as we worked through this process during the last 4½ months. If he was not an expert in campaign financing when we began, he is today, and I thank him for his invaluable assistance.

Others who were involved in our effort all along the way were Mark Braden, general counsel of the Republican National Committee; Ben Ginsburg, counsel of the Republican Senatorial Committee; Sheila Burke, of Senator DOLE's staff; John Colvin and Penny Schiller, of Senator PACKWOOD's staff; Bill Canfield, of Senator STEVENS' staff and the Rules Committee staff; David Gottlieb, of Senator BOSCHWITZ' staff; and Frank Polk, of Senator ROTH's staff.

All played an invaluable part in putting together our combined effort on this most important issue. I offer you my sincerest thanks, and hope we can join together once again, when the other side decides to come to the table and work out a reasonable, bipartisan campaign finance reform bill.

Now, what is the future of campaign finance reform, Mr. President, as we reach the final day of this calendar year for this subject?

First of all, I sense on both sides some frustration from those who have worked hard on the issue over the months. We have spent nearly 20 days on what I would describe as a no-win proposition, a bill that is clearly tilted against one of our two major parties, and against the democratic tradition of grassroots fundraising and political activity.

Some would say that we have passed over other important business of great public concern, to have seven unnecessary cloture votes, which I understand from the distinguished majority leader is a record for the Senate. And thus far, we have not been able to work out an effective bipartisan campaign finance bill.

Yet there are a number of problems in the current system that I think we can address in a bipartisan way.

I actually have great hope for the future, now that we can begin to work on a joint bill without the pressure of cloture votes and floor amendments constantly weighing down on us. We should have done this months ago, and I believe it is possible to start the process anew, at the beginning, and create a meaningful reform bill which we all can agree upon.

What are the things that we can agree upon? There are quite a few matters. I think we can agree on a reasonable limit on PAC's and special interest money in campaigns. We can agree on the disclosure and monitoring of soft money contributions, something S. 2 does not deal with in any significant way.

We can agree on closing the millionaires' loophole. We all know that Buckley versus Valeo created a loophole through which many wealthy candidates have marched into office. They have been allowed to spend unlimited amounts of their own money on their own behalf, whereas anyone else must painstakingly build up campaign funds through $1,000 maximum contributions.

That problem can be solved, but it will take a constitutional amendment to do so. Some have said, however, this is just too trivial a matter to warrant a constitutional amendment.

Mr. President, I do not think it is a trivial matter that someone who has amassed great wealth in this country can spend everything they have on behalf of their own campaign. It distorts the system and tilts the playing field toward the wealthy and the so-called aristocracy of the moneybag. This is the kind of inequity worthy of a constitutional amendment, and I have introduced such an amendment, Senate Joint Resolution 166, which would cure that inequity.

Some have said, however, that you cannot ratify a constitutional amendment very quickly. I would predict, Mr. President, that this kind of constitutional amendment, which says that the Congress has the same authority to limit what one puts into his own race as it has to limit what one puts into others' races, would go speeding through the Congress and the State legislatures, and soon become part of our Constitution.

For those who want to extend this constitutional amendment to do something about so-called independent expenditures, I have included a limit on that abuse as well, in Senate Joint Resolution 166. Once again, I invite my colleagues to review this resolution and to cosponsor this needed reform measure.

Finally, on things that we ought to be able to agree on, there is no question that the cost of television has driven up the cost of campaigns. I believe we can agree on requiring a meaningful discount on media advertising. I have suggested, in legislation that I advocated earlier this year, that we require broadcasters to sell us advertising time at the lowest unit rate for the previous year, during the 30-day period immediately preceding primary and general elections.

There has been a tendency on the part of broadcasters to raise the lowest unit rate charge toward the end of campaigns. That of course, hits the campaigns and candidates very hard. It is not unreasonable to suggest that they sell us that time at a reasonable price.

What do all these proposals add up to, Mr. President? They add up to meaningful reform of our election laws; meaningful reform that would pass this body by a tremendous margin.

This would be a comprehensive reform bill, a bill that cut back PAC's that closed the millionaire loophole, that reduced the cost of television for compaigns. It would be meaningful campaign finance reform, without taking taxpayers' money and without limiting expression, for that is exactly what a spending limit is. It is like saying to a candidate: you can only get this much support and no more, only this much and no more. The reform I propose today would not fleece the taxpayers or rob them of their political rights. Mr. President, and could pass the U.S. Senate, on a bipartisan basis, by a vast margin to become law.

As the months unfold, and we look to the beginning of 1988, these discussions will continue off the floor, in an atmosphere that could foster a truly bipartisan campaign finance reform bill.

I want to repeat how I appreciate the contributions made by many people on this side of the aisle, both Senators and staff, toward this debate. We will continue to work together in the coming months to fashion a bipartisan campaign finance reform bill that has a real chance of passing the U.S. Senate.

Mr. President, how much time do we have remaining on this side?

The ACTING PRESIDENT pro tempore. Seven minutes and sixteen seconds.

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

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. BOREN. Mr. President, I yield myself 3 minutes.

Mr. President, we have an opportunity in just a few minutes to take a step toward meaningful reform of the campaign finance process.

Others on the other side, including my distinguished friend from Kentucky, have just found fault with various parts of the proposal before us, Senate bill 2.

If we invoke cloture at 11 o'clock this morning, the amendments of the Senator from Kentucky and others will be in order.

All we are asking is that the Senate be allowed to proceed by the invoking of cloture on this bill to consideration of meaningful campaign finance reform before this year's work of Congress is completed. We would have a full airing of the entire matter. Agreements could be reached. Amendments could be offered. Undoubtedly some changes in the pending legislation would be made. But we should have a chance, Mr. President. We should have a chance before this year ends to proceed to take up this fundamentally important matter, important to the functioning of this institution, important to our constitutional system of government in the bicentennial year of the Constitution.

Mr. President, I am pleased to announce this morning that two additional Senators have joined as cosponsors of Senate bill 2, and I ask unanimous consent that Senator DODD of Connecticut and Senator BREAUX of Louisiana be added as cosponsors of this legislation.

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

Mr. BOREN. Senator GLENN has previously been added as a cosponsor and that means, Mr. President, a clear majority of the Members of the U.S. Senate, 52 Senators are now cosponsors of Senate bill 2.

Mr. President, in the name of fairness, I believe with this kind of expression of support, with 52 Members of this body, a clear majority, favoring meaningful reform, that we should have an opportunity to proceed to take up this matter.

How long are we going to wait, Mr. President, before we act?

In the brief time that I have been a Member of the U.S. Senate, less than a decade, the average cost of running for the U.S. Senate has gone from $600,000 for a winning campaign to $3 million for the average successful candidate.

How long are we going to wait, Mr. President? Are we going to wait until it costs $6 million before we act or $9 million or $15 million? It is not slowing down. It continues to increase. Can those who want to thwart the will of the majority of the Senate to take up this issue honestly look at themselves and say that it is good for this country or good for the U.S. Senate and good for the constitutional process that the average Member of the U.S. Senate must raise $10,000 every single week of a 6-year term, every single week for 6 years, in order to raise sufficient funds to run for reelection?

Can they honestly say that that is good for the constitutional process; that the time spent raising that money is well spent, as opposed to its being spent on grappling with the serious problems facing this country and that the constituents of those sent to the Senate sent them here to deal with challenges that they wanted them to face? Can they honestly say that it is healthy for the system that competition for the highest offices of this land——

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. BOREN. I yield myself 1 additional minute.

That that is based primarily upon which candidate can raise the most money instead of upon the qualifications, ideas and ideals of those candidates? Can they honestly say that it is good for this country that more and more of the vast sums of money needed for campaigns are not coming from people at the grassroots, not coming even from people who have any connection with the home State or district of the Member of Congress, but coming from interest groups with their own special economic interests who rate Members not on their overall performance but on how they vote on those particular economic interests? Can it be said that that is good for the political system of this country?

We are killing the election process itself, the heart and soul of the democratic process in this constitutional form of government. How long are we going to wait to face this clear and present danger to the integrity of our constitutional system before we act?

How much longer are we going to be derelict in our duty as guardians of the constitutional process to do something about it? Mr. President, how many scandals will have to occur? How much public confidence will have to be eroded? How many young people will be discouraged from entering public service? How many good public servants will be discouraged from staying in public service before we act to stop this unhealthy, monstrous, skyrocketing of the costs of campaigns in this country?

All we say to those on the other side who have suggestions for improving this legislation is: Give us a chance. The majority of the Members of the Senate have now sponsored this bill. Give us a chance to bring it up. Offer your amendments. Let them be voted up or voted down. If you have improvements to make, if you convince the majority of the Members of the Senate that they are improvements, they will be made. Give us a chance to deal with this important problem before the year is out.

Mr. President, I hope we will have a chance to do it this year. But let it be clear: if we do not, this issue will not go away. This bill is headed for ultimate victory, whether it is today, whether it is next January, next February, or after that. This bill is headed for ultimate victory, because it is right, because it deals with a serious problem that is recognized by the American people as a problem that cries out for a solution.

The effort will not stop until the problem is corrected. And it must not stop, because we have an obligation to the system of government to make sure that the effort is ultimately successful.

The ACTING PRESIDENT pro tempore. The time under the control of the majority leader has expired.

Mr. BYRD. Mr. President, I would like to say a few words on the subject. I ask unanimous consent that I may have 5 minutes.

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

Mr. BYRD. Mr. President, I would be happy to extend the time on the other side, too, if Mr. McCONNELL would desire.

Mr. McCONNELL. Mr. President, I say to the distinguished majority leader, I was just going to take a couple of more minutes and after that I probably would yield back my time. I have 7 minutes left.

The ACTING PRESIDENT pro tempore. Yes.

Mr. McCONNELL. I probably will have yielded back the 5 minutes you are going to take, anyway.

Excuse me a minute. I am advised that I probably better reserve the entire 7 minutes. I certainly have no objection to the Senator going ahead.

Mr. BYRD. I thank the distinguished Senator.

I ask unanimous consent that both sides have an additional 5 minutes.

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

Mr. BYRD. Mr. President, today I want to offer an international perspective on election financing. I believe it would be useful for my colleagues, who may not be aware, to know how some other governments, such as those in Israel, West Germany, Canada, and Great Britain, deal with

their elections and election financing. With the assistance of the Congressional Research Service of the Library of Congress, I have prepared some material on this subject, which I believe should be a part of the RECORD, and I ask unanimous consent, therefore, that the material be printed in the RECORD at the conclusion of my remarks.

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

[See exhibit 1.]

Mr. BYRD. Mr. President, I understand that another Senator has already asked to have printed in the RECORD today the excellent editorial that appears today in the New York Times, the editorial being titled "The Filibuster and the Smell."

Mr. President, on that score, I want to compliment and thank the New York Times, the Washington Post, and the scores of other newspapers throughout this country, including many newspapers in West Virginia, that have strongly supported in such a fine way this effort by Mr. BOREN and other Senators and myself to clean up our campaign financing system. We maintain that this system is destroying faith in this institution and destroying the faith of the American people in our representative democracy.

Mr. President, I do not think that it would be amiss to predict that unless the Senate comes to grips with this political AIDS virus, it is going to destroy the confidence in this institution and it will ultimately result in a scandal of tremendous proportions that will further shake the faith of the American people in the electoral system as well as in the institution. The day will come when some of the Senators who have steadfastly opposed cloture on this measure are going to regret their votes. The American people are going to hold them responsible.

This is a virus. It is a money chase. I have referred to it as the aristocracy of the money bag. It is dragging down this institution and is going to ultimately damage seriously the faith of the American people in our constitutional system of representative democracy, because they will not view ours as truly a representative democracy. They are not going to view themselves as being represented by us. They are going to view us, those of us who have to go out and engage in this money chase and leave our work here and leave our families to raise money for our reelection campaigns, they are going to perceive us as being beholden to the special interest groups that contribute to our campaigns.

Now we are all victims of the system. I have said this a number of times. I am a victim of it. There are others here who are victims of the system. We are trying to clean it up. The only way we can clean it up is to do so from the inside. We will have tried seven times as of today to do that.

I have no illusion as to the outcome of cloture today. I have a feeling that unless there is a great conversion, on the other side of the aisle where those who have been voting against cloture will come to the mourners' bench and admit their political sins, if I may put it that way, in voting against cloture, we will not get cloture today.

We will have some absentees, I know. But we will come back. General Douglas McArthur said: "We will return." Mr. President, we, too, will return. We will not be back this year; that is obvious, because we have too many other things to try to do. But we will return, next year. We will revisit this subject. It will still be on the calendar.

I hope that, in the meantime, the outside groups that have been so supportive of the effort to get action on campaign financing reform will continue their active work out in the country, and continue to call to the attention of the great public out there the importance of this issue. I hope that they will continue to contact our friends, most of whom are on the Republican side, here, of the Senate, who have consistently voted against coming to grips with this disease which is rapidly spreading and developing deeper into the body politic which I have referred to as the acquired immunodeficiency syndrome; the political AIDS virus.

I am sorry to have to use that term but as time goes on we are going to find that it is an apt term to use in this political situation.

So we will return and I hope that our editors and columnists throughout the country who have been so supportive of this effort will continue therein because this is not the omega of the effort.

Mr. President, I thank all Senators who have supported the effort to invoke cloture, and I particularly thank those Republican Senators, few in number at the moment, who have shown the courage to stand up and vote for cloture in the face of the almost solid opposition of the leadership on the other side. I do not cast any animadversion with respect to the leadership, but the Republican leadership is opposed, as we saw. The Republican conference, in full view, laid its cards right on top of the table recently in saying it would be opposed to anything that would put a limit on campaign spending.

There can be no campaign financing reform if there is not a limit on campaign spending. That is a hardcore opposition when the Republican conference takes that view. But the question remains, and again I compliment and thank those noble and courageous souls who have been willing to stand up in the face of that conference position, and still vote for cloture.

Obviously, the bill can be changed and approved and amended. Those who are voting for cloture probably will want to amend the bill and improve it if cloture can be invoked.

But, in any event, Mr. President, nobody is kidding anybody when they maintain that we can have campaign finance reform and still continue with any system which requires Senators to go out and leave their work and raise money, money, money in the millions for reelection. Give me more and more and more of your money.

How much are you willing to pay for a Senate seat? How much money can you raise? How much can you raise for a Senate seat? How much money is it going to require to win a Senate seat?

Those of us who are victims of the system, who want to change it, cannot ignore our own reelection efforts in the meantime so we have to raise the money. I hope that our friends will continue, our supporters on the outside and on the inside, will continue their support because we will revisit this matter early next year.

I will guarantee that. I yield the floor.

EXHIBIT 1

ELECTION FINANCE: AN INTERNATIONAL PERSPECTIVE

"No man is an island, entire of itself." So said the poet, John Donne. Neither is any nation, or political system, complete and self-contained in these last decades of the 20th century. The advent of radio and television, jet travel, and more recently, the instantaneous transmission of vast amounts of automated data, have made us inhabitants of a new world, an interdependent world, once characterized by media philosopher Marshall MacLuhan as "the global village."

No American corporation engaged in business, manufacturing, or finance today would dream of operating in a vacuum, or choose deliberately to ignore world-wide developments in science, technology, communications and marketing. To do so would not only be self-defeating and economically dangerous; it would deprive a business enterprise of access to the vast body of creative thought, experience, and innovation taking place beyond our borders. We need only look at the example of Japan: much of that nation's economic success is directly attributable to their practice of examining, adapting, and adopting practices and policies that have proved successful in other countries.

In much the same way, it is in our interest, as elected representatives of the American people, to be aware of, and receptive to political trends and developments in other democratic nations. As Americans, we take just pride in the success and durability of our democratic institutions of self government, particularly our great Constitution, whose bicentennial anniversary we celebrate this year. It has been a document, and ours a system, which other nations around the world have studied and emulated. But, by the same token, we would be guilty of extreme naivete if we were to think that our structure and practice of public affairs is complete and self-sustained, or if we

thought that the experiences of other democratic societies had nothing to offer for our own experience.

Our own actions as an institution confirm this truth. Many of us have, over the years, developed fruitful relationships with the freely elected lawmakers of other democratic nations. Many of us in this chamber today have experienced the invigorating exchange of ideas that accompanies such events as meetings of the Interparliamentary Union. We know our sister democracies have much to offer us in the way of innovative political ideas and different approaches to the attainment of similar goals.

I think it may be beneficial for us to pause, examine, and reflect on the practices of other democratic societies in an area that has vexed this body as greatly, during the course of recent months, as did any of the constitutional questions which confronted the long-suffering delegates to the Philadelphia Convention of 1787. I refer specifically to the question on which so much of the Senate's precious time has been spent during the course of the 100th Congress: how we, as an institution, are to govern ourselves in the matter of campaign funding. It is not my purpose today to go over ground that has been covered, eloquently, and at length, by supporters and opponents of the bill before the Senate (S. 2). We are by now familiar with the facts, figures, and practices of financing congressional election campaigns in the 1980s. I intend, rather, to review briefly the experiences of several other democratic societies in addressing questions similar to those we have faced here in the United States.

Perhaps the most fitting place to begin is with our trans-Atlantic cousins, the British, whose political institutions and processes so strongly influenced the decisions of our founding fathers, and whose own legislature proudly bears the title "Mother of Parliaments". Let us be quick to notice that not everything in the British political experience is applicable to our own circumstances. The United Kingdom has a population about one-fourth the size of America's, and covers only a tiny fraction of the area of the United States. Its political system is largely unitary, rather than federal, and its political parties are generally regarded as much stronger and more cohesive than our own. Nonetheless, there is much to admire in the conduct of British elections. Those of us who have worked over the years to reduce the evergrowing length of Presidential election campaigns look with wonderment, and sometimes envy, at a system that can conduct a national election in 28 days, rather than 28 months. Moreover, the British people, for whatever reason, turn out in substantially higher percentages to cast their votes in national contests for parliament: a mean of 77 percent of the voting age population has gone to the polls in post-war elections. This compares favorably with the mean turnout of 59 percent for the United States for Presidential elections over the same period, and dwarfs our own embarrassing 36 percent participation in the 1986 congressional elections.

The difference in election costs between our two countries is equally striking. British Information Services, a department of the British Embassy, estimates that the 1983 general election in Britain cost $10,300,000, at current exchange rates, as compared to an estimated $211,000,000 for our own 1986 Senate elections alone.

In Great Britain, total expenditures are regulated per constituency, or per district. The government does provide assistance in the election process, which takes the form of indirect aid. Get-out-the-vote activities, which are consuming an increasing share of party expenditures in the United States, are unnecessary in the United Kingdom, where all costs associated with registration are absorbed by local governments. Moreover, candidates of all three parties are provided with free use of public facilities, such as schools and meeting halls.

Perhaps most important, paid political television and radio spots, which constitute the largest single category in American election expenditures, are prohibited under the British system. Instead, broadcasting authorities, in a non-statutory agreement with the political parties, provide free radio time, and television time at a nominal expense, on a nationwide basis.

In addition, unlike in our congressional campaign financing system, Britain sets a ceiling for election expenditures by individual candidates for parliamentary districts (which comprise a population of about 90,000), providing a base figure, plus a given amount for each registered voter. In the national election of 1983, the average expenditure for urban constituencies was less than $8,000, that of rural districts, slightly less.

Another of our NATO allies, the Federal Republic of Germany, has demonstrated an impressive record of stable and democratic government since its foundation in 1949. Rising from the rubble of World War II, against the background of a long tradition of authoritarian rule, West Germany has provided a remarkable example of democratization.

The Federal Republic, since 1967, has operated with a mixed system of public and private financing of elections. The recognized political parties, that is those which attained more than five percent of the votes cast in the most recent election, qualify for an annual subsidy direct from government revenues to meet their election and administrative expenses.

Funds are allocated to the parties by the Federal Accounting Office, with the total amount determined by the number of popular votes received in the last federal election. In addition, German law empowers the component States of the Federal Republic to reimburse the parties directly for expenses incurred in State election campaigns. Contributions to political parties by private citizens are also encouraged under German law.

The State of Israel has established a comprehensive program of assistance for its multi-party democracy, as well as subsidizing other activities designed to encourage public participation in the elections process. And their system has clearly been successful: in nine national elections held between 1948 and 1981, Israelis turned out at a mean rate of 81.4 percent of eligible voters.

Direct grants are provided to the parties represented in the Knesset, or Parliament, as compensation for election expenses. Funds are allocated on the basis of the number of seats held in the Knesset by each party. Israel also places limits on the expenditure of funds raised by the parties from private contributions to not more than one-third the amount received by each party in its official allocation. All political expenses by the parties are subject to inspection by the Israeli State Comptroller, and, in fact, each party receives only 70 percent of its campaign allocation prior to an election. The remaining 30 percent is allotted only after the Comptroller's office has inspected party financial records and judged them to be complete and accurate.

While Israeli television and radio provide free time for party political broadcasts during election campaigns, additional program time is devoted for non-partisan voter education broadcasting; government funds are also provided for non-partisan newspaper and magazine advertisements publicizing the elections, and encouraging all citizens to vote. Finally, the Israeli Government provides free transportation to and from the polls for voters whose designated polling places are outside their communities.

Our neighbor, Canada, also has some useful examples for her neighbors to the south of how a democratic society can deal with the problems of campaign finance. Her institutions of government resemble ours in many ways—we both have federal systems and bicameral legislatures. Our two nations also share long traditions of democratic self-government, and what are, basically, two-party systems. Moreover, while Canada's population is only a tenth that of the United States, she is also a large, continent-spanning nation, sharing the same costs and logistical problems associated with conducting political campaigns in such extensive geographical areas.

In 1969, the Canadian Parliament passed the Canada Election Act, which provided public campaign subsidies on the Federal level for the first time in Canadian history. The Canadian system differs from the general European practice in that allotments are made directly to candidates for the Federal House of Commons, rather than to political party organizations. The amount received by each candidate is based on the population and area of his district or riding, as they are called. Special allowances are granted to candidates running from Canada's huge and sparsely populated prairie and arctic constituencies.

The payment takes the form of a reimbursement made after the election, and is paid to candidates only after their campaign expenditures have been reviewed by Federal auditors. In recent elections, campaign subsidies have amounted to about one-third of the cost of an average House of Commons election campaign.

In addition, Canadian law also limits the total amount which can be spent in election campaigns. For individual constituencies, which typically include about 50,000 voters, candidates were originally authorized to spend up to one dollar, Canadian, for each of the first 15,000 voters residing in the district, 50 cents for each of the next 10,000, and 25 cents each for the remaining votes. These figures, which were originally set in 1969, have since been adjusted to account for inflation.

The political parties' national expenditures are also limited under the Canada Elections Act: the parties are authorized to spend an amount not greater than 30 cents for each registered voter in constituencies in which the party has designated an official candidate for the House of Commons. National party spending limits have also been adjusted from this original limit to allow for inflation.

Canada has also retained private funding as part of its election finance system, by permitting contributions from corporations and private individuals to both individual candidates for office, and the national political parties.

Britain, West Germany, Israel, Canada: four countries with different approaches to

campaign finance. Some of the alternatives include public financing to the parties or the candidates, providing free television and radio time, and subsidizing the costs of voter education and registration.

Each of these democratic nations I have so briefly surveyed has had at least a decade of successful experience under its current arrangement. In no single case has their political system been debased, or altered beyond recognition. Political power in each has changed hands peacefully within the past decade, demonstrating that incumbent parties and legislators are not automatically benefited by a system of public finance of elections or parties or of limitations on campaign expenditures. Moreover, in each of these nations, the rate of voter participation has been, and continues to be, well above our own.

My purpose in making these remarks has been to suggest that systems of election spending limitation and public election finance have worked well and fairly in other democratic nations over the past two decades. We would do well to take a page from their book, and craft a system of election finance for this body that will make us proud as Senators, one that will be fair and honest, will restore dignity to, and confidence in, the election process, and will stimulate our fellow citizens to fuller participation in the fundamental right of democratic government: the popular election of our chosen representatives.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Kentucky controls 12 minutes, 8 seconds.

Mr. McCONNELL. Mr. President, I do not believe I will use the 12 minutes. I am checking now to see if the distinguished Republican leader would like to add to the RECORD at the end of the debate.

I listened with interest, as I have over the months, to the distinguished majority leader. It has been interesting to observe how we differ on the same set of facts. I look at the same system the majority leader looks at, and yet I see something quite different. For example, I see a system in which not everyone is forced to raise a lot of money. As a matter of fact, many Members of this body choose not to raise much money: Senator PROXMIRE, for example, has made a principle out of not raising much money, and he has been able to succeed quite well.

There is a Congressman from my home State of Kentucky, Congressman NATCHER, who spent about $1.95 last year on his campaign. It did not seem to diminish his electoral prospects.

The early fundraising that the majority leader decries has really not happened. Just look at the facts: if we consider the class of 1990, which presumably would be the ones involved in early fundraising.

Mr. SANFORD. Mr. President, I wonder if the distinguished Senator from Kentucky would yield for two short questions.

The PRESIDING OFFICER. Would the Senator from Kentucky yield to the Senator from North Carolina?

Mr. McCONNELL. No, I would like to finish my statement. We are anxious to have the vote; Senators are standing around waiting.

The PRESIDING OFFICER. The Senator from Kentucky does not yield for a question.

Mr. McCONNELL. Out of 33 candidates from the class of 1990, 17 have raised less than $100,000. Twenty-four have raised less than $200,000. Only nine have raised in excess of that, and much of that money comes from leftover funds of previous races. The political AIDS virus that the distinguished majority leader refers to is simply not occurring. There are some problems out there, but I do not think you cure them by passing a bill that limits expression and raids the Treasury. This is what S. 2 would do in all of its versions, Mr. President.

The majority leader said that the supporters of S. 2 will return. Let me say confidently that the opponents of S. 2 will return as well. I hope that we can avoid another stalemate on the floor by agreeing to sit down and write a bipartisan campaign finance reform bill; a bill that does something about PAC's and special interest soft money—for if there is any scandal out there waiting to happen, Mr. President, it is in the area of PAC contributions and special interest soft money.

Just looking at a newspaper article here, from the Wall Street Journal, I read that Democrats outstrip Republicans in PAC funds by two to one. Two to one. Mr. President, I certainly hope that this grim statistic is not the real reason why the other side has refused to come to the bargaining table and talk about real campaign finance reform. Because if that is the case, then we already have the scandal in this Chamber, and it will be very difficult to root it out.

I ask unanimous consent that the articles to which I have referred may be printed at this point in the RECORD.

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

[From the New York Times, Monday, Aug. 10, 1987]

51 SENATORS LIST $1 MILLION IN AID

(By Richard L. Berke)

WASHINGTON, Aug. 9—More than half the current United States senators have received at least $1 million each from political action committees in their Congressional careers.

The senators' financial reports show that six of them reached the $1 million mark in the first half of this year, bringing to 51 those who have collected at least that much from the committees.

Although Congressional campaigns are financed mostly by direct, individual contributions, opponents of political action committees say the groups exert undue influence on elected officials. Proponents say the committees, which can give $5,000 to a candidate and accept $1,000 from an individual in both the primary and general election, reflect the many legitimate interests of those who contribute to them.

Some members of Congress take PAC money but would curb the PAC's. A Senate bill that would further restrict contributions from PAC's has been stalled by a Republican filibuster. Several bills have been introduced in the House but are not as far along.

In some cases, the financial reports show PAC money collected over nearly 15 years. But the committees have played a much greater role in recent years. By the end of 1984, 17 senators had received more than $1 million; two years later 46 had received more than $1 million.

In all, the sitting senators have received $109 million from PAC's since 1972, when the Federal Election Commission began tracking the contributions. That figure is based on contributions to the members' campaigns for seats in the Senate, earlier campaigns for the House and on other political committees the senators may control.

This year alone, senators raised $10 million from the committees. Even so, contributions by the committees play only a supporting role in financing Congressional campaigns. They raised 25 percent of the money spent by and for candidates elected to the Senate last year and 41 percent for candidates elected to the House, according to the Congressional Research Service of the Library of Congress.

Bob Dole, the Republican leader who was first elected to the Senate in 1968, led his colleagues by collecting a total of $3.3 million from political action committees since he entered Congress. In his re-election campaign last year, Mr. Dole raised $2.6 million, of which $1 million, about 40 percent, came from the committees.

"We're not apologizing for PAC money," said Walt Riker, spokesman for the Kansas Senator. Mr. Dole favors some curbs on PAC's, Mr. Riker said, so long as "across the board" restrictions are placed on other financing sources, such as labor groups. While Mr. Dole's Senate campaign received $1 million from PAC's last year, his 1980 campaign received $422,531 and his 1974 campaign only $82,555.

"I find it embarrassing," said Senator Phil Gramm, Republican of Texas, when told he had received a total of $2.4 million from PAC's, ranking him third among his colleagues. "I should be No. 1 because of the work I do in promoting work and jobs and opportunities for our people. I am proud of the broad-based private support."

Fifteen of the 51 Senators are in their first Senate terms. Senator Thomas A. Daschle, a South Dakota Democrat elected last year, has raised $1.9 million from PAC's since he entered the House in 1978. More than $1 million of that was given for his election last year.

Senators David L. Boren of Oklahoma, a principal sponsor of legislation that would restrict PAC's, and William Proxmire of Wisconsin, both Democrats, are the only two Senators who have never accepted PAC money while in Congress.

Financial reports filed over the last week with the Federal Election Commission show that overall fund-raising for the senators' 1988 re-election campaigns has begun in earnest. The 33 incumbents who face election next year got more than $20 million in total contributions in the first half of 1987. Those

senators' reports show they have more than $27 million that is unspent.

Of those incumbents, Lloyd Bentsen, Democrat of Texas, chairman of the Senate Finance Committee, collected the most money this year and has the most on hand. He has raised $3.8 million this year, nearly 30 percent from PAC's.

Senators Donald W. Riegle Jr., of Michigan, Frank R. Lautenberg of New Jersey and Senator Jim Sasser of Tennessee, all Democrats, were the next most successful fund-raisers this year, each accepting slightly more than $1 million.

Other senators who are facing election in 1988 and already have more than $1 million on hand are Howard M. Metzenbaum, Democrat of Ohio, $2.2 million; Pete Wilson, Republican of California, $2.1 million, Paul S. Trible, Republican of Virginia, $1.4 million; Daniel Patrick Moynihan, Democrat of New York, $1.3 million; John C. Danforth, Republican of Missouri, $1.2 million, and John Heinz, Republican of Pennsylvania, $1.1 million.

The finance report of Senator Daniel J. Evans, Republican of Washington, was most noticeable. While most Senators up for reelection in 1988 raised hundreds of thousands of dollars this year, he collected only $26,330 and has $125,597 in the bank.

Senator David Karnes, Republican of Nebraska, appointed in March to fill the term of the late Senator Edward Zorinsky, a Democrat, has already collected $152,955, $48,600 of it from PAC's. Senator Alfonse M. D'Amato, the New York Republican who won relection in 1986, got $555,777 this year, and has $446,034 available to spend.

SENATE PAC'S IN THE MILLIONS

Political action committee receipts of sitting senators who received a million dollars or more from 1972 through June 1987

Bob Dole (R-Kan.)	$3,366,305
Alan Cranston (D-Calif.)	2,606,585
Phil Gramm (R-Tex.)	2,499,984
Lloyd Bentsen (D-Tex.)	2,434,597
Steve Symms (R-Idaho)	2,261,761
Pete Wilson (R-Calif.)	2,037,808
Charles Grassley (R-Iowa)	2,019,748
Thomas Daschle (D-S.D.)	1,949,843
Tim Wirth (D-Colo.)	1,833,942
Arlen Specter (R-Pa.)	1,790,384
David Durenberger (R-Minn.)	1,774,048
Paul Simon (D-Ill.)	1,671,664
Ernest Hollings (D-S.C.)	1,606,431
Dan Quayle (R-Ind.)	1,604,622
Alfonse M. D'Amato (R-N.Y.)	1,595,150
John Breaux (D-La.)	1,581,610
Alan Dixon (D-Ill.)	1,575,864
Orrin G. Hatch (R-Utah)	1,575,608
John Glenn (D-Ohio)	1,558,367
Richard Shelby (D-Ala.)	1,545,682
Bob Packwood (R-Ore.)	1,540,751
Robert Kasten (R-Wisc.)	1,536,870
Jim Sasser (D-Tenn.)	1,528,868
Robert Byrd (D-W. Va.)	1,507,710
Donald Riegle (D-Mich.)	1,484,271
Christopher Bond (R-Mo.)	1,430,233
Harry Reid (D-Nev.)	1,421,511
Rudy Boschwitz (R-Minn.)	1,405,597
Jesse Helms (R-N.C.)	1,385,885
Tom Harkin (D-Iowa)	1,359,036
Wyche Fowler (D-Ga.)	1,300,235
Edward M. Kennedy (D-Mass.)	1,284,538
Thad Cochran (R-Miss.)	1,278,560
Paul Trible (R-Va.)	1,235,734
Don Nickles (R-Okla.)	1,221,847
Bill Bradley (D-N.J.)	1,214,675
Daniel Patrick Moynihan (D-N.Y.)	1,211,503
Patrick Leahy (D-Vt.)	1,189,389
Wendell Ford (D-Ky.)	1,180,574
William Armstrong (R-Colo.)	1,172,070
Pete Domenici (R-N.M.)	1,116,536
Richard Lugar (R-Ind.)	1,093,335
Max Baucus (D-Mont.)	1,080,825
Howell Heflin (D-Ala.)	1,076,436
Albert Gore (D-Tenn.)	1,075,803
John Melcher (D-Mont.)	1,070,239
Ted Stevens (R-Alaska)	1,068,003
Christopher Dodd (D-Conn.)	1,061,501
Barbara Mikulski (D-Md.)	1,051,560
John Warner (R-Va.)	1,035,530
John McCain (R-Ariz.)	1,007,766

*Figures as of Dec. 31, 1986.

Source: Federal Election Commission.

[From the New York Times, Feb. 23, 1987]

RAISING 1990 FUNDS AND SOME HACKLES

(By Richard L. Berke)

WASHINGTON, Feb. 22.—In politics, money buys access. But Stanley K. Sheinbaum, a leading Democratic fund-raiser, has grown so frustrated by the demands of money-hungry politicians that last week he did not even want such access.

He told Senator Tom Harkin, who sought an appointment with him in Los Angeles, that he would see him only under one condition.

"I saw Harkin privately on the proviso that money not be discussed," he said.

The Iowa Democrat, who is up for re-election in 1990, consented, and Mr. Sheinbaum reports that the two had a fine conversation. Money was never mentioned.

Even so, money is increasingly discussed among disgruntled fund-raisers, directors of political action committees, lobbyists and individual contributors.

They are troubled not so much by how much Republican and Democratic candidates, particularly incumbent senators, have come to expect in donations, but by the nagging solicitation letters and phone calls from senators who do not face re-election for several years.

In the words of Ann F. Lewis, national director of Americans for Democratic Action, a liberal policy group, fund-raising has become "a perennial preoccupation" for senators who no longer wait until the end of their six-year terms to seek funds.

And some donors are fed up.

"There's a real anger developing," said Mr. Sheinbaum. "Prior to right now, a senator with a race for four years hence would have been casual about it. But now they're getting fierce. They're obsessed. It's distracting them from their jobs. It's wearing them out."

Mr. Sheinbaum, who is an investor and a University of California Regent, said he considered Mr. Harkin a good friend but just did not have patience with him and two other senators seeking re-election in 1990 who were looking for funds on the West Coast last week. He said that he was still recovering from the dozen fund-raising events he held for 1986 contenders and that his view was more toward 1988's elections than 1990's.

Mr. Harkin collected $53,000 last year, four years before he goes before the voters again, and he is not alone in raising money early. In all, the 33 senators who face re-election campaigns in 1990 took in more than $5.2 million last year, including more than $350,000 from political action committees. Only eight had debts to pay off from previous campaigns, and some still had left-over cash from their successful campaigns in 1984.

THEY'RE GETTING BUGGED

Representative Bill Frenzel, a Minnesota Republican who is a leading advocate of changes in Federal election law, said political action committees were also feeling the squeeze. "I think the PAC community feels kind of put upon to do what they consider to be excessive amounts of fund-raising, particularly for incumbents who aren't going to have very tough elections and often in years in which no election occur," Mr. Frenzel said. "And I think they're getting bugged by it."

One PAC director said he was so fed up by constant solicitations that he sent an anonymous letter to other contributors suggesting that the situation was so bad it could trigger a "donor revolt." He did not sign his name because he said he feared being cut off from the politicians his committee supports.

By soliciting funds earlier, the senators are not, in most cases, seeking larger contributions per individual donor. No matter when they collect funds, they remain bound by the Federal election law, which limits an individual's contributions to a candidate to $1,000 for the primary and another $1,000 for the general election. The comparable limit for PAC's is $5,000.

DISCOURAGING CHALLENGERS

But money in the bank early helps candidates discourage potential challengers and gives them time to develop a broader pool of contributors. The money also earns interest.

Donors say they generally do not like being hounded for cash for campaigns more than two years away. One reason is that donors with limited resources are finding themselves contributing to campaigns years in the future, with current candidates receiving less.

That was a problem last year, when some Senate campaign aides complained that those seeking contributions, for 1988 and 1990, were competing with their candidates, who had a more urgent need for the money.

Donors also say they often do not have such faith in the future performance of candidates to feel comfortable making such advance contributions. But, to assure continued access and influence in Washington, they find they have no alternative.

Senator Mitch McConnell, a Kentucky Republican who raised $317,300 last year for his 1990 campaign, defended the practice, saying raising money early "is just the intelligent thing to do" now that successful Senate races cost several million dollars to wage.

"The process is not demeaning, or offensive or overly time-consuming," he said. "The limits on contributions require us to deal with a lot of folks. Of course, always in politics you want to scare off other candidates early."

The alternative, Mr. McConnell said, is to wait until the eve of an election to raise funds and "be completely snowed by it."

Rather than holding huge pre-election fund-raising extravaganzas, many senators routinely hold annual events through which they incrementally build their campaign coffers.

Senator Bill Bradley, a New Jersey Democrat, raised $1.1 million last year, the most of any candidate up for re-election in 1990. Some was collected from such events as his annual theater party, annual women's lunch and annual fund-raising dinner.

Those who do contribute early express mixed feelings about how they benefit. Former Representative Alvin J. Baldus, a Wisconsin Democrat who now supervises the political action committee of Cenex, a farm cooperative, said elected officials appreciated early contributions and gave "a lot of Brownie points" to the contributors.

But Jack Owen, who is on the board of the American Hospital Association's PAC, said, "The value of giving money early doesn't help us because the candidate forgets that we gave."

Some donors have little sympathy for those who do object. They say donors would not contribute if it were not to their advantage.

THE WAY OUR SYSTEM WORKS

"It's kind of a shame, but that's the way our system works," said Darrell Brown, a thoroughbred breeder who gave $2,000 last year for Mr. McConnell's 1990 campaign. "To be in politics you have to plan ahead and raise your money."

And William J. Grant, manager of the political committee of Consolidated Freightways Inc. in Palo Alto, Calif., said, "It's part of the game."

Mr. Sheinbaum, for one, disagrees. He vows never to raise funds before a candidate's two-year election cycle.

"I won't do it," he said, "How do I know he won't turn fascist on me? How do I know he won't be dead?"

PLANNING AHEAD

[Campaign funds raised in 1986 by Senators whose terms expire in 1991. Figures are as of Jan. 1, 1987, except where noted]

	Total raised in 1986	Portion from PAC's	Cash on hand
William Armstrong, R-Colo.[1]	$8,093	$0	$102,551
Max Baucus, D-Mont.	28,788	17,859	2,870
Joseph Biden, D-Del.	614,160	7,950	421,624
David Boren, D-Okla.	21,408	0	51
Rudy Boschwitz, R-Minn.	323,040	5,530	167,665
Bill Bradley, D-N.J.	1,132,200	91,192	659,251
Thad Cochran, R-Miss.	17,729	6,450	174,683
William Cohen, R-Me.	8,955	1,250	144,557
Pete Domenici, R-N.M.	17,729	5,550	51,215
James Exon, D-Neb.	5,832	0	40,803
Albert Gore, D-Tenn.	23,678	7,865	69,611
Phil Gramm, R-Tex.	804,170	42,221	281,462
Tom Harkin, D-Iowa	53,103	31,450	44,872
Mark Hatfield, R-Ore.	36,486	0	176,410
Howell Heflin, D-Ala.	35,485	0	467,585
Jesse Helms, R-N.C.[1]	414,643	2,000	652
Gordon Humphrey, R-N.H.	40,395	10,500	12,021
J. Bennett Johnston, D-La.	187,800	2,950	1,602,420
Nancy Kassebaum, R-Kan.	12,898	1,750	175,010
John Kerry, D-Mass.	471,195	1,325	0
Carl Levin, D-Mich.	56,352	2,305	64,501
James McClure, R-Ind.	40,123	1,600	257,843
Mitch McConnell, R-Ky.	317,300	17,050	564,502
Sam Nunn, D-Ga.	38,975	0	570,743
Claiborne Pell, D-R.I.	33,681	0	373,330
Larry Pressler, R-S.D.	49,317	11,500	230,291
David Pryor, D-Ark.	20,580	0	65,285
Jay Rockefeller, D-W.Va.	7,729	2,000	6,459
Paul Simon, D-Ill.	241,762	34,225	15,543
Alan Simpson, R-Wyo.	87,068	3,000	154,246
Ted Stevens, R-Alaska[1]	36,145	29,000	66,007
Strom Thurmond, R-S.C.	14,745	8,095	50,130
John Warner, R-Va.	9,163	1,750	21,672

[1] Funds raised as of June 30, 1986.

Source: Reports filed with Federal Election Commission.

Mr. McCONNELL. Clearly, the majority party is not particularly interested in doing anything about PAC contributions because they do better with PAC's. The point I want to make though, is we shouldn't write a bill that is to the partisan advantage of one party or the other. Let us write a bipartisan bill. Let us do something meaningful about PAC's and special interest soft money. Let us do something about the millionaires' loophole and independent expenditures and the cost of campaigns. We can write a campaign finance reform bill off the floor of the Senate and have it ready by the first of next year. If we can cooperate, we will have a legitimate reform to present to the public.

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

CLOTURE MOTION

The PRESIDING OFFICER. The time for debate under the unanimous-consent agreement having expired, pursuant to rule XXII of the Standing Rules of the Senate, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the committee substitute for S. 2, to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes.

Senators Brock Adams, John Glenn, David Boren, Jim Sasser, Tom Daschle, John F. Kerry, Wyche Fowler, Jr., Christopher Dodd, Wendell Ford, Terry Sanford, Edward M. Kennedy, Robert C. Byrd, Dennis DeConcini, Bob Graham, John Melcher, Claiborne Pell, and John C. Stennis.

WAIVER OF AUTOMATIC QUORUM CALL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the committee substitute as modified for S. 2, a bill to amend the Federal Election Campaign Act of 1971, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. RUDMAN (when his name was called). Mr. President, on this vote I have a pair with the distinguished Senator from Nebraska [Mr. EXON]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withhold my vote.

Mr. CRANSTON. I announce that the Senator from Florida [Mr. CHILES], the Senator from Nebraska [Mr. EXON], and the Senator from Tennessee [Mr. GORE] are necessarily absent.

I also announce that the Senator from North Dakota [Mr. CONRAD] is absent because of illness.

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

The yeas and nays resulted—yeas 51, nays 44, as follows:

[Rollcall Vote No. 242 Leg.]

YEAS—51

Adams	Ford	Mikulski
Baucus	Fowler	Mitchell
Bentsen	Glenn	Moynihan
Biden	Graham	Nunn
Bingaman	Harkin	Pell
Boren	Hollings	Proxmire
Bradley	Inouye	Pryor
Breaux	Johnston	Reid
Bumpers	Kassebaum	Riegle
Burdick	Kennedy	Rockefeller
Byrd	Kerry	Sanford
Chafee	Lautenberg	Sarbanes
Cranston	Leahy	Sasser
Daschle	Levin	Simon
DeConcini	Matsunaga	Stafford
Dixon	Melcher	Stennis
Dodd	Metzenbaum	Wirth

NAYS—44

Armstrong	Hatfield	Pressler
Bond	Hecht	Quayle
Boschwitz	Heflin	Roth
Cochran	Heinz	Shelby
Cohen	Helms	Simpson
D'Amato	Humphrey	Specter
Danforth	Karnes	Stevens
Dole	Kasten	Symms
Domenici	Lugar	Thurmond
Durenberger	McCain	Trible
Evans	McClure	Wallop
Garn	McConnell	Warner
Gramm	Murkowski	Weicker
Grassley	Nickles	Wilson
Hatch	Packwood	

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

Rudman, against

NOT VOTING—4

Chiles	Exon
Conrad	Gore

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

ORDER OF BUSINESS

Mr. BYRD. Mr. President, the cloture motion that was entered on the Department of Defense authorization bill automatically is vitiated, is it not, by virtue of the fact that the Senate has taken up that bill?

The PRESIDING OFFICER. It is vitiated.

Mr. BYRD. I thank the Chair.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1988 AND 1989

Mr. BYRD. Mr. President, what is the business before the Senate?

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

The legislative clerk read as follows:

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

The Senate resumed consideration of the bill.

Pending:

(1) Glenn Amendment No. 678, to prohibit the awarding of contracts for research and development in connection with the Strategic Defense Initiative program to foreign countries and foreign firms.

(2) Warner-Dole Amendment No. 679 (to Amendment No. 678), of a perfecting nature, to declare that the Congress of the United States fully supports the President in his negotiations with the Soviet Union.

ABSENCE OF SENATOR LAUTENBERG FROM THE SENATE

Mr. BYRD. Mr. President, the distinguished Senator from New Jersey [Mr. LAUTENBERG] has received news of the death of his mother, and he will have to be absent from the Senate for a few days. I therefore have been asked by Mr. LAUTENBERG to ask unanimous consent, in accordance with paragraph 2 of rule VI of the Standing Rules of the Senate, that Mr. LAUTENBERG be permitted to absent himself from the work of the Senate over the next 3 days.

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

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, I ask unanimous consent that I may proceed for 5 minutes.

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

CAMPAIGN FINANCE REFORM

Mr. DOLE. Mr. President, today, with a seventh cloture vote, we again revisit so-called campaign finance reform.

The debate on this issue, which has gone on sporadically since November of 1985, has had the benefit of airing the views of many on all sides of the matter. It is not that we disagree on the need for some reform, it is the nature of the solutions that divide us.

As I noted last week prior to the sixth cloture vote, people have suggested that the Republicans are simply opposed to any change in the status quo; and given the coverage of our efforts by the press, I am not surprised they hold that view.

But that simply is not the case, as evidenced by our introduction of a measure last week which mirrored much of the work done last year by Senators BOREN and GOLDWATER.

While the Boren/Goldwater bill was much heralded upon its introduction, it is interesting to note that our efforts received little or no attention by the media, a somewhat disturbing fact. It is almost as if our suggestions, important enough when first proposed, were no longer relevant. But even more disturbing is the change in tone in the current debate.

In a November 1985 editorial, the Washington Post suggested the following: reforms should not unduly restrict the amount of money that candidates, including challengers to incumbents, can raise. The Post further suggested that reforms should not impinge on freedom of political expression, and that the arguments that PAC's are a vehicle for voters self-expression cannot be casually dismissed. Finally it suggested, wisely in my view, that we should proceed carefully with reform.

An August 11, 1986, article in the New York Times suggested that the provisions of the Boren/Goldwater bill were both reasonable and clear and should thus be supported by all sides.

But given the lack of reaction to our proposal, and the seemingly broad media support for the new Boren/Byrd measure, these opinions seem to have radically changed.

GIVE POWER BACK TO THE VOTER

The great strength of the earlier Boren/Goldwater measure was its emphasis on the need to get the individual involved in the political process and place some limits on PAC's.

We have disagreed over the imposition of an aggregate cap on PAC contributions largely because we are concerned that such a limit might prove a hindrance to the less affluent and less well-organized interest groups, who may not be able to raise and target their campaign money. Of course, as a result, the political leverage of the better organized, the groups Senator BOREN is most concerned about, might become even more pronounced. The measure could also, we believe, work as an incumbent protection measure by denying an important potential source of funds to challengers.

Finally, our third major objection to the PAC limit is that any effort to curb PAC's could serve as an incentive for more PAC's to engage in independent expenditures.

But beyond this one key problem, there is much agreement over the value of increased disclosure, particularly with respect to soft-money, and increased participation of individuals.

INDIVIDUAL NOT TAXPAYER PARTICIPATION

While most of the agruments made last year by Senator BOREN and in the press focused on the problems with PAC's, there was corresponding emphasis on the individual voter. But somehow in the last year the emphasis has slipped away from the individual to the taxpayer.

Suddenly the solution to our problems, instead of increasing individual contributions, is the introduction of taxpayer financing, and limits on the overall amounts spent on campaigns.

In none of his statements that I have reviewed from last year, nor in the old editorials that I have obtained, is there any mention of the value of public financing. In fact, in an interview with the New York Times in September of 1986, Senator BOREN states that he has very mixed feelings about public financing. And that, Mr. President, is at the heart of our disagreement today.

The bottom line is that we should concentrate our efforts on the real problems, be it lack of involvement of the individual, over-involvement on the part of PAC's, or lack of disclosure with respect to soft-money. Boren/Goldwater was good enough for many last year. I believe the Dole, Stevens, McConnell, Packwood bill is worthy of our consideration now.

On another subject, Mr. President, let me indicate that——

Mr. BYRD. Mr. President, if the distinguished Senator will yield, I ask that the time taken by my comments and his response, if he wishes to respond, not come out of his time.

The PRESIDING OFFICER. Without objection, it is so ordered. However, the Senator's 5 minutes have expired.

Mr. BYRD. Mr. President, I ask unanimous consent that the Republican leader may proceed for an additional 5 minutes.

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

Mr. BYRD. Mr. President, I welcome the opportunity to work with the Republican leader as we look toward next year when we will indeed revisit this subject in the effort to try to develop and pass meaningful campaign reform.

The distinguished majority leader has introduced legislation and he has stated today that there ought to be a limitation on PAC spending, and I believe I heard him say that the bill which Mr. BOREN and other Senators and I have introduced does not limit PAC spending.

Mr. President, may I ask the distinguished Republican leader two questions: does his legislation limit campaign spending? Second, does his legislation limit the overall total of PAC contributions? I am not talking about just limiting what a simple PAC may give, which is $5,000 as of now, but does his legislation propose a ceiling on the total that PAC's may contribute to any candidate?

Would he answer those two questions?

Mr. DOLE. Let me first address the PAC. There is no aggregate cap in the PAC.

Mr. BYRD. That is the flaw, looking at it from our standpoint.

Mr. DOLE. I think that is now without some hope, that we might come together.

What we have done is instead of a $5,000 contribution, limit that to $3,000. We have not included a cap for a couple reasons. First, we think limits are not in the interest of many candidates in many parts of the country; and, second, only well-organized PAC's, the ones that had an ongoing PAC organization, as many of the companies do, would have the chance

to contribute. Someone starting up a PAC or someone who took more time to get his PAC's, maybe smaller groups are disadvantaged because, by the time they got ready to make a contribution to, say, Senator DOLE or some one else, the candidate would have already reached that limit.

I think there is some reason in that argument.

To answer the first question, there is no overall limit on spending. We try to achieve that by limiting how much individual PAC's can give. We do raise the individual contribution $1,000 or $1,500, and we do call for disclosure of so-called soft money, and there are other provisions, so I do not think there is really any basic disagreement.

My view is, I would guess on 80 percent of the issues, there is no problem. We just have to find a way to come together on the other 20 percent.

Mr. BYRD. Mr. President, I thank the distinguished minority leader.

I close my remarks by saying the Boren-Byrd, et al., approach is to have a limitation on the aggregate contributions that PAC's may give. The distinguished Republican leader proposes a limitation on PAC's. He proposes, I believe, lowering the limitation on the amount that any particular PAC can give, which now is $5,000 for a primary and $5,000 for the general.

But the distinguished Republican leader does not put a ceiling on the aggregate that PAC's may give. In other words, a candidate, under the distinguished Republican leader's proposal, could have his entire election costs financed by PAC's because there is no ceiling on the aggregate. That is one flaw. The Boren-Byrd bill does put a ceiling on the aggregate.

Second, the distinguished Republican leader in his proposal does not have any limitation on campaign expenditures. Mr. President, that is part of what this whole debate is about. Unless there be a limitation on campaign expenditures, then any legislation we would pass to the contrary, unless it has a limitation on campaign spending, is not genuine campaign finance reform.

So, these are two major differences in our approach, I would say, to begin with. But I will look forward to working with the Republican leader and so will Mr. BOREN and other Senators as we take a look at next year, and hopefully we can find legislation on which we can get a majority of the Senate to come together.

I thank the distinguished Republican leader.

He wishes to speak on another subject, so I should sit down.

THE RESIGNATION OF SECRETARY DOLE

Mr. DOLE. Mr. President, I would just say very quickly that I have noted with interest that the Secretary of Transportation has resigned effective October 1.

I just wanted to indicate to my colleagues that I think she has done an outstanding job. Of course, there is no bias or prejudice on my part. But I will be making a fuller statement for the RECORD. I would just say to the Secretary of Transportation that you have done an outstanding job. It is a very difficult job that she has had for these 4½, almost 5, years. And I certainly wish her the best in whatever she may do hereafter.

Mr. BYRD. Mr. President, I join with the distinguished Republican leader in complimenting our very distinguished Secretary of Transportation.

I have said on previous occasions, and I reiterate it today, that as far as this Senator is concerned Elizabeth Dole has been and is my all-time favorite Secretary of any Department in my lifetime.

Now this raises a question which I think also could give some of us on this side considerable hope, and that is whether the distinguished Republican leader will help us to now extend unemployment compensation benefits—that did not go over so well.

Mr. DOLE. Pretty good. I liked that.

Mr. BYRD. Would he help me to explain that?

Mr. DOLE. No. That is OK.

Mr. BYRD. Because the Republican leader without the income of his lovely wife is probably going to need some financial help, and I know that he is against public financing of campaigns, even though it will not be very long until, I daresay, as I look back upon the events of last weekend, that Mr. DOLE will be one of those announced Republican candidates for the Presidency and so, therefore, even though he may be against public financing of senatorial campaigns I have a feeling he probably will not back up to the window when he seeks the check for public financing of Presidential campaigns.

But more than that he is going to need some Government assistance, and I think this would be a good time, Mr. President, for us to introduce legislation and to ask unanimous consent to proceed with it immediately to extend the unemployment compensation benefits so as to help our good friend, the minority leader, to sustain himself.

Aside from those facetious remarks, I ask unanimous consent that I may proceed for 1 minute.

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

Mr. BYRD. I close by again commending Elizabeth Dole for the excellent performance that she has given. The President will lose a good Department Secretary, while the distinguished Republican leader will not only gain a strong continuing supporter, but Mrs. Dole will be able to be at her husband's side in the effort which I assume he will announce before too long, and I think it is quite proper and I commend her.

Mr. DOLE. Thank you, BOB.

Mr. BYRD. Yes, indeed.

ORDER OF PROCEDURE

Mr. BYRD. The Senate is on the Defense Department authorization bill, is it not?

The PRESIDING OFFICER. That is correct.

Mr. BYRD. I yield the floor.

The PRESIDING OFFICER. The Senator has yielded the floor.

The Senator from Ohio.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1988 AND 1989

The Senate continued with the consideration of the bill.

AMENDMENT NO. 680

(Purpose: To prohibit the awarding of contracts for research and development in connection with the Strategic Defense Initiative program to foreign countries and foreign firms.)

Mr. GLENN. Mr. President, I withdraw my Amendment No. 678 and send an amendment to the desk.

The PRESIDING OFFICER. The Senator has the right to withdraw his amendment.

The clerk will report the amendment which has been offered.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. GLENN] for himself, Mr. EXON, Mr. BINGAMAN, Mr. BUMPERS, and Mr. MITCHELL, proposes an amendment numbered 680.

Mr. GLENN. 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 reads as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . PROHIBITION AGAINST CERTAIN CONTRACTS

(a) IN GENERAL.—Funds appropriated to or for the use of the Department of Defense for any fiscal year pursuant to an authorization contained in this or any other Act may not be used for the purpose of entering into or carrying out any contract with a foreign government or a foreign firm if the contract provides for the conduct of research, development, test, or evaluation in connection with the Strategic Defense Initiative program.

(b) TEMPORARY SUSPENSION OF PROHIBITION UPON CERTIFICATION OF THE SECRETARY OF DEFENSE.—The prohibition in subsection (a) shall not apply to a contract in any fiscal year if the Secretary of Defense certifies to Congress in writing at any time during such fiscal year that the research, development,

testing, or evaluation to be performed under such contract cannot be competently performed by a United States firm at a price equal to or less than the price at which the research, development, testing, or evaluation would be performed by a foreign firm.

(c) EXCEPTIONS FOR CERTAIN CONTRACTS.—The prohibition in subsection (a) shall not apply to a contract awarded to a foreign government or foreign firm if—

(1) the contract was entered into before the date of the enactment of this Act;

(2) the contract is to be performed within the United States; or

(3) the contract is exclusively for research, development, test, or evaluation in connection with antitactical ballistic missile systems.

(d) In this section:

(1) The term "foreign firm" means a business entity owned or controlled by one or more foreign nationals or a business entity in which more than 50 percent of the stock is owned or controlled by one or more foreign nationals.

(2) The term "United States firm" means a business entity other than a foreign firm.

Mr. GLENN. Mr. President, I yield the floor.

AMENDMENT NO. 681

Mr. BYRD. Mr. President, on behalf of Mr. NUNN and myself, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will read the amendment.

The bill clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself and Mr. NUNN, proposes an amendment numbered 681 to amendment No. 680.

In the amendment by Mr. Glenn strike the word "firm" in the last line of subsection (d), and insert in lieu thereof the following: "firm.

(e) Since the United States and the Soviet Union are currently engaged in negotiations to conclude a Treaty on Intermediate Nuclear Forces (INF) and are continuing serious negotiations on other issues of vital importance to our national security;

Since the current discussions are a culmination of years of detailed and complex negotiations, pursuing an American policy objective consistently advocated over the past two Administrations regarding nuclear arms control in the European theater, and which reflect delicate compromises on both sides;

Since the Senate recognizes fully, as provided in clause 2, Section 2, Article II of the Constitution, that the President has the "power, by and with the advice and consent of the Senate, to make treaties."

Since the Senate also recognizes the special responsibility conferred on it by the founding fathers to give its advice and consent to the President prior to the ratification of a treaty, that it is accountable to the people of the United States and has a duty to ensure that no treaty is concluded which will be detrimental to the welfare and security of the United States.

Since in recognition of this responsibility, the Senate established a special continuing oversight body, the Arms Control Observer Group which has functioned over the last 2½ years to provide advice and counsel, when appropriate, on a continuing basis during the course of the negotiations;

Since the Senate and the President both have a constitutional role in making treaties and since the Congress has a constitutional role in regulating expenditures, including expenditures on weapons systems that may be the subject of treaty negotiations;

Since the Senate will reserve judgment on approval of any arms control Treaty until it has conducted a thorough examination of the provisions of such treaty, has assured itself that they are effectively verifiable, and that they serve to enhance the strength and security of the United States and its allies and friends;

Therefore the Senate hereby—

(1) Declares that the Senate of the United States fully supports the efforts of the President to negotiate stabilizing, equitable and verifiable arms reduction treaties with the Soviet Union;

(2) Endorses the principle of mutuality and reciprocity in our arms control negotiations with the Soviet Union and cautions that neither the Congress nor the President should take actions which are unilateral concessions to the Soviet Union;

(3) Urges the President to take care that no provisions are agreed to which would be harmful to the security of the United States or its allies and friends.

(Mr. BREAUX assumed the chair.)

SUPPORT FOR ARMS CONTROL

Mr. BYRD. Mr. President, today we are continuing our consideration of the defense authorization bill. The Senate has struggled throughout the summer to bring up this bill.

First, we had that far less than enjoyable morning some several weeks ago—as a matter of fact, I suppose it must have been 3 months ago—when I attempted to make a nondebatable motion during the morning hour and our dear friends on the other side of the aisle, exercising their rights under the rules, ran the clock out on me. So I was unable to make that nondebatable motion. We had a series of contentious motions and a contentious debate with respect to that effort.

Then we had three cloture votes on a debatable motion to proceed and our high-water mark was 59 votes.

Now, there was to have been a cloture motion today but, on last Friday, I was able to get myself into a position where I could make a nondebatable motion and our Republican friends could not do anything about it. They could not run the clock out. I did not have to have unanimous consent, did not have to have cloture. It was a nondebatable motion and I had the floor and that was it. I could go either to the defense bill or to the catastrophic illness bill. So the result was that the Senate voted on that nondebatable motion and the Department of Defense measure was made the pending business and it is now the business of the Senate.

Incidentally, had we voted on cloture to take up the defense bill today and all Republicans who had heretofore voted against the motion to invoke cloture, had they voted against the motion to invoke cloture today, we would have again failed. Counting the absentees on all sides, the vote today would have been 56 to 40, with 4 absent.

So the high-water mark today would have been 56 votes and would not have matched the last high-water mark which we achieved on May 20, that being 59 votes.

Now, Mr. President, we will have a full debate on the subject matter, on the bill itself, and there will be some debate in connection with any treaty which may be presented to the Senate at any time in the future. It is important that the Senate address these issues—the role of the Senate in advising and consenting to the making of a treaty.

The Constitution says that the President, with the advice and consent of the Senate, will make treaties.

So the Senate has a role in advising and consenting to any international treaty. It is a critical constitutional function of the Senate that has never been more apparent than in the past few months. And the Senate's role in ratification will be an essential element of any future arms control treaty.

Because of the importance which the Senate attaches to these issues, a bipartisan arms control observer group has been established in the Senate. That group has been active now for over 2½ years. Its creation had the strong support of both leaders. It is a bipartisan group and it has been highly complimented by Secretary Shultz and other high-ranking officials in the administration. It has followed the arms control process in Geneva closely. It has provided valuable insights to the Senate on the negotiations process, and will have a role to play, along with the standing committees of the Senate, in the Senate's performance of its duty under the Constitution to advise and consent in treaty ratification.

Today the Soviet Foreign Minister, Mr. Shevardnadze, and administration officials are beginning 3 days of discussions concerning the arms control talks in Geneva, with special attention to the talks on limiting intermediate range nuclear forces, the INF missiles. Yesterday, the United States presented its latest proposals on this subject in Geneva. According to statements by administration officials in news reports, it may be possible to reach an agreement on INF in the near future. If and when such an agreement is reached, it will be subjected to careful and rigorous examination in the Senate. And Mr. Shevardnadze, as well as Mr. Reagan and Mr. Gorbachev and others on both sides of the ocean, our NATO allies, as well as the Soviets and ourselves, should understand that this agreement, if it is reached, is going to be subjected to careful and rigorous examination in the Senate. This body is not a rubberstamp. Thorough exploration of all issues associated with the treaty will be conducted.

I think it is appropriate for me to mention at this time that when the SALT II Treaty was about to be taken up in the Senate, I went to see President Brezhnev, the leader of the Soviet Union in 1979.

I visited him on Independence Day, July 4, 1979, and I met with him for approximately 1 hour and 45 minutes. In that meeting, there was only Mr. Brezhnev, one aide, and an interpreter, on one side of the table, and myself, as majority leader of the Senate, at that time, one aide, and one interpreter on my side of the table.

My message to President Brezhnev was—and the next day I gave the same message to Mr. Gromyko at that time—namely, that the Senate is not a rubberstamp to any President. At that time, at the White House was a President of my own party. I made it clear that the threats and intimidating statements coming out of the Soviet Union at that time as to the dire consequences of rejection of the SALT II Treaty would not be anything but counterproductive as far as the Senate was concerned. The Senate was not a rubberstamp to any President and under our Constitution two-thirds of the Senate would be required to approve the ratification of any treaty.

I made it clear that, unless the Soviet Union and the high officials there, through their news media, stopped making statements that were apparently intended to intimidate the Senate, there would be no treaty because, there would be no Senate ratification of approval. That was the message I gave to Mr. Brezhnev and I gave the same message to Mr. Gromyko.

I was told by both Mr. Brezhnev and Mr. Gromyko that those inflammatory statements would cease. Mr. Gromyko said, "Henceforth, Mr. Leader, may I say to you if I feel the compulsion to make a strong, inflammatory statement, and I am about ready to dictate that statement, I will say to my secretary, 'You are sick. Go home for the rest of the day.' Henceforth, if I am prepared to write a statement that is critical of the U.S. Senate, as I reach my right hand forward I will take my left hand and draw it back."

So the message got across. Other events, of course, scuttled action on the treaty.

When the Soviets invaded Afghanistan later in that year, that was the end of the treaty. I called the President from my home and asked to see him. I told him we could not get the votes for that treaty in light of the invasion of Afghanistan by the Soviet Union, particularly following on the heels of what had happened to American hostages in Tehran, and therefore it was my recommendation that we just forget about the treaty. He concurred and stated that he would like to make that clear in public. So that was the way it happened that the treaty was never called up by me.

Mr. Shevardnadze may well be reminded, and so may our own administration officials, that this Senate is not going to be a rubber stamp to any President on any treaty. We will fulfill our role under the Constitution.

It is most appropriate for the Senate to begin its discussion of the DOD bill by considering arms control. Mr. Shevardnadze should see for himself the process of democracy in the U.S. Senate and understand that the opinion of this body on important arms control issues does matter.

The amendment which we are now considering today is designed to express the support of the Senate for vigorous and careful negotiations of arms control agreements. It is clear that the amendment offered by our friends on the other side of the aisle is based on the assertion that actions taken by the Congress during the normal course of considering the important issues of our budget for national defense could somehow be construed as inappropriate and detrimental, and "unilateral concessions."

Moreover, the amendment offered by the other side appears to contend that the Senate should never express its will on any policy position currently under negotiation between the United States and the Soviet Union, and that we should be very quiet now right now while these negotiations are being discussed between our two leaders, between Mr. Shevardnaze and Mr. Shultz, the President and Mr. Gorbachev, through their representatives; while those discussions are going on, the Senate should roll over and play dead, say nothing, just be quiet and be good.

But the Senate has a role under the Constitution and it does not just begin when treaties are sent to the Senate. The Constitution does not say that the President shall make treaties by himself. It says by and with the advice and consent of the Senate—advice. When does the Senate give advice? After the event? By and with the advice and consent of the Senate the President shall make treaties.

So it is a partnership of both the Senate and the President in the making of treaties.

This attempted constitutional emasculation, and I am referring to the amendment in the second degree offered by our friends on the other side of the aisle, this attempted emasculation of the Senate and its proper role must be rejected out of hand. That amendment has now been removed and there is now the Byrd-Nunn amendment in its place. I might add that the point of view that was expressed in the amendment in the second degree which has been offered by our friends on the other side is certainly not applied by the other side to issues affecting Central America.

The amendment which I have offered today, with the cosponsorship of Mr. NUNN, is designed to reaffirm the Senate's well-established role in the treaty-making process, and its role in authorizing and appropriating national expenditures. It also expresses the strong support of the Senate—the strong support of the Senate—for the arms control negotiations process, and urges the President to conclude a treaty which is effectively verifiable and in the interests of the United States and its allies. This amendment is a positive statement which I am confident Senators on both sides of the aisle can support and I urge its adoption.

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. BYRD. 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, the Senate will recess at 1 o'clock today until 2 o'clock p.m. to accommodate the conferences of the two parties. There remain 40 minutes, therefore, for Senators who may wish to speak on the pending amendment. It is agreeable with me if we could reach a time agreement as to when a vote might be had on that amendment. So I urge Senators, if they wish to speak on the amendment, to come to the floor and do so.

In the meantime, I hope that we can perhaps, through our staffs, and through ourselves, explore the prospects of having a vote on the amendment in the second degree up or down shortly, or on a tabling motion if a Senator tries to table it. But we, hopefully, can get on with action sooner rather than later. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is noted. The clerk will call the roll.

Mr. BYRD. Mr. President, I withdraw my suggestion.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the majority leader, and I thank the Chair. I have no remarks to make, but I do have a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HELMS. I would ask the Chair if the pending amendment is germane. I understand there is no germaneness rule until cloture is voted. I am talking about post cloture.

The PRESIDING OFFICER. The Chair will state to the Senator from

North Carolina that the Chair has not adequately looked at the amendment in terms of germaneness. The Chair assumes by the question that the cloture question would be presented to the Chair, at which time the Chair would make a determination on the germaneness of the amendment.

Mr. HELMS. I understand the Chair's reluctance to rule considering the fact that it is the majority leader's amendment, but let me ask——

Mr. BYRD. Mr. President, will the distinguished Senator yield? Mr. President, I hope—will the Senator yield?

Mr. HELMS. Sure.

Mr. BYRD. Mr. President, I do not want the record to stand like that because the implication of what the distinguished Senator from North Carolina is saying, and he is my friend, is that the Parliamentarian, who advises the Chair, is going to rule as the majority leader would have him rule.

Mr. President, that is not accurate. This Parliamentarian is not going to do that. We have had some pretty lively discussions, the Parliamentarian and I, about certain matters and he is under no compunctions to take a stand for what he thinks is right. I expect him to be strong in his independence of this majority leader or any other. It is not fair for the record to stand like that.

Now, I will say this, that the Chair is not obligated to follow the Parliamentarian's advice. The Chair might do otherwise. But I do not think the present occupant of the Chair is going to do that.

If the amendment is not germane and cloture is invoked, the Byrd amendment will fall. I have no problem with that. Let the amendment fall. But if this amendment falls, certainly the amendment by Mr. WARNER which was earlier in place and which has now been displaced would not have been germane by any stretch of the imagination. I would be happy to have a vote on this amendment today while we have no rule of germaneness. We do not have to worry about cloture right now. Let us go ahead and have a vote on the amendment.

I thank the Senator for yielding.

Mr. HELMS. Let me say to the Senator from West Virginia, if this had been introduced as a bill for referral, there is no question about where the bill would have gone. It would have gone to the Committee on Foreign Relations. The Committee on Armed Services has no jurisdiction over this. That is the only point I am making. I did not imply, nor should anybody infer, anything about the Parliamentarian, but facts are facts and reality is reality about the operation of the Senate. In that regard, I agree that the Chair, which is occupied by the Vice President when he is present, need not follow the advice of the Parliamentarian. I suggest the absence of a quorum.

Mr. BYRD. Mr. President, before the distinguished Senator suggests the absence of a quorum, may I ask the Senator a question without his losing his right to the floor.

Mr. President, would the Senator, my friend, respond to this question. He has indicated that the amendment which I have offered on behalf of Mr. NUNN and myself would go to the Foreign Relations Committee rather than the Armed Services Committee, of which Mr. NUNN is the chairman. May I ask the question of the distinguished acting Republican leader, Mr. HELMS, as to where the amendment would have gone which was introduced earlier by Senators DOLE, WARNER, QUAYLE, SYMMS, LUGAR, Mr. HELMS, and Mr. GRAMM. Where would that amendment have gone, in his opinion?

Mr. HELMS. I will have to take a look at it. I do not have it before me. Does the Senator have a copy of it?

I do not think there is any question about this amendment going to Foreign Relations, and I made the point at the outset of my remarks that there is no germaneness rule, as he well knows, precloture. I just simply raised the question about the germaneness of the amendment of the Senator from West Virginia, and I would raise the same question about this amendment. But I think we have each made our point. The Senator's amendment does not belong on this bill and the Senator can argue that the other amendment does not belong on it, too, and I expect that is what the argument is all about. But I appreciate the point about the advisory role of the Parliamentarian. Now, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is noted. The clerk will please call the roll.

Mr. BYRD. 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, the distinguished Senator from Florida wishes to introduce a bill.

I should say before the two conferences meet that this Senate has reached the stage at which we are all going to have to work very, very hard to complete the work of the Senate before Christmas, certainly before Thanksgiving. We have this DOD authorization bill now before the Senate. There are 13 appropriations bills, 9 of which have been sent over by the House, and the 10th will be coming over from the House before long. The Senate Appropriations Committee will be meeting today to report appropriations bills, so shortly there will be appropriations bills on the calendar.

In addition to these matters, the Senate and the House both have to deal with the extension of the debt limit. The debt limit expires on a week from tomorrow, September 23. The reconciliation measure is coming down the pike. The catastrophic illness legislation is of great importance to this country, and of great importance to the elderly people of this country. The taking up of that measure has been filibustered by the minority of the Senate. The Bork nomination is going to be reported from the Judiciary Committee at some point in time. I assume it will be reported from the committee. I can assure the Senate that that nomination will not be killed by the Judiciary. Let me put it that way. The Senate may kill it and the Senate may not. But that nomination will not be killed by the Judiciary Committee regardless of how many members in the Judiciary Committee may vote against the nomination.

I want the Senate to have its say. I think that will meet with the general approval of Senators from both sides of that committee. I think already we should do what we can to avoid that matter becoming overly partisan. But in any event, we are going to have to have a vote of some kind on the Bork nomination, or in relation to the Bork nomination, at least, in the Senate. There may be several votes. And the Senate should not be unduly delayed in getting around to action one way or the other in regard to the Bork nomination. But before that, the Senate has to come to grips with the DOD authorization bill and other legislation as well.

I think it is becoming more clear from day to day that those downtown, the President being No. 1, who are constantly pressing for the Bork nomination to be confirmed—and I do not blame the President for pressing for that confirmation, and it is a matter that is extremely important to the country. But they just might as well understand that there are other important matters here that first have to be disposed of. And the sooner the administration and the minority in the Senate cooperate with the Democratic leadership in this Senate to get legislation up and to dispose of it—I am not saying it has to be done by unanimous consent, but dispose of it—after reasonable debate, the sooner the Senate will be able to deal with the Bork nomination.

It is absolutely imperative that the Senate dispose of the authorization bill. The Defense Department authorization bill is extremely important to the country. This is a defense bill. And it needs to be dealt with before we deal with the appropriations. There are a great number of controversial issues involved in this bill. We are going to have to deal with them, and the sooner we deal with them the better.

Mr. President, I hope we will not run into a filibuster on the bill itself. I am not charging that we are running into a filibuster yet. But I want to say these words before the two conferences take place today so that both leaders will know and the Senators who are listening will know the kind of clock and calendar that we have to contend with.

Mr. President, I should say that this leadership will not tolerate, lying down, a filibuster on this DOD bill, or an overly prolonged extended debate, if one wants to use a more euphemistic term. I may not be able to invoke cloture, but I will say this: The cots will be brought out if necessary in order to get on with action on this bill. And Senators might as well understand—and nobody dislikes hearing this any more than I dislike saying it. Saturday sessions are not out. Saturday sessions are not out. And night sessions are not out. It is my intention to move this bill along one way or another. And Senators should count on late sessions in the evenings. They can even count on round-the-clock sessions if necessary. They can also count on Saturday sessions if necessary. I have made commitments that there will be no Monday sessions through September and October. I want to keep those commitments but after all, the Nation's business comes before my comfort and comes before my commitments. Even if it becomes absolutely necessary to break the commitment with respect to the Monday sessions, I will just have to live with having broken my commitment. I do not intend, if I can at all avoid it, to break my commitments as to Monday sessions. I do not intend that at all. But if I find that that makes the difference in breaking a filibuster, then I will break my commitment on the Monday business because I have always left a little condition, that condition being that unless there is an emergency there will be no Monday sessions. I intend to keep that. But there can be an emergency that would develop.

As to Saturday sessions, I am saying for the record now so that I will not be charged with having sprung something on anybody that Saturday sessions are not out, as we look down the road, to deal with this bill and the bills that come after it because it is my full intention to deal with this bill, to deal with appropriations bills, to deal with catastrophic illness, to deal with airline legislation, and to deal with the budgetary and fiscal matters that confront us—debt extension, et cetera, et cetera—and to deal with the Bork nomination before this Senate adjourns sine die.

I say what I have said not as a threat. I say it regretfully, but hopefully. I think all Senators are entitled to be reminded of the kind of calendar we face and the shortness of time that we have left, and my conscience is clear.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1988 AND 1989

The PRESIDING OFFICER. The Chair recognizes the Senator from Illinois, Senator DIXON.

Mr. DIXON. Mr. President, we now have before us, after 3 months of contentiousness, an important piece of legislation, that Congress is called upon every year to consider, the Department of Defense authorization bill. I think everybody here knows that after the lengthy period involved in discussing the issues in this bill and the consideration of all the amendments that will be offered to this bill, assuming the passage of the bill, which I do ultimately foresee, it then becomes the responsibility of the Armed Services Committees in the respective Houses to iron out their difficulties in a conference between the two Houses, I want to say, Mr. President, that there are substantial differences between the authorization bill that has emerged from the markup in the Senate, and the House Department of Defense authorization bill. There are substantial differences in acquisition priorities in the two bills. There are substantial differences in the authorized amounts in the two bills and so on—a number of very, very important and unique questions.

There is substantial difference between the two Houses that will require an inordinately long, complex, and difficult conference between the two Houses before the differences can be resolved and a bill can ultimately be sent to the President.

Why do I say that? I say that because the majority leader was exactly right in what he said moments ago, when he said it was time to bring out the cots. Nobody likes to discuss that. It is not a pleasant thing to contemplate. But I ask that those who doubt my position look at the CONGRESSIONAL RECORD of last week, when, in a colloquy with the majority leader, I suggested that it was time to bring out the cots.

In a meeting this morning with the majority leader, the distinguished chairman of the Armed Services Committee, the senior Senator from Georgia, and I, as one of the managers of this bill, indicated to the majority leader that we were ready for the bitter medicine.

I would like to suggest that I think by colleagues on this side accept the fact that it is time for the bitter medicine. It is time to pass this bill, no matter how long it takes, because it is the single most important fundamental issue before the Senate at this time. It is something we must resolve, if we are ultimately going to resolve the differences in a conference between the two Houses that will lead to legislation that can go to the President's desk.

I have every understanding of the different attitudes by different Members of the two sides concerning this legislation. We spent a long and very arduous markup period on this legislation. Members on both sides agreed that this was one of the finest work products in years of the Armed Services Committee.

There is one issue that deeply divides us. I understand that. It is regrettable that we are divided in that way. But I think we have to deal with it on the floor here. There has to be the necessary debate on the issue, and then the ultimate votes to resolve those conflicts. But I think it is clear that we have to continue on this bill until we complete it.

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

Mr. DIXON. I am delighted to yield to the Senator from North Carolina.

Mr. HELMS. Mr. President, let me suggest a way we can pass the DOD bill in 2 or 3 days, and that is for both sides to back off from this business of trying to handle the treaty business on the DOD bill. Both sides are wrong with their amendments, as I tried to emphasize a while ago. But it is this fact of life that is delaying the Senate.

I suggest that if we leave the treaty business to the relevant committee, which is the Foreign Relations Committee, of which I happen to be the ranking member, then this DOD bill will pass in 2 or 3 days. But there will be a lot of problems as long as there is an insistence from either side that arms control be a part of the Department of Defense, because that is not properly a part of this legislation.

So far as costs are concerned, fine. I do not think it is bitter medicine, as the Senator put it. All of us came to the Senate with the understanding that there would be some hard work from time to time, and I have never complained about it. As to Saturday sessions, that suits me fine. Most of the people who pay our salaries work on Saturdays. That part does not worry me.

I think it is needlessly delaying the process of the Senate to put nongermane or to attempt to put nongermane material in this bill. I would feel equally strong if the Foreign Relations Committee tried to preempt the province of the Armed Services Committee.

That is what is wrong. It is this business of trying to have irrelevant legislation on this particular bill. I say that if both sides back off, the bill can pass in 2 or 3 days.

I thank the Senator for yielding to me.

Mr. DIXON. I thank the Senator from North Carolina for the expres-

sion of his point of view. I understand his concerns and his reservations about what was done in the Armed Services Committee.

I might say, though, that there is a profound feeling among some on this side—particularly the sponsors of that amendment, the Senator from Michigan [Mr. LEVIN] and the chairman of the committee, the Senator from Georgia [Mr. NUNN]—that the amendment which was adopted in the committee after very careful discussion, is an entirely appropriate amendment. It is appropriate because the DOD authorization bill deals with the authorization of funding for the strategic defense initiative. In this case, it is the amount of $4.5 billion allocated for the strategic defense initiative work this year.

There is a very strong feeling by many in the Senate, not only on this side but also some on the other side, that it is appropriate to suggest that when there is contemplation of testing that is beyond the interpretation generally supported in the Senate and in Congress, the administration should consult with Congress before undertaking that sort of thing.

These are matters that need to be debated. I am sure that at the appropriate time, some from that side—I do not know whether it will be the distinguished senior Senator from North Carolina or whether it will be others—will offer an amendment to remove the so-called Levin-Nunn amendment. The debate will be lengthy and very informative, but, there is nothing the matter with that. A debate is appropriate in connection with this legislation.

I think that the point that the majority leader has made, that certainly this Senator from Illinois supports, is that it is time to get on with the business of disposing of the Department of Defense authorization bill on this side, so that we can go into a conference with the House, and ultimately resolve the differences between the two Houses.

We may have to consider the question of discussing the Levin-Nunn amendment and the authorization of funding for the strategic defense initiative together as a separate entity from the body of the DOD authorization bill that is presently before us.

I do not know that is still a viable alternative that our side will offer, may I say to my distinguished friend from North Carolina, but it is certainly a matter that the distinguished chairman of the committee, myself and others have discussed in private and publicly, and on other occasions, on the floor of the Senate. So there are different ways to address this.

I think the point that some of us want to make here, and I doubt that my friend from North Carolina has great difficulty with that, is that ultimately we have to move forward with the business of the Senate, and in particular with this business. There are some of us, as an example, who are not committed on the question of Judge Bork. I happen to be uncommitted. I think there are about 20 people in the Senate who have not yet indicated what they ultimately will do. Frankly, I will not know what I will do until the hearings are over with on the question of Judge Bork.

I very much dislike tying one issue into the other, and I even said I did not warm to the idea suggested by the distinguished chairman of this committee, that we ought not to go to that until we finish the business before us.

I strongly feel this business has been before us for a very long time. We did a lot of work in committee, and, I think in all fairness to everyone on that committee, they will all say that we devoted substantial time to this bill. We spent a lot of time on the floor on this bill. I think it is time to get rid of the bill.

I do not say that has to be disposed of today. I do not say it has to be disposed of this week; but, I think we ought to stay on this bill until we dispose of the DOD authorization bill.

Mr. HELMS. If the Senator will yield further, and I thank him for doing so, it is not quite fair to imply, and I know the Senator is not doing this, that only one side wishes to proceed with the schedule and specifically this bill. I do.

On the other hand, and the Senator probably understands my feeling, there appears to be the suggestion that we will proceed on somebody else's terms regardless of the rules of the Senate or the precedents, and I hope that there will not be any trampling of the rules or the precedents of the Senate as we wade through this thicket.

We all know a little bit about the rules. I do not know as much as most other Senators. I know a little bit. I can think up ways to do things and have.

But I think we ought to fundamentally look at the question of germaneness when there is this kind of issue and find a way to deal independently with such a thorny issue as the Levin-Nunn amendment.

As long as that persists, and I am not speaking for anyone but myself, I see some rough days ahead. I think we ought to go ahead and complete the Senate's business on this bill and all others and then go home and live a while under the laws that we passed. That would be just punishment for us.

Mr. DIXON. Will my friend accommodate me by letting me respond to that?

Mr. HELMS. Yes.

Mr. DIXON. I hope my friend knows I served on his committee for 6 years and we had a good relationship.

Mr. HELMS. We sure did.

Mr. DIXON. I have the finest personal regard, not only for the Senator from North Carolina as an individual but for his views, even when we differ. This Senator would never suggest anything that would trample on the rights on any individual Senator or disregard the rules of this body. I do not suggest that at all.

Mr. HELMS. I know that.

Mr. DIXON. I want the Senator to understand that, while we have an honorable difference of opinion about a certain section of this bill, we both are committed to the passage of this kind of legislation, the authorization for the Department of Defense and the support of the national security interest of the United States of America against all her enemies in the world. There is no quarrel about that between these two Senators.

All I am trying to suggest to the Senator is that enough time has passed; we have to get down to the business of passing this bill. Basically my side supports the Levin-Nunn amendment; Senator HELMS' side does not. That is not in any way to criticize any Member as to her or his opinion about that particular amendment. I say it has been a long time and we should dispose of the bill. A long time has past.

Probably more time was spent on this bill by the Armed Services Committee, with all due respect, than any other committee this year, with the exception perhaps of the Finance Committee on trade legislation.

It is a massive piece of legislation. Many hours have been spent on it.

We have spent 3 months here on the question; and, I do not accuse that side of a filibuster although there has been excessive discussion for a long time. Here we are, it is the middle of September and the fiscal year ends at the end of this month. We have not done the debt limit finally. We have not done reconciliation. There is a very contentious issue about the final question of whether we are going to have some additional revenue, I understand that. We have not dealt with catastrophic health insurance. There are a great many other issues we have not dealt with. There is the question of Judge Bork, which will take a long time.

Here we are still on this bill.

It is just, I think, as my good friend felt when he was in the majority; and certainly, when he was in the majority he wanted to move the business of his committee. Those of us on this committee want to move this business. It is important business.

Incidentally, I think I have heard the Senator who is my friend across the aisle from me, some time suggest, that the most important single question was the defense of this Nation against her enemies, I mean above all

other questions, regardless of what the philosophical differences might be.

There is an issue before the Congress from time to time which is a paramount and high-powered issue. Here is a paramount and high-powered issue. It is time to move it.

There is going to be argument on this amendment. There is going to be a vote. Maybe those of you who differ with the Levin-Nunn amendment have the votes. I really do not know that. I do not suspect you have them; but I do not know that.

But the point is that sometimes we can have a long debate, and we can resolve that.

Let us say you do lose. Then you always have the President of the United States as the final arbiter of this question when the final bill from the conference goes to the President, and that is another opportunity for your point of view to be heard.

Beyond that, I am open, and I think the chairman clearly is open to further discussions about how we might handle this.

I think the only thing we are saying is, this is not my amendment, so I am not the principal advocate of it. But, I think what the chairman has said is this: We don't want to separate out the question of the authorized funding for the strategic defense initiative and all those questions which are directly pertinent to the question of testing laser particle beams, whatever it might be, in space out of this bill. We do not want to say there is no relationship between the two when we see that there is. That is all that this Senator is saying.

Finally, all this Senator is saying—in conclusion is that I think it is the resolution of our side, and I think shared privately by most of Senator HELMS' side that we ought to dispose of this bill.

Mr. HELMS. Mr. President, I ask unanimous consent to proceed for just 1 minute.

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

Mr. HELMS. Mr. President, the Senator alluded to his and my service together on the Agriculture Committee. I remember we spent 13 months producing a farm bill. I kept track of the time or had the timekeeper do so, and I spent about 42 hours-plus waiting for a quorum. Senators would not show up. So one thing Senators have to learn around this place is patience. And I hope that Senators do not need to learn that the traditions and the precedents and the rules of the Senate must continue to prevail lest we have a form of anarchy here.

But I say again that we could pass the DOD authorization bill in 2 or 3 days if we could set aside this issue and let it be considered properly in the committee of jurisdiction.

I thank the Senator.

Mr. DIXON. I thank my friend from North Carolina. It would appear, Mr. President, that it is appropriate now to conclude the morning session by virtue of the fact that the conferences between the two parties will take place from now until 2 o'clock.

RECESS UNTIL 2 P.M.

The PRESIDING OFFICER. Under the previous order, the hour of 1 o'clock having arrived, the Senate will stand in recess until 2 p.m.

Thereupon, the Senate at 1:01 p.m., recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. DODD].

The PRESIDING OFFICER. The Chair in his capacity as a Senator from Connecticut will note the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. HELMS. Mr. President, I find myself a bit troubled by what I acknowledge to be a minor matter, and I desire to engage the Chair in a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will proceed.

Mr. HELMS. Mr. President, I allude to the fact that on the daily Calendar of Business, the pending business is identified as S. 1174, Order No. 120. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. I thank the Chair. The Parliamentarian may wish to follow me.

On Friday, as I recall the sequence of events, the distinguished majority leader made some statements regarding the unfinished business, and I ask the Chair if on page 1103 of Senate procedure it does not state that a matter "would remain the unfinished business until disposed of, or until the Senate should displace it by taking up another matter on motion made after the morning hour."

Is that what is stated? Is that what the rule says?

The PRESIDING OFFICER. The rule does not say that. The rule says the Senate will proceed.

Mr. HELMS. That the Senate will proceed.

The PRESIDING OFFICER. The motion to proceed was not a privileged matter agreed to outside of the morning hour.

Mr. HELMS. Will the Chair specify for me where the language refers to agreed to?

I do not think the words "agreed to" are there. That is the point I am making.

The PRESIDING OFFICER. That has been a uniform interpretation of the Chair through several Parliamentarians.

Mr. HELMS. I am sorry?

The PRESIDING OFFICER. That has been a uniform interpretation of the Chair through several Parliamentarians.

Mr. HELMS. I do not believe that is correct. Maybe I can approach it this way: may I ask the Chair to turn to page 1103 and read what it says, particularly in the third paragraph under unfinished business. It begins "Any business when taken up on motion after the morning hour," if that will be helpful to the Chair. Will the Chair indulge the Senator from North Carolina by reading the entire paragraph?

The PRESIDING OFFICER. It reads:

> Any business when taken up on motion after the Morning Hour, or by motion or unanimous consent after the Morning Hour when there is no unfinished business, or when taken up by unanimous consent or on motion during the Morning Hour when there is no unfinished business would become the unfinished business of the Senate if still before the Senate at the end of that day when the Senate adjourns, and would remain the unfinished business.

Mr. HELMS. If the Chair will allow me, the phrase that the Chair is about to read is the meat of the coconut.

The PRESIDING OFFICER. To continue: "until disposed of, or until the Senate should displace it by taking up another matter on motion made after the morning hour."

Mr. HELMS. Precisely.

Let me ask the Chair, what is the unfinished business?

The PRESIDING OFFICER. There is no unfinished business at this time.

Mr. HELMS. I ask the Chair what the Calendar of Business says is the unfinished business from Friday. I will be glad to send my copy to the desk.

The PRESIDING OFFICER. The Calendar of Business states that S. 1174 is the pending business before the Senate.

Mr. HELMS. So unlike the Calendar of Friday there is today on the calendar no unfinished business?

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. When was S. 2 displaced as the unfinished business?

The PRESIDING OFFICER. S. 2 was displaced with a motion to take up S. 1174, which was agreed to.

Mr. HELMS. When was that motion made?

The PRESIDING OFFICER. The motion was made during the morning hour.

Mr. HELMS. And in the paragraph the distinguished occupant of the Chair just read, it concludes by saying "or until the Senate should displace it by taking up another matter on motion made after the morning hour."

I have no further parliamentary inquiry. I think I made my point. I thank the Chair.

I suggest the absence of a quorum.

Mr. BYRD. Mr. President, will the distinguished Senator withhold his suggestion for a moment?

Mr. HELMS. Certainly. I would be delighted.

Mr. BYRD. I believe the Chair wants to respond.

The PRESIDING OFFICER. That is correct. The motion was agreed to after the morning hour.

Mr. HELMS. I understand that.

The PRESIDING OFFICER. It has been the uniform interpretation of the past three Parliamentarians that a motion agreed to after the morning hour, regardless of when made, would displace the unfinished business.

Mr. HELMS. Would the Chair care to identify the three previous Parliamentarians?

The PRESIDING OFFICER. That is not a proper parliamentary inquiry.

Mr. HELMS. I do not know why it is not proper. The Chair himself raised the question. But I will let that go.

What is the precedent for varying from this very clear procedure?

The PRESIDING OFFICER. The synopsis in the book, to the extent that it does not cite precedent, is not in itself a precedent.

Mr. HELMS. I find myself in an interesting position. The Chair has just stated that the past three Parliamentarians took the position that the Chair took on Friday and yet the Chair will not identify those three Parliamentarians, nor will the Chair allude to any precedent for the action which purports to have been taken on Friday. Is that the predicament in which I find myself?

The PRESIDING OFFICER. The Chair has stated that the request to name the three former Parliamentarians is not a proper parliamentary inquiry.

Mr. HELMS. Let me ask this: Does the Chair refer to the immediately prior Parliamentarian plus his two predecessors?

The PRESIDING OFFICER. I think the Chair stated three previous Parliamentarians have held that view and that is the rationale or the reason for the precedent.

Mr. HELMS. Well, it is not clear to me whether the Chair is alluding to the three Parliamentarians immediately preceding the present Parliamentarian. Is that what the Chair is saying?

The PRESIDING OFFICER. The Chair was not saying that. I would state once again that the request to name the three Parliamentarians is not a proper parliamentary inquiry.

Mr. HELMS. I thank the Chair for his nonanswer. Let me just allude to one, the immediately prior Parliamentarian. Does the Chair say that he took the position that the present Parliamentarian, but not I might say the Senate, took Friday?

The PRESIDING OFFICER. The Chair did not say that.

Mr. HELMS. What did the Chair say?

The PRESIDING OFFICER. The Chair stated that the inquiry as to the previous Parliamentarians was not a proper parliamentary inquiry.

Mr. HELMS. It is not a proper parliamentary inquiry to ask the Chair to respond to a question that the Chair himself raised when he referred to the three previous Parliamentarians. All I am asking is, is the Chair referring to the immediately prior Parliamentarian and the two preceding him?

The PRESIDING OFFICER. The Senator from North Carolina asked the Chair a parliamentary inquiry. The Chair responded to that parliamentary inquiry and really as evidence to support that decision cited the fact that there had been previous Parliamentarians who held that view. It was merely cited as evidence, or as background for the decision reached by the Chair.

Mr. HELMS. So? I am not making a point of order on this issue nor has one been made now or before on any of this matter. But I do not want to be flippant, I do not understand why the Chair will not answer one simple question when he himself raised it.

The PRESIDING OFFICER. The Chair merely cited it as evidence of the decision reached by the Chair.

Mr. HELMS. Yes, I have made no point of order on these matters now or before, but he made a statement which seemed to me to be very specific as to positions taken by previous Parliamentarians, and now the Chair is reluctant to define much less identify even one of the previous Parliamentarians so called with reference to the purported decision. All I am asking is, did he include the immediately previous Parliamentarian in those three that he mentioned?

The PRESIDING OFFICER. The Chair would state to the Senator from North Carolina that the inquiry as to who were the previous Parliamentarians is not a proper parliamentary inquiry. However, the Chair would respond to the Senator from North Carolina by saying that in fact the previous Parliamentarian did hold such a position.

Mr. HELMS. I think the Chair is in error, but I will not debate the Chair, of course. That would absolutely be improper. I thank the Chair for his courtesy. I suggest the absence of a quorum.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, for the record, let me say that the motion to proceed to take up the DOD bill on last Friday was made at a time and under a set of circumstances during the morning hour which made that motion nondebatable. So the motion was entered before the expiration of the first 2 hours on Friday. After the running of the 2 hours, if the vote had not been completed, the motion would still have been nondebatable, because once it is made and is nondebatable, it is nondebatable from then on, no matter when the Senate finally gets around to voting.

Now, the vote itself was not announced until after the 2 hours had run.

Mr. HELMS. Right.

Mr. BYRD. Which means that the 2 hours had run their course when the nondebatable motion was approved by the Senate, and the then unfinished business was at that moment and by that action displaced and went back to the calendar.

Now, when the Senate went out of session on Friday, I believe it went out in morning business. Otherwise, if it had gone out while the then-pending business and the still-pending business has been before the Senate, by virtue of the adjournment, that pending business as of that time would have become the unfinished business and would have been so stated on the calendar today.

In view of the fact that the Senate went out in morning business, that pending business remained the pending business and is still the pending business. But a call for the regular order at this time will not bring back the then—when I say "then," I mean the business that was the unfinished business during the morning hour. A call for regular order now will not bring that back because that business has been displaced and has been put back on the calendar. So we still have the DOD bill as the pending business at the moment. But there is no way to displace it except by unanimous consent or a successful motion to take up some other matter.

That would take care of the pending business for now. That would displace it. But this pending business is before the Senate unlike the pending business often before the Senate. It was not brought up by unanimous consent. It was brought up by motion, approved by the Senate. So it is the pending business as of now, and when the Senate adjourns today, it will be the unfinished business then on tomorrow.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BYRD. I thank the Senator for his courtesy.

Mr. HELMS. I thank the Senator. The distinguished majority leader has made my point. He said that the motion was made before the end of

the morning period, and that is what I had the Chair state in reading from the procedures of the Senate.

Now, the situation Friday was that the distinguished majority leader made his motion at a time when it would be nondebatable. But then we went out of the morning hour; the motion, however, was made before the conclusion of the morning hour.

Now, the procedures, as the distinguished Chair read at my request, say "until the Senate should displace it by taking up another matter on motion made after"—after—"the morning hour."

Now it is no big thing. A lot of people on my side are delighted with this, too, because it was displaced. And I have made no call for the regular order, nor has anyone, nor have I made a point of order.

Mr. BYRD. A lot of people on the Senator's side were not delighted to take up the DOD bill.

Mr. HELMS. Well, whatever. But I felt obliged to call this to the Senate's attention because the motion was not made after the morning hour and this situation is not in conformity with the procedures of the Senate because the procedures clearly stipulate that the unfinished business would remain the unfinished business—I am reading—until disposed of or until the Senate should displace it by taking up another matter on motion made after the morning hour.

I thank the Chair. I thank the Senate majority leader.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, a further explanation for the record: Had the Chair announced the vote on the motion to proceed even though the motion to proceed was nondebatable—there is no doubt about it, it was nondebatable—had the Chair announced the outcome of that vote before the end of the 2 hours, then the Senate would have been on the Department of Defense authorization bill. But at the conclusion of the morning hour, which consists of 2 hours, the first 2 hours in a new legislative day, at the end of that 2 hours, then the then unfinished business would have automatically come back before the Senate. Am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. So that the important thing at that time was, first, getting a motion, a nondebatable motion, entered; second, not have it ripened, the Senate vote on it, and the Chair announce the vote until the 2 hours had expired because otherwise the entering of the nondebatable motion and the Senate's adoption of that motion would have meant nothing because the Senate would have been on it just the remaining time between the time of its adoption of the motion and the running of the 2 hours until the then unfinished business, the campaign financing reform bill, would have automatically come back before the Senate. But the fact that the vote occurred on the motion after the 2 hours had run had the same effect as a motion if it could have been made not debatable, or even if it were debatable and the Senate voted on it, it would have had the same effect by virtue of the motion having been made after the end of the 2 hours and the announcement of the Chair having come after the 2 hours had run had the same effect as a motion made and adopted following the expiration of the morning hour. Am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. So that the language that the distinguished Senator from North Carolina has read into the RECORD, while accurate in itself, does not constitute an argument that—I do not know what the purpose of the distinguished Senator was—the pending business before the Senate is not legitimate pending business before the Senate, nor does it constitute an argument that somehow or other the unfinished business as of last Friday for some reason or other has been inappropriately displaced and ought to be back before the Senate today for some reason.

I finished my statement. I yield to the distinguished Senator, if he wishes to respond.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Chair.

Mr. President, I do not believe I have said anything contrary to what the distinguished majority leader has said with respect to the effect, that is where we are now at this moment. If I did, I want to strike it from the record.

Mr. BYRD. I did not say the Senator said that.

Mr. HELMS. OK. The point is that I had an amendment pending to S. 2. The distinguished Senator from Idaho had an amendment in the second degree to my amendment. We were foreclosed by this action and this ruling from even having a chance to have our amendment considered.

I do not know how anybody can say what the effect would have been—where we would be now—if the motion had been a debatable one made after the morning hour. One can only speculate about that. But at least this Senator and the Senator from Idaho would not have been absolutely foreclosed as to the consideration of our amendments. But it is fait accompli. I would ask the distinguished majority leader if he intended on Friday to change the meaning of the Senate procedure with regard to a motion made before the end of the morning hour or after.

Mr. BYRD. Oh, no. What I did does not change the meaning of anything. The rules are the precedents. What I did is perfectly legitimate, is recognized by the precedents and by the rules. And the record should stand on that point.

Insofar as the amendments which are pending to the then unfinished business, the campaign finance reform bill, which has now been displaced and put back on the calendar quite appropriately by the operations of rules, the Senator's amendments are still on there. Is that accurate?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. The Senator's amendments are still on that bill. At such time as hopefully I will be able to return to that bill in the early part of next year, and if I am able to get it back up before the Senate, those amendments will be pending at that time. So nothing has happened to the status of those amendments to the bill once it is brought back.

The Senator did not ask that. That was not part of his question.

But as to the question that he asked, have I responded appropriately or does he wish to ask further?

Mr. HELMS. I just expressed the hope. Do I still have the floor?

The PRESIDING OFFICER. The Senator from North Carolina has the floor.

Mr. HELMS. I thank the Chair.

I will just say to my friend, and he knows I am his friend, and I hope he will always be mine, that both he and I are attentive to the possibility of precedents. I do not know of any precedent that supports the ruling of the Chair. I will take the Senator's word for that. I would like to see what the precedents are because I have looked diligently for them and have found none. If the Senator says they are there, then I am sure they are there. I do not doubt it for 1 minute. But I would like for either/or the Senator and the Parliamentarian to supply me with such precedents as may support the ruling made on Friday.

And I say again, Mr. Leader—and I say this with all sincerity—that I am prompted only by a concern for inadvertently changing the rules or setting a precedent that might deprive you or me or some other Senator of a right later on. What we have now is a fait accompli. I have no quarrel with that. I say that in all fairness.

Mr. BYRD. Yes. I understand that. I do not doubt it.

Mr. HELMS. But if he will supply me with the precedent, that will be most helpful. That will be another chapter in my learning experience around here. Because I must say that

it seems to me that the logic behind not displacing the unfinished business by privileged actions is sound.

Mr. BYRD. I know the Senator well knows that whether there is a precedent or not, there comes a time when the Senate reaches a set of circumstances that are not on all fours with any previous situation that can be researched and therefore the Senate has to make a decision, and a precedent is indeed set. That is how these precedents, all of which we highly regard and have great respect for and revere, are all set, because there was a time when a precedent had to be set.

So the book of precedents that we have now constitutes the long litany of precedents that have been set at one time or another by the Senate. Those precedents may be set by a ruling of the Chair which is not challenged, or they may be set by the decision of the Senate itself. So at sometime or other those precedents were set. It was the first occasion, a case of first exposure by the Senate or by the then-sitting Parliamentarian, of that situation. So if this falls into that category, it is perfectly in accord with the history, tradition, custom, and procedures of the Senate. To say that there was a precedent on all fours, I am not absolutely sure there was. But the Parliamentarian can research that and provide the answer. But that is the very thing, as I said about the distinguished Senator from North Carolina the other day, when he sought to refer to an 1861 action by the Senate, which I said was not on all fours with the set of circumstances we were dealing with on that particular day last week. So those times come and go, and I am glad to have this discussion.

I commend the distinguished Senator from North Carolina for his reverence for the rules and precedents of this institution. He is not a neophyte. He is not a Johnny-come-lately on rules and precedents.

One of the things that has amused me over the years is how fast Senators become suddenly schooled in the rules and precedents of the Senate when a matter arises, having cracked the book on procedure for the last year or 2 years or 10 years.

That is not to be said about the Senator from North Carolina. There are few Senators here who are very adept at the rules. We all have a lot to learn. I do. I have to go to the Parliamentarian. I do not have the computer sitting in front of me. I did not write the book. He has precedents on that computer that I have never read.

He is able. His most immediate predecessor is now on the floor, sitting beside the distinguished Senator from North Carolina. They all have gone back to the CONGRESSIONAL RECORD to see what the raw data were in connection with the precedents that were set. I have not been able to do that. I am not the Parliamentarian. I cannot spend my full time on the matter. Therefore, I have to go to the Parliamentarian, just as everyone else does.

I want to compliment our Parliamentarian. Alan Frumin is an excellent Parliamentarian. He is independent. He has a high degree of intellectual honesty and integrity and independence that I admire, and I hope he always attains it.

His immediate assistant, the young lady—I was saying to someone last week: "That lady has become an excellent Parliamentarian. She has not been here a long, long time, but I have complete confidence in her." I have to go to them.

I commend the Senator from North Carolina, and I respect him for his zealous regard for the precedents of this institution. I do not study those precedents as much as I used to, but I studied them a good deal. I think the fact that I know a little something about them was pretty evident on last Friday when I was able to get my friends on the minority side over the barrel and see them squirm a little bit. They might make me squirm one day, the same way.

When the late Dick Russell was here, he told me: "For every rule there's another rule. For every motion, there's a countermotion." That was pretty good advice to me.

I asked him about the Rules of the Senate and he said: "Well, Robert, those are just the Rules of the Senate." This book on Senate procedure is probably more important on many occasions than the printed Rules of the Senate.

It is like the old common law that grew up over the years and decades and centuries, and it formed a body of law that gave us the doctrine of stare decisis. That is what I am sure the Judiciary Committee of the Senate will want to query Judge Robert Bork about, on what his judicial philosophy is with respect to the doctrine of stare decisis. In other words, stand by the decision that has already been made. Just as that body of law was built up, the Senate precedents have been.

It is somewhat amusing at times—and I am sure the Senator from North Carolina will share this recollection with me—this amusement as to how fast Senators come out of the woodwork when there is a fight that arises over a rule, how fast they come out of the woodwork, and how many experts on the rules there are who have suddenly sprung up overnight, like the prophet's gourd; and, just like the prophet's gourd, they go back in the woodwork for the next 6 or 8 months.

Mr. HELMS. If the Senator will yield, this Senator does not pretend to be an expert. I marvel at the distinguished majority leader. I am not conceding that a decision has been made, but if anybody in the Senate knows the rules and the precedents, it is he.

Mr. BYRD. I do not know the rules and the precedents.

Mr. HELMS. You put on a good show, then, because you could have fooled me.

Mr. BYRD. I have to call on the Parliamentarians just as does any other Senator. But a good lawyer knows where to go to find the law, what the law is. A good lawyer knows where to find it.

Mr. HELMS. That is why I had the Chair read the passage from Senate procedure. That is right.

Mr. BYRD. And I know where to go to find the rules and precedents of the Senate.

Mr. HELMS. I think we have taken up enough time on this. I thank the majority leader for his indulgence and patience, and I thank the Chair.

I yield the floor.

Mr. NUNN. Mr. President, we have before us now, I understand, thanks to the majority leader and the Senator from Ohio, an amendment to the Glenn amendment which I believe expresses rather well what I feared was expressed rather poorly in the amendment that had been pending to the Glenn amendment preceding the noon hour. This amendment is one I had coauthored with Senator BYRD, and I hope the Senate can vote on it in the next hour or so. I am not trying to rush the debate, but I think it is important that we move on.

This amendment is to the Glenn amendment, and I hope we can get to the Glenn amendment this afternoon and debate it and vote on it. I hope we can finish both these amendments this evening and use the afternoon to take up other amendments. I hope that Senators and staff who are following the floor debate will be in the stage of preparing their amendments so that we can take them up today.

Let me explain the pending amendment. Maybe I should ask the Chair: What is the pending business before the Senate at this time?

The PRESIDING OFFICER. The pending business before the Senate is S. 1174.

Mr. NUNN. What amendment is pending before the Senate?

The PRESIDING OFFICER. The pending amendment is the amendment of the Senator from West Virginia to the amendment offered by the Senator from Ohio.

Mr. NUNN. Mr. President, that amendment of the Senator from West Virginia states:

(e) Since the United States and the Soviet Union are currently engaged in negotiations to conclude a Treaty on Intermediate Nuclear Forces (INF) and are continuing serious negotiations on other issues of vital importance to our national security;

Since the current discussions are a culmination of years of detailed and complex ne-

gotiations, pursuing an American policy objective consistently advocated over the past two Administrations regarding nuclear arms control in the European theater, and which reflect delicate compromises on both sides;

Since the Senate recognizes fully, as provided in clause 2, Section 2, Article II of the Constitution, that the President has the "power, by and with the advice and consent of the Senate, to make treaties."

It goes on to say—and I to come back during the course of this debate again and again to the role of the Senate; the Constitution is very clear on that:

Since the Senate also recognizes the special responsibility conferred on it by the Founding Fathers to give its advice and consent to the President prior to the ratification of a treaty, that it is accountable to the people of the United States and has a duty to ensure that no treaty is concluded which will be detrimental to the welfare and security of the United States.

Since in recognition of this responsibility, the Senate established a special continuing oversight body, the Arms Control Observer Group which has functioned over the last 2½ years to provide advice and counsel, when appropriate, on a continuing basis during the course of the negotiations;

Since the Senate and the President both have a constitutional role in making treaties and since the Congress has a constitutional role in regulating expenditures, including expenditures on weapons systems that may be the subject of treaty negotiations;

Since the Senate will reserve judgment on approval of any arms control treaty until it has conducted a thorough examination of the provisions of such treaty, has assured itself that they are effectively verifiable, and that they serve to enhance the strength and security of the United States and its allies and friends;

Therefore the Senate hereby—

(1) Declares that the Senate of the United States fully supports the efforts of the President to negotiate stabilizing, equitable and verifiable arms reduction treaties with the Soviet Union;

(2) Endorses the principle of mutuality and reciprocity in our arms control negotiations with the Soviet Union and cautions that neither the Congress nor the President should take actions which are unilateral concessions to the Soviet Union;

(3) Urges the President to take care that no provisions are agreed to which would be harmful to the security of the United States or its allies and friends.

Mr. President, I think it is important for the Senate to understand, because I hope we can come to a vote on this in the next few minutes, the difference between this resolution and the resolution that was sponsored and introduced last Friday by Senators DOLE, WARNER, QUAYLE, SYMMS, LUGAR, and HELMS. In putting together this substitute resolution, we acknowledged the points in the Dole-Warner amendment that we felt were valid and tried to incorporate as much of the Dole-Warner resolution as possible and also strengthen it, in my view, in terms of presenting the entire picture.

One of the key provisions in that resolution which was before us and may come before us again in some other form before this debate is concluded states and I quote the following:

The Congress recognizes fully the constitutional role of the President as the sole voice of the United States in matters during the delicate course of treaty negotiations; and the Congress must not intrude in this process by acting to constrain a President's flexibility in reaching agreement with foreign nations.

Mr. President, the President of the United States is not the sole voice of the United States in matters concerning the delicate course of treaty negotiation. Every time the Congress acts on any expenditure relating to national security, we have some effect on the President's flexibility in dealing with foreign nations. Every time we cut one penny out of the defense budget, we have some effect. So I could not have supported the Dole-Warner resolution.

We have gone through, Mr. President, a 4-month filibuster on this bill by members of the minority, and it is interesting to me as one who has tried to get the bill up over and over again, to review the reason they were filibustering. They said that there is a provision in this bill that should have gone on the State Department bill. Yet that provision is both germane and relevant to the armed services bill. They said it should have gone to the Foreign Relations Committee and that we should wait for the State Department legislation.

It was also somewhat of a paradox for me to see that the first amendment that our friends wanted to vote on was a foreign policy amendment after we finally got the bill up.

The Dole-Warner resolution is basically foreign policy. I do not object to it on this bill, but after saying for months that we should not have anything on this bill that relates to foreign policy, and filibustering primarily on that ground, they now introduce an amendment which would certainly be more appropriate, more germane, and more relevant to a foreign relations bill.

We now have before us, though, another amendment—I hope that our colleagues will support that amendment—instead of the Dole-Warner amendment. I found some things I agreed with in the Dole-Warner amendment but I saw others that I would very much be opposed to. Really, if you read it and took it literally, it would repeal the constitutional provision for the Senate to give advice and consent to the President of the United States in treaty matters. If you took it literally and the Senate really abided by the Dole-Warner amendment—and we may vote on it before we conclude this debate or something similar—the Dole-Warner amendment said that we should not have any arms control discussion or legislation at all on the DOD bill, It did not want any arms control discussion on any other bill, including the State Department bill. It really did not want any arms control discussions in the Senate of the United States, period.

I do not go along with that. I am not going to vote for all the amendments that come up. I am going to oppose some of them. Some of them I will support. But I will certainly say any Senator has the right to propose an amendment on the floor of the Senate that gives his view in the form of a legislative proposal as to what this Nation should do in terms of where we are going with our foreign policy, defense, and arms control.

It is also interesting to me that the Dole-Warner amendment would not have been germane to the DOD bill if we had been under cloture.

So it was a foreign policy amendment that was not germane to the DOD bill, which was basically the first amendment offered. I am a little bit puzzled by that.

I particularly take exception to the Dole-Warner resolution, which reinterprets, as I view it, the Constitution of the United States, that advocates that the President is the "sole voice" in the national security area. I cannot find anything in the Constitution—I have read it recently; I have read some of the Federalist Papers recently—and I cannot find a single phrase in the Constitution that says anything about "sole voice." I do not find it mentioned one time.

I do not find anything in the Constitution that in any way indicates directly or indirectly that the President of the United States is the only voice. He is an important voice and probably the most important voice in our Nation under our structure in foreign policy matters, but he is not the sole voice.

We all know that the Founding Fathers founded this Nation on the premise that we would not have a monarchy. If there was anything loud and clear in the U.S. Constitution, it is that they did not want another king. They did not want King George III. They did not want King Ronald XVI. They did not want any king. We are not going to have a king, at least not with the vote of this Senator.

I suppose that if you look at the Dole-Warner amendment and read it carefully and take it literally, you would conclude that in the foreign policy field the Senate of the United States could perhaps be seen but not heard. We might appear at receptions and gatherings and maybe occasionally a few of us at State Department dinners or White House dinners, but we were not to be heard. There was nothing supposed to be said by the Senate of the United States if you took the Dole-Warner amendment literally.

I would describe the Dole-Warner amendment, using the language we heard this summer in the Iran-Contra hearings, as the "potted plant" amendment. Under that amendment, the Senate of the United States would become the potted plant. We would basically be seen but not heard. We would be an ornament. The Senate would be an ornament in the national security arena, adorning but having no influence.

I have grave difficulties with that. Mr. Sullivan made it clear when he was representing Col. Oliver North before the Iran-Contra Committee that as a lawyer he was not going to be viewed as a potted plant.

President Reagan later said even though his term was expiring and he would not run again he was not going to be a Presidential potted plant.

And we will decide in this Senate before this bill is over whether the Senate of the United States wants to declare itself a potted plant or whether we want to exercise responsibly, carefully, prudently with a great deal of oversight the role that the Founding Fathers envisioned for the U.S. Senate, and that is to advise and consent in the area of treaties and to raise appropriations and provide for the national security.

As this debate proceeds, and I hope we will be able to conclude it in the next hour or so, on this particular part, I think it is important for our colleagues to understand the difference between the Byrd-Nunn amendment and the Dole-Warner amendment.

The Dole-Warner amendment, first of all, declares that the Congress "fully supports the President in his negotiations with the Soviet Union." I think that is accurate as far as it goes. It just does not go very far, and it really does not prescribe the proper role that the Senate of the United States plays and that the Congress plays. This is where the Byrd-Nunn amendment differs from the Dole-Warner amendment.

(Mr. DIXON assumed the chair).

Mr. NUNN. Byrd-Nunn declares that the Senate "fully supports the efforts of the President to negotiate stabilizing, equitable, and verifiable arms reduction treaties with the Soviet Union."

The difference that is important, even though I suppose, no one could really say they disagree with the sentiment of it. I support the President of the United States when he negotiates with a leader of the Soviet Union or the Foreign Minister of the Soviet Union. I support Secretary Shultz in his meetings with Foreign Minister Shevardnadze taking place this week. All of us want those to be successful.

But we do not want to pay any price. We do not support them no matter what they come up with. We do not support an agreement that is not stabilizing. I will not and I do not believe a majority of our colleagues will. I will not support anything the President suggests to Mr. Shevardnadze unless I know what it is and I hope he will suggest nothing that I will not fully endorse. I do not anticipate he will.

But he did at Reykjavik. He proposed some things at Reykjavik that I would not support. Not only would I not support them, but I came out in several days, as soon as I found out about them, and said I hope they would withdraw them. Because the President basically said that we would agree to abolishing all nuclear weapons if the Soviet Union would agree to abolishment of all nuclear weapons and never talked about what was going to be left, never talked about tank armies in Europe, never talked about the fact that NATO for 30 years has depended on nuclear weapons to make up for, a very unfortunate conventional imbalance.

So I am not going to support a resolution that says we support the President no matter what. I do not think our colleagues would support Dole-Warner under that condition.

Maybe I am misinterpreting it, but I think a lot of people on both sides of the aisle, Republicans and Democrats, had serious misgivings about some of the tentative proposals made at Reykjavik.

In the Byrd-Nunn resolution, we support the President in his negotiations with the Soviet Union and in his effort to negotiate an agreement, a stabilizing agreement, that would make war less likely—an equitable and verifiable arms reduction treaty. That is what we support. We do not support anything that might come out of the executive branch.

There are several other differences here between the Byrd-Nunn amendment and the Dole-Warner amendment. Dole-Warner states that Congress recognizes the role of the President as the sole voice of the United States in treaty negotiations. Byrd-Nunn differs from that. We recognize that the Senate and the President of the United States both have a constitutional role in making treaties. Both of us do.

The book "Miracle at Philadelphia" goes through considerable detail about the debate that transpired in Philadelphia 200 years ago by our Founding Fathers. That convention framed this great Constitution, which has been the hallmark of the free world, the beacon of freedom for 2 centuries to all the people of the world. They debated a long time about whether the President would have any right to negotiate treaties. There were a number of them who felt that the President should not have any role in treaties since treaties were the law of the land and the President was not a lawmaker—he was an executive to carry out the laws and faithfully execute the laws. They felt that treaties ought to be made strictly by the people who were elected.

If you want to get a little reference to how that was resolved, read James Madison; read what he says in the Federalist Papers. I wish the Senator from Virginia were here because I know he is a great Virginian and I know he follows the career and words of the great Virginians. James Madison said over and over again that the President and the Senate make the treaties together. The Senate of the United States does not simply ratify treaties. We are considered a part of the making of the treaties. Those people who felt the President should not have any role in making treaties eventually lost their point of view. The President is given a role, a very important role, under the U.S. Constitution. He is primarily responsible for negotiating treaties, but with the advice and the consent of the Senate.

What does "advice" mean? It does not mean that once a treaty is completed and sent up to the Senate, the Senate then tells the President, "Mr. President, we think we should have done this." It means more than that. We have had a history of Senators participating actually in negotiation. I do not advocate that. I think we are much better served to have the executive branch carrying out the negotiations. But I think the observers appointed by Senator BYRD and Senator DOLE have had a very important role to play. Senator STEVENS has done a tremendous job. When the Republicans were in the majority, he was the leader of the arms control delegation. Senator PELL is following that pattern.

The Senate of the United States has had an official group of designated Members participating in advising the administration in the making of treaties.

Let us remember the Founding Fathers' views. For us to have a resolution before us in our year of celebrating the Constitution declaring that the President of the United States is the sole voice in treaty negotiations reflects a total misreading of the Constitution of this country.

There are other differences between the Dole-Warner amendment, which was pending, and Byrd-Nunn, which is now pending. I think everyone should understand this is probably going to be voted on either directly or indirectly.

Dole-Warner declares that the Congress "must not take actions equivalent to unilateral concessions to the Soviet Union." How could anyone disagree with that? I agree with that.

But I think it is much more accurate to say, as we do in the Byrd-Nunn amendment, that neither the Congress

nor the President should take actions which are unilaterial concessions to the Soviet Union.

If you look back at the history of arms control negotiations, most of what anyone might term unilateral concessions—and that is a very debatable point—have not come from the legislative branch, they have come from the executive branch.

I think it is a lot easier to express this in the affirmative because, in any arms control negotiation, every side has to make some concessions at some point. What we really are saying in the Byrd-Nunn amendment in a more affirmative sense than in Dole-Warner—is that we believe in mutuality and reciprocity in arms control. We believe if we are going to make certain concessions, the Soviets ought to make certain concessions. We believe that agreements ought to be equitable. We believe they ought to be stabilizing. We believe they ought to be verifiable. That is what we mean by not making unilateral concessions.

But if you look at the unilateral concessions, the executive branch, under a more extreme interpretation, which I would not agree with, has made unilateral concessions on verification, just in the last few weeks. We had a position on verification. We decided we wanted to change that position on verification, on INF. How do you verify an intermediate nuclear force agreement? You could say the administration's position on verification was a unilateral concession because the Soviets did not do anything in return that I know of, although, from time to time, they made what some might call unilateral concessions themselves; not many, but some.

When we are talking about concessions and negotiations, it is important to state clearly, in a more positive way rather than negative, that what we believe in is reciprocity and mutuality. We believe the concessions we do make should be ones that are in our own best interests, considering what we get in exchange. That is what we are really talking about.

So I think that the Byrd-Nunn amendment is much more expressive of our views intended in that regard.

In terms of other differences, the Byrd-Nunn amendment goes beyond what the Dole-Warner amendment sets forth. The Byrd-Nunn amendment urges the President to take care that no provisions are agreed to which would be harmful to the security interests of the United States or its allies and friends. We also state that the Senate will ensure that any arms control treaty submitted to it enhances the strength and security of the United States and its allies and friends.

I note the Senator from California is on the floor. He was in the committee yesterday afternoon when we had the testimony of the arms control advisers on the INF, START, and space agreements that are being negotiated.

One of the things that the Senator from California mentioned in that hearing, and several of us mentioned, was that we wanted to make very sure that the INF Treaty takes into consideration the security of our allies, the NATO alliance. I think we all agree with that.

So I think when we are expressing the general view of the Senate on treaties, it is most appropriate that we have a reference to our allies because they are also part of our national security.

The Dole-Warner amendment declares that the Congress "should not seek to establish in U.S. domestic law positions on matters such as ASATS, nuclear testing, SALT II compliance, ABM Treaty interpretation, and the role of chemical weapons."

Congress should not say anything about antisatellite systems, which are enormously important to our security? Congress should not say anything about chemical weapons? I am one who supported chemical weapons over and over again on the floor of the Senate. I know the Chair has. But I do not think we would say to our colleagues who are on the other side of that, "Do not ever bring up another amendment that has anything to do with funding on chemical weapons because the President of the United States is the sole voice of it. He takes care of chemical weapons. He takes care of ASATS. He decides all the issues on testing. Just send them the money downtown and they will take care of it.

That is what it says here.

Congress "should not seek to establish in U.S. domestic law positions on matters such as ASATS, nuclear testing, SALT II compliance, ABM Treaty interpretation," even though we are makers of treaties. Dole-Warner says, "Do not say anything about it, folks. You just ratify it, and we will tell you over time what it means. If what it means is different from what the Nixon administration said it means, do not worry about it. We went back and looked in these carloads of negotiating records, all those little notes that negotiators wrote to each other, about a barrel full, and we found out what it really means. Leave it to us. Send us the money. Send us the money. But do not bother us with telling us what it means. Finance the weapons systems, but do not give us any advice about how we spend the money."

On the most conservative side of the aisle, the most conservative side of the Democratic side or Republican, either one, I cannot imagine any Senator voting for this.

By the time this debate is over, I am going to have a full record of actions that have been taken by our colleagues on the Republican side of the aisle over and over again. They have been the most assertive of the constitutional prerogative of the U.S. Senate. There is no party that has given more advice and—I would not use the word consent here. There is no party that has given more advice to the Presidents of the United States over the last 20 years than our Republican colleagues. President Carter got more advice from the Senate of the United States than probably any President in history. I joined in some of that. I felt he needed advising from time to time. I also think that President Reagan needs a little advice from time to time. I do not agree with everything that is going to be proposed, but I defend the right of any Senator to set forth their advice in the form of legislation and let the Senate vote on it.

I had frankly hoped that we could have this bill completed long before Foreign Minister Shevardnadze got to town. It was not my choice to have debate on the defense bill during the week when important discussions going on between Foreign Minister Shevardnadze and Secretary Shultz. But we may be fortunate in a way. The schedule was dictated by those who filibustered the bill for 3 months. For some reason, I guess they wanted to debate the arms provision while the Soviet Foreign Minister was in town. I have a little uneasy feeling about it, but maybe we can demonstrate to Foreign Minister Shevardnadze what glasnost means in this country. Maybe we can explain the role of the U.S. Senate while he is in town. Maybe it will be clearer when this debate is over that the Senate of the United States is not a potted plant. I hope so, because our Senators here are going to get to vote. They are going to get to vote on whether they want to declare the advise and consent role of the Senate is an outmoded concept in this year, the 200th anniversary of our Constitution. If you believe that the Senate is here just to adorn and make the whole process look pretty, but not to be heard from, then we are simply potted plants.

I hope we will not do that, but we are going to find out this week.

Mr. President, the Dole-Warner amendment states that Congress "should not seek to establish in U.S. domestic law positions on matters such as ASATS, nuclear testing, SALT II compliance, ABM Treaty interpretation, and the role of chemical weapons."

You know, there is one thing I really wonder about. Maybe some of the staff who helped draw up this amendment can explain it. Why in the world did they not mention INF, the intermediate nuclear forces? That is the negotiation that is nearly completed.

Why was INF not mentioned, I say to our capable and effective staff members who are on the back bench but who have a front bench seat in terms of influencing the body? Where is INF in here? Does that mean that, even as potted plants, we can bring up any INF amendment and advise the President on INF?

I will tell you why INF is not in here. Because one of the cosponsors wants to give the President some advice on INF. The Senator from Indiana, one of the most valuable members of our committee, has a barrel full of advice for the President of the United States on intermediate nuclear forces, and he has introduced an amendment which is going to give the President more than just advice. He is going to tell him what he can and cannot do. I do not know whether I am going to be for that amendment or not. I have to think about it. I have to hear it debated. I have enormous respect for the Senator from Indiana. When they were drawing up this potted plant amendment, I believe the Senator from Indiana went over and told one of the subcommittee people, "Look, we do not want to be a potted plant on that subject. I have an amendment. I want to do more than just be seen on INF. I want to be heard."

Maybe I am wrong, but we will find out. Maybe the next time the amendment is drafted in another form we will see INF in here and we will see that the Senate is also a potted plant on INF and we are not supposed to say anything about it. "Sh, sh, sh, do not talk about INF."

But right now, we are given the full go-ahead on the INF. We can march right off and give all sorts of advice. The Senator from Indiana is going to do that.

The Dole-Warner amendment does not mention verification. I know that is certainly not something we have any disagreement on, but Byrd-Nunn does make it clear that we support the President's efforts to negotiate "verifiable arms reduction treaties."

We state that the Senate will reserve its judgment on approval of any arms control treaty until it has assured itself that they are "effectively verifiable."

Mr. President, wrapping up the comparison of these two amendments, the Dole-Warner amendment makes no reference to the constitutional role of the Senate in providing advice and consent to a treaty. The Byrd-Nunn amendment quotes the constitutional duties of the Senate to provide its advice and consent to a treaty. It also recognized "the special responsibility conferred on the Senate by the Founding Fathers." It states that the Senate is "accountable to the people of the United States and has the duty to ensure that no treaty is concluded that will be detrimental to the welfare and security of the United States."

Mr. President, this is a pretty good comparison, I think, of where we differ. I really believe that we can get a unanimous vote on this Byrd-Nunn amendment because I really think that the Dole-Warner sponsors have made some inadvertent oversights here and a few misstatements. I think they probably have not reexamined the Constitution lately and they just slipped up and did not put anything in here about the Senate role.

The Senator from North Carolina was on the floor a while ago. I certainly do not believe, based on past records, that we have ever had a Senator in the history of this body who has given more advice to the President of the United States on foreign policy than the Senator from North Carolina. Some of that advice is good. Some of it I agree with. Some of it I do not agree with. I have always said he had a right to give it. But the Senator from North Carolina has sponsored this amendment and he says the President is the sole voice on foreign policy.

The Senator from North Carolina is certainly bipartisan in his advice. He gives advice to every President, not just a Democratic President. He has probably given President Reagan more advice than any four or five people in the Congress. Again, some of it has been good, some of it I would not agree with, but he has every right to do that and will continue to do that.

I cannot believe the Senator from North Carolina has read this amendment. I cannot believe the Senator from North Carolina says the President of the United States is the sole voice on foreign policy. How about the appointment of Ambassadors? Does the Senate have anything to say about that? How about the Panama Canal Treaties? We are going to have a little recitation of history before this debate is over. There were an awful lot of things said in the Panama Canal debate when we had a Democrat in the White House that I want to see if our colleagues agree with while we have a Republican in the White House.

I want to also talk a good bit about what happened back when President Carter abrogated the defense treaty with Taiwan. We had a lot of advice being given to President Carter back then. The Senate of the United States was not a potted plant when it came to the Panama Canal Treaties. The Senate of the United States was not a potted plant when it came to the Taiwan Treaty abrogation.

Oh, we had a lot of advice. In fact, one of my best friends and I think one of the great Members I have served with, Senator Goldwater, former chairman of the Armed Services Committee, felt very strongly about the Taiwan Treaty. There is one thing about Barry Goldwater. He was consistent; whether it was Democratic or Republican, he went by his own principles, and I admired that. I think a lot of people in this country still do. Barry Goldwater decided that he did not believe the President of the United States could abrogate a treaty without coming back to the Senate, and he went to the Supreme Court of the United States on that point back in the late 1970's under the Carter administration. The Supreme Court decided that case on the ground of no standing because the Senate and the House had not acted legislatively. They did not decide on the merits.

But before this debate is over, I want to read some of those quotes from the petition Senator Goldwater filed with the Supreme Court, because a good many of my colleagues on the Republican side of the aisle were on that petition, they were part of it, they were coplaintiffs in that case, and some of those same Senators have cosponsored this resolution that we had before us a few minutes ago, saying the President of the United States is the sole voice on foreign policy, arms control, and all of those sensitive matters.

There are some real contradictions between what was said in that petition back in the Taiwan Treaty abrogation days and what is being said now. Mr. President, I think we need some degree of consistency. All of us move in the legislative process. There is no one who is absolutely consistent. I am sure I have contradicted myself in the course of 14 years. But you try to keep the contradictions within manageable terms. You try to keep them narrow. You try to keep them at the margin. You try not to have something that just jumps out and is absolutely, totally opposite of what you said 3 or 4 years ago when there was another President in the White House on another matter. There are some things that are immutable in this country and the Constitution of the United States is one of them.

I think it is important to note, as we begin this debate—and some of it is going to get on the ABM provision itself, the President of the United States said, I believe it was yesterday—I heard it on CBS Morning News—in support of that nominee President Reagan quoted with approval Judge Bork's views: "Laws should govern our country, and if you want them changed you should convince elected legislatures to change them, not unelected judges."

That was on a different matter but we have the same kind of situation with the ABM debate. We have a treaty that was ratified. We have testimony from the Nixon administration explaining what that treaty meant. President Ford's administration agreed with that. President Carter's

administration agreed with that. And until 1985, President Reagan's administration agreed with that. The strategic defense program started under an interpretation of the ABM Treaty that was given the Senate by the Nixon administration in 1971 and 1972. And the appropriations that have been made under that program have been pursuant to that traditional interpretation. But lo and behold, in 1985, we had an unelected official who decided that the law could be changed.

A treaty is the law of the land. If you believe in our constitutional system of Government, that is what the Constitution says. When we ratified this treaty, it became the law of the land.

Now the question is, what does that law mean? It means what the Senate of the United States was told it meant back in 1971 and 1972. If not, what is the ratification process all about? What is the role of the Senate in advise and consent? So the Senate of the United States is not only going to decide in the next few days whether we are potted plants; we are also going to decide whether laws of the land can be changed by the President without coming back to the Congress. If that is what we decide, then we are basically reversing 200 years of history. We are reversing the intent of the Founding Fathers, and we are beginning a monarchy because a monarchy can make those decisions without coming back to Congress. That is what this country is all about. We founded a country where we wanted the elected representatives of the people to have something to say.

That does not mean we are always right. The Senate has made a lot of decisions with which I do not agree. I voted for things I would not now vote for if I had them before me. But we have the right to make decisions based on our form of government.

The President of the United States has an enormously important role. He is our principal spokesman in foreign policy. He is our principal negotiator of treaties. But he is not the only voice in foreign policy. He is not the only maker of treaties. We have a partnership in this country. There is a separation of powers. We have our duties. The President has his duties. The country can only work if we work together. But we cannot work together when one branch of the Government says to the other, "We're taking your power." We cannot be effective as Senators and as a body when we have respected voices of opinion saying the opposite of what they have stood against for years and years, that the President of the United States is the sole voice in arms control, the sole voice in foreign policy.

We have had negotiations going on now on arms control since, I suppose, way back in the 1960's. We are going to have negotiations on arms control going on at least for the next 20 years, probably the next 30 years, and I hope we can make progress. I am one of those who is skeptical but always hopeful we can make progress, hoping we can do something about the dangers facing this country. This morning I was a guest at the White House. I commend President Reagan, General Secretary Gorbachev, Secretary Shultz, and Foreign Minister Shevardnadze because they arrived at a very important agreement which was signed this morning on risk reduction, trying to begin to work together as superpowers to mitigate the risk of war by accident or war by miscalculation, war by misperception, they have begun a communication process that will last all of my lifetime. If we achieve the most successful arms control agreement anyone can imagine we will reduce nuclear weapons by 6,000. If we get an INF Treaty that stabilizes, is verifiable, and reduces the missiles in Europe, we are still going to have thousands of nuclear weapons. We are going to have thousands of tanks. We are going to have a danger of war for a long time, and God forbid that we have one. But we certainly have a mutual interest with the Soviet Union in doing everything we can to make sure that we do not have one by accident or miscalculation.

So we are going to have treaties, we are going to have agreements, and we are going to have continuation of discussion in arms control for a long time. If we take the position in this body that as long as there are arms control negotiations going on the Senate of the United States is out of the picture, we are basically changing the fundamental role of this body.

We are going to hopefully enter into a period where we have conventional arms control, doing something about tanks, artillery tubes, and divisions. That is where the big money is. That is where 80 percent of the money is. It is not in strategic nuclear weapons as expensive as they are. The big money is in conventional. If we are going to really save money, we will have to do something in the conventional arena. Those negotiations may go on for 10 or 20 years. Are we saying here with the Dole-Warner resolution that as long as we have conventional arms control we are not going to talk about tanks, we are not going to talk about artillery tubes, we are not going to talk about ships, and we are not going to talk about planes? If that is the case, the Senate of the United States is forfeiting its role under the Constitution. And we are helping create a monarchy in this land intentionally or unintentionally. I do not believe that is what our colleagues really want.

So I hope we can have a unanimous vote on the Byrd-Nunn resolution. I hope we can move on to other matters. But I believe that this is very important beginning point in this debate. We will have a lot more worries before the week is over.

Mr. President, I yield the floor.

Mr. WILSON addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. WILSON. Thank you, Mr. President.

Mr. President, I sat here listening patiently and with characteristic interest and respect for my good friend from Georgia. But I think very candidly that as many times as I have admired him this is not his finest hour. I would have to say that I think there is a fundamental flaw, a fundamentally flawed premise upon which his entire argument this afternoon rests. No one is for a moment contesting that the Senate of the United States does not have a role in the treaty process. The Constitution is quite clear as to what that role is. It is ratification. But what is totally beyond me is how anyone can possibly confuse the legitimate role of the Senate to participate in advising the President privately, in advising even negotiators privately as do members of the arms control observer team, and with participation in that ratification process with the actual negotiation of treaties. That is the fundamental point.

And I would have to say with all due respect that what is before us now in the form of the Byrd-Nunn amendment is innocuous. It is nothing that anyone should vote against unless they are simply outrated by the weakness of the statement. There is nothing in there that will kindle passionate disagreement, but it is not a substitute for facing the facts, the confrontation of this specific point, this central issue as to whether it is Congress that will insert itself in the negotiation process that is posed by the Dole-Warner amendment.

I will simply say to my friend and to all of my colleagues that this amendment may very well pass. It probably should pass by a voice vote and not take the time of a rollcall. But it will be no substitute for the Dole-Warner amendment. That I promise. If a dozen Dole-Warner amendments are tabled, then more and more will be offered because the Senate of the United States must face this issue and not be confused for one moment with what the proper role of the United States Senate is. Let us just compare these two proposals, that before us now, the so-called Byrd-Nunn amendment with the Dole-Warner amendment.

There is much in the Byrd-Nunn amendment that is word for word lifted from the Dole-Warner amendment. Obviously, there can be no quarrel with that. And the statements that are contained in it are all right as far

as they go. The point is they do not go far enough because they do not confront the issue as to the proper limits on the insertion, the intrusion, to use the word of the Dole amendment, into the negotiation process by the Senate. And that is something that the Constitution does not provide for.

If we are interested in history, Mr. President, I would suggest that we should examine history for any precedent where the Senate has inserted itself in the negotiation process as opposed to its traditional role of being an active participant in ratification, and indeed where it is called for adding reservations to a treaty during that ratification process; qualifying a treaty. That is a proper role; one specified by the Constitution and by history.

There is no precedent. There is no constitutional authority for anyone but the President of the United States to be the negotiator—not just the chief negotiator, Mr. President, but the sole negotiator. What that means is that it is the President, and not the Congress and not the Senate that appoints negotiators to represent the United States in Geneva and sit across the bargaining table from the Soviets. That is not our function. Yes, we have an arms control observer group. They are to serve as a liaison between the President's designees, those to whom he has delegated the function of negotiation and the Senate, so that if, hopefully, a wise arms control agreement can be fashioned we will be that much ahead in our consideration of it at the time we are asked to ratify it—not negotiate it.

Comparing these two amendments, I find nothing in the Byrd-Nunn amendment that addresses that central point. It states instead that there is a shared responsibility. We all know that. What is not shared is the role of negotiator. That is the exclusive role, responsibility, and prerogative of the President of the United States.

The Byrd-Nunn amendment drops reference to Congress not intruding into the President's negotiation role. And my friend from Georgia seems to take deep umbrage at the suggestion that by involving ourselves in public debate, and certainly by enacting provisions of the Defense authorization bill that undercut the position of those negotiators, he seems to think that anyone that finds that unwise and calls it intrusion into the negotiation process is somehow relegating the Senate to the role of potted plant.

Nothing could be further from the truth. Mr. President, is it not obvious to anyone, student of government or passive observer, that we cannot have 535 Presidents of the United States? We cannot have 535 negotiators. Not every Member of Congress can be Secretary of State; cannot even if he thinks himself admirably equipped to do so be the one that actually negotiates the treaty. That role is specified exclusively by the Constitution as the role of the President.

It is an intrusion and nothing less, Mr. President, when the Congress, be it the House of Representatives or the Senate or both, seeks to actually engage in the kind of domestic legal changes that cannot be construed as anything but an undercutting of the stated position of the United States at those bargaining tables in Geneva or elsewhere. What else can it be? If we enact such provisions, provided they are duly enacted and do not otherwise violate the Constitution, they are entitled to the respect accorded by law. They are the law. And that domestic law which will be adhered to in the courts of the land, even though not adhered to as a matter of international agreement, can impose upon the United States unilaterally a duty not shared by those with whom we have negotiated a treaty.

That is precisely the situation that we must avoid if we are not to put ourselves at a hopeless disadvantage with the other superpower in the world. Like it or not, the Soviet Union is one and the United States is the other, and these negotiations are of immense importance to the entire world.

We cannot afford the kind of kibitzing that is being suggested as a proper role for the Senate. Frankly, what is being proposed goes far beyond the role of the Congress of the United States. It is, in fact, setting up the Senate and the Congress of the United States as a substitute for the negotiators in Geneva by indicating to those across the bargaining table from them, those representing the Soviet Union, what the parameters of the debate will be in Geneva.

Do not take my word for it. The chairman indicated in his comments that we were privileged to be addressed yesterday afternoon by those representing the United States at the bargaining tables, those who are the chiefs of our official negotiating mission there.

I do not know whether he recalls it, but the record states—and this is not classified—that I asked what would be the effect were the Congress of the United States to enact as law the so-called Levin-Nunn amendment. And that is what this whole debate is really all about. Indeed, if we want to get on to a discussion of ships, planes, and tanks, the chairman knows that all we need do is drop the Levin-Nunn amendment, and we can be on the rest of it in no time flat. The rest of it is a pretty good bill. Indeed, it would have unanimous consent to go to the floor without the Levin-Nunn amendment. But rather than get into the merits of that, let me simply describe it for the audience, who may not understand what is at stake.

The Levin-Nunn amendment seeks to usurp the authority of the President of the United States, assigned him by the Constitution, and says that there will be no further funding for the Strategic Defense Initiative Program unless the President agrees to accept the so-called narrow interpretation of the Antiballistic Missile Treaty; or, to put it in simpler terms, unless the President agrees not to engage in development or testing of the antiballistic missile defense.

Mr. NUNN. Mr. President, if the Senator will yield for a question on that, where is that provision? That one has escaped me.

Mr. WILSON. I say to the Senator that that is clearly the effect of a one-House vote that is possible under the Levin-Nunn amendment.

Mr. NUNN. If the Senator says a one-House veto is affirmative legislation, having passed both Houses, that is the law of the land. You could call anything a White House veto, because unless the House and the Senate pass this bill, it is a one-House veto. It is not a one-House veto under the Supreme Court decision. That is a different matter. I am mystified as to how the Senator from California could be talking about a one-House veto. You are talking about the legislative process.

Mr. WILSON. I will explain to my colleague.

What I am talking about is a very great departure from the tradition and history of the United States under our Constitution, in which only the Senate of the United States is given the role of ratification of treaties. Here, in effect, by the legislation that you have proposed, we would give to the House of Representatives, which has no such authority under the Constitution, the ability to take from the hands of the President and his negotiators that negotiating authority and to set a ceiling, a limit, on what they can do at the bargaining table. That is the effect of the amendments; I think it is quite clear to everyone.

Mr. NUNN. If the Senator will yield, does the Senator believe that the Constitution of the United States states that a treaty is the law of the land?

Mr. WILSON. Have you finished your statement?

Mr. NUNN. I just asked a question. Does the Senator agree that the Constitution of the United States provides that a treaty, when it is ratified, becomes the law of the land?

Mr. WILSON. Of course, it does, but the point——

Mr. NUNN. How do you repeal a law?

Mr. WILSON. Just a moment, since you have asked the question.

The point is that although the law that we are here debating does not become a law until it has passed both

Houses and is signed by the President, what it does is that when the Congress of the United States, either House, enacts a provision that is totally at odds with the expressed position of the negotiators at Geneva, it undercuts their ability to negotiate there.

Mr. NUNN. If the Senator will yield for a question, is the Senator familiar with the amendment that Senator QUAYLE submitted last Friday, which would prohibit the United States——

Mr. WILSON. The answer to the Senator's question is no, I am not.

Mr. NUNN. Because the Senator from Indiana submitted, the same day the Dole-Warner amendment was submitted, last Friday, an amendment that would put the Senate on record in reversing a recent decision by President Reagan to accept a Soviet proposal in INF that would prohibit the United States from deploying land-based missiles of a range of 300 to 3,000 miles.

Would the Senator put the Quayle amendment in the same category as he places the ABM amendment?

Mr. WILSON. I am unfamiliar with the amendment, so I cannot do that.

I say that any amendment that seeks to enact constraints upon the United States by law at a time when U.S. negotiators are negotiating a treaty obviously undermines the negotiating position of the negotiators.

Mr. NUNN. Would the Senator say the same about the Panama Canal treaties?

Mr. WILSON. I am glad the Senator brought that up, because the Senator's keen interest in history should have taken him to remember that the comments that were made and the advice and consent so freely given on that occasion occurred at the appropriate time, which was during the ratification.

Mr. NUNN. The Senator is not correct. The Senator from South Carolina had a petition that went around the Senate that had over 35 signatures, stating to the President of the United States that any Panama Canal treaty submitted would not be ratified by the Senate during the time that treaty was being negotiated.

Mr. WILSON. However unwise the treaty may have been, I have to say that I think that was improper, because it was in fact not the appropriate time and place to do that.

Mr. NUNN. I hope the Senator will look at the Quayle amendment because that says to the President of the United States: "Do not agree with anything relating to ground-based cruise missiles." The President has already done that. So the Senator from California would have to put the Quayle amendment in the same category as the ABM amendment.

Mr. WILSON. That remains to be seen.

Right now, we have three amendments before us. We have your amendment—or, more accurately, the Byrd-Nunn amendment, which is a palliative designed to avoid a vote on the Dole-Warner amendment; the Dole-Warner amendment that confronts the intrusions of Congress in the negotiation process and the Levin-Nunn amendment by which the President of the United States, through his negotiators in Geneva, is necessarily undermined by the kind of conduct on the part of Congress that narrows the range of negotiations. That is plain and simple.

Mr. NUNN. Will the Senator from California explain why the intermediate nuclear force agreement or negotiation is not set forth in the Dole-Warner amendment?

Mr. WILSON. I can tell you one reason. I do not think the Dole-Warner amendment, which I did not draft, was intended necessarily to deal with that agreement. It is intended to deal with all the other misfortunes that the House of Representatives would visit upon us in their bill, having to do with the prohibition of the use of funds for ABM systems or components, space-based or land-based, and the imposition of SALT II numerical limits. Those are not the business of the House of Representatives, nor do I think the Levin-Nunn amendment is either well advised nor, in my judgment, really a constitutional provision.

Mr. NUNN. So the Senator would like us to send $4.5 billion downtown and say to the President, "Mr. President, you can spend this any way you want to on SDI."

Mr. WILSON. No. That is a straw-man argument, because, as the Senator knows, that is not what happens.

Mr. NUNN. That is what would happen.

Mr. WILSON. With all respect, I have yielded to a question, but I will not yield to the creation of strawmen that have no bearing on the real issue.

The real issue here, I say to the Senator, is whether or not the Senate of the United States is going to substitute its judgment for that of the negotiators, whether Senators are going to perform the role of the negotiators, and that is a role that is not properly ours.

Mr. NUNN. I thank the Senator for yielding, and I will not interrupt again at this point, but I hope the Senator will listen very carefully as I recite the role of the Senate of the United States over the last 25 years, particularly the role of those on his side of the aisle who have cosponsored this amendment, because they have been very assertive about foreign policy. They have given a tremendous quantity of advice to this President, the President who preceded him, and other Presidents during negotiations. Advice has been forthcoming over and over and over again. So we will have those historical examples pretty vividly before us during the course of the debate.

Mr. GRAMM. Mr. President, will the Senator from California yield briefly?

Mr. WILSON. I will in one moment.

I simply say advise and consent is one thing; negotiation is quite a different thing. I would also say that ratification and negotiation are quite different things.

It is perfectly proper for the Senate of the United States to advise the President as well as to advise one another with regard to what they perceive to be flaws in a negotiated treaty or one that is in the process of negotiation. It is not appropriate for them to undermine by enactment of domestic law provisions that are in direct conflict with the very substance of the negotiation.

Mr. GRAMM. Mr. President, will the distinguished Senator yield?

Mr. WILSON. I will yield for the purpose of a question.

Mr. GRAMM. I will say the distinguished Senator from Georgia, the chairman of the Armed Services Committee, can give us lots of examples of tomfoolery that has taken place in this great body and examples of poor policy.

The real issue here is not whether people have made mistakes in the past, not whether there is a precedent for poor policy, but whether we want to add to that precedent, and that is where I am in great agreement with the distinguished Senator from California.

I have no doubt that there are those who have served in this body in the past and some in the present who have tried to inject the Senate into foreign policy matters at a very delicate time where the national interest was not promoted. I do not doubt that there is a long list of such actions.

The question is at the very time that we seem to be on the verge of a breakthrough in negotiating with the Soviets should we add another to this long list of precedents?

I think we should not and, therefore, I strongly agree with the distinguished Senator from California that we can debate the issue of the Nunn-Levin amendment from a lot of different perspectives but as I see it the bottom line gets down to one basic thing. At this point in our negotiations with the Soviets where there is no debate about the fact that the thing that brought the Soviets to the bargaining table is the fact that they fear our tremendous technological superiority and our ability to apply that to build our defense which would lessen the effective force of their offensive weapons at a very time that that is the driving force behind our whole promise, and whether there is precedent or not precedent,

I am loath for us at this time to come in and enact into law negotiating positions of the Soviet negotiators in Geneva. I do not think we ought to be giving the Russians through actions in Congress what they are negotiating for in Geneva. I think that is a fundamental point and really what is at issue.

The PRESIDING OFFICER. The Senator from California had the floor. After the Senator yields the floor, the Chair will recognize whoever will want to be heard.

The Senator from California has the floor.

Mr. WILSON. Thank you, Mr. President.

Mr. President, when the Senator from Georgia asked if I would yield for a question I was about to make the point that yesterday when we had before us in the Senate Armed Services Committee our distinguished negotiators, I asked the question what would be the impact of the enactment by the Congress of the Levin-Nunn amendment, and the very distinguished Ambassador Paul Nitze said it would be most unhelpful, most unhelpful.

Mr. NUNN. Mr. President, will the Senator yield briefly?

The PRESIDING OFFICER. Will the Senator from California yield to the Senator from Georgia for a question?

Mr. WILSON. For a question.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. I will ask the question while the Senator from Texas is on the floor. I hope he does not leave now for just a moment.

Mr. GRAMM. I will not leave.

Mr. NUNN. Does the Senator from California remember June 19, 1985, where there was a Helms-Symms amendment which basically was to provide that no funds appropriated by the Fiscal Year 1985 Supplemental Appropriations Act may be obligated or expended to deactivate or remove from operational service any Minuteman ICBM or any Poseidon missile or missile submarine for any purpose, including specifically that of complying with any provisions of the unratified SALT II Treaty.

At that time there was a motion to table. The Senator from California and the Senator from Texas voted against the motion to table. The motion to table passed 79 to 17.

It is interesting because the President of the United States had decided that he wanted to observe SALT II. He felt that the continued observation of SALT was necessary even in the face of the Soviet violations. He did not want the negotiating climate to be upset in Geneva. That was one of the reasons he was doing that. Senator DOLE said in opposing this amendment, quoting him:

> * * * I think it possible that this amendment—while undoubtedly not so intentioned—could also undermine the President's standing, as leader of our Nation and as our spokesman on international security matters. The President has spoken on this issue, and he has spoken wisely; to now move to reverse the President's decision, in my view, would be a mistake.

Do the Senator from Texas and the Senator from California remember voting to undermine President Reagan's position on that important matter which was then pending in Geneva?

The PRESIDING OFFICER. The question was asked of the Senator from California. The Senator from California is recognized.

Mr. WILSON. Thank you, Mr. President.

I would be happy to respond to such a sophistry. It clearly did not undermine the President, since he was subsequently persuaded it was correct and in fact changed his position.

I think if memory serves the Senator from Georgia will recall that the President had given fair warning, in fact the phrase "extra mile" was used repeatedly.

As far as voting against the motion to table I frequently do that simply to afford the other side an opportunity to debate as I have been liberal in entertaining questions this afternoon from my friend from Georgia.

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

Mr. WILSON. For a quick question.

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Texas?

Mr. WILSON. For a question.

The PRESIDING OFFICER. Is he yielding for a question from the Senator from Texas, or the floor?

Mr. WILSON. I am most definitely yielding only for a question.

The PRESIDING OFFICER. The Senator from Texas is recognized to ask a question of the Senator from California.

Mr. GRAMM. Is the distinguished Senator from California aware of the fact that the distinguished Senator from Georgia is commingling two entirely different issues? What is being debated here is not the fact that the distinguished Senator from Georgia is doing something the President opposes. If we did not do anything in the Senate that the President opposed this would be an awfully dull place and there would be little in the way of checks and balances.

What is at issue here is undercutting the position of our negotiating on a treaty that is being negotiated.

Mr. WILSON. Yes.

Mr. GRAMM. I remind our colleagues, and I am asking if the distinguished Senator from California is aware that we were voting directions relating to a treaty that has been negotiated, but it had never been ratified, it was not the law of the land, and as a result we were stating a position that, as the distinguished Senator from California notes, is a position that was subsequently accepted by the President.

So he in fact was to some extent affected by the wisdom of our position. I do not see any comparability.

The PRESIDING OFFICER (Mr. HARKIN). What is the answer of the Senator from California to the question of the Senator from Texas?

Mr. WILSON. Mr. President, the question is a good one. My response to it is that I am very much aware, and I have been trying to share my awareness with others who do not share it. The point really is not only that that treaty was not ratified by the Senate of the United States, and indeed the Senator from Georgia participated in preventing its ratification and wisely so.

The point really is that this amendment that is before us does not confront the proper role of the Senate. It ducks that question. It is a palliative that seeks to offer those who wish to avoid the vote on the Dole-Warner amendment the opportunity to do so. But it will not do so. Let this pass by a voice vote; it is nothing.

But then, at some point, we must come back and face the issue. We must vote on the Dole-Warner amendment and confront the proper limits upon the role of the U.S. Senate in the treaty-making process. It is not a role of negotiation. It is a role of advice; it is a role of consent, one of ratification.

Now, a point made implicity by my colleague from Texas which I thought was clear, perhaps explicit, and that is timing is everything. When in fact a negotiation is in progress on a prospective treaty, to then at that moment undercut the position of your negotiators is obviously to be a house divided. And that is precisely to what the Dole-Warner amendment speaks when it says that we must not, the Congress must not actively further the interests of the Soviet Union by unilaterally adopting negotiating positions that have been rejected by the United States Government. And that, of course, is the fault of the Levin-Nunn amendment.

So in the example asked about by the Senator from Georgia, that having to do with the SALT II Treaty, the SALT II Treaty not only was not ratified by the Senate but it was not being then negotiated by the Senate at the time that we offered that advice to the President of the United States. It was history.

This is quite different. At this very moment we are locked in negotiations with the Soviet Union and, indeed, whatever the prospects are for an INF agreement, far more important would be reaching a good agreement, a wise

and workable agreement, on strategic weapons, weapons of a great range, an intercontinental range, not just those stationed in Europe.

And the Soviets—and this is not any breach of classified information because you can read about it in the newspapers and in the journals—the Soviet Union has explicitly linked any progress on those negotiations to our backing away from our own position on the Strategic Defense Initiative.

Now, we are not going to do that, Mr. President. But the Levin-Nunn amendment would bring us perilously close to a position that would encourage that. Because after having asked Ambassador Nitze yesterday afternoon what the enactment of the Levin-Nunn amendment would mean and after he had replied it would be most unhelpful, I asked Ambassador Cooper. Ambassador Cooper said, "It would inevitably have the effect of narrowing the range of our negotiations so that they would span a spectrum from a restrictive interpretation to an outrageously restrictive interpretation." Now, what he is telling us is to butt out. He was being polite.

And it is quite clear that this kind of an enactment would necessarily send the clearest possible signal. Instead of the Congress of the United States being perceived as fully in support of the President in negotiations for a workable arms control agreement of any kind, Congress would be perceived, quite accurately, as undercutting him. That is what this is all about. That is what the Levin-Nunn amendment is all about. And I think that it would be absolutely a dereliction of duty on our part either to enact that provision or to pretend that somehow the passage of this political palliative, this Byrd-Nunn amendment, is in some way an adequate substitution for facing squarely what is our duty and what the limits of our duty are.

That is why I promise that as many times as it may take we will get a vote of some kind on this amendment. And I hope it will be up or down. If we have a dozen motions to table the Dole-Warner amendment or its equivalent, then it will simply mean that those who are voting to table are unwilling to face the issue, unwilling to state what the proper role of the Senate is.

They are stating instead that they quite agree that they fully sanction the position that the Senate of the United States is not restricted to ratification, to reservation, but that we are, by God, able to intrude into the negotiation process itself. Now if that happens, Mr. President, we the people of the United States, are in deep trouble. There are limits to the wisdom of this body. We need not be potted plants to fulfill our constitutional responsibility.

Indeed, that same thought must have occurred just last year, Mr. President, at the very time that we were almost at this moment in conference on the fiscal year 1987 defense authorization bill and the House of Representatives sought to enact similar arms control provisions that would have similarly emasculated the United States position. And, indeed, to his great credit, the chairman, who was then the ranking member, participated in a negotiation with the House conferees and got them to drop that foolishness rather than being perceived as being in the position of undermining the President of the United States on the eve of a negotiation in Reykjavik.

Now what I do not understand is how his memory has grown clouded, why he does not see it just as clearly now as he did then when we performed that valuable service.

I cannot answer that. I can only tell you this: what we have before us would not warrant the discussion and debate that it has had this afternoon were it not for the fact that it is being presented as an avoidance of our duty to precisely define the role of the U.S. Senate in the treaty-making process. That is what Dole-Warner does. That is what Byrd-Nunn avoids doing. Now that is no service.

And for those who will repeatedly seek to table a Dole-Warner amendment or some equivalent, let the American people understand what is going on. Just as they probably need some explanation for the sleight of hand that occurred this morning, the little parliamentary legerdemain which subsequently took the Dole-Warner amendment down and substituted for it this palliative. That was no service.

Let me just conclude, Mr. President, by stating that the reason that this deserves the kind of attention that it has had this afternoon is not because there is anything wrong with the Byrd-Nunn amendment, save that it is weak, in that it does not go far enough, it does not confront precisely the issue that is indeed placed before us by the Levin-Nunn amendment which has been the cause of the delay in consideration of the rest of the defense authorization bill.

The record of this body is replete with assurances from virtually every member of the minority on the committee that we were long since prepared to vote on the bill if that offending provision, that usurping provision that seeks to take the authority of the President of the United States and give it to the Senate, if that were removed. But, that is apparently a persistent desire of the majority.

And I cannot think that if their President were on the eve of an important negotiation that they would not experience the same solicitude, that they would not be concerned, as in fact we should all be without regard to party, without regard to partisan gamesmanship, in seeing to it that we present a united front when we are dealing with as determined and clever and flexible an adversary as the Soviet Union who are very, very skilled negotiators and who daily read and digest the American news.

When this body undertakes not its duty but to usurp the President of the United States, it will not escape our adversaries, and they are in fact our adversaries.

May God let the day come when in fact we are all able to live in peace and trust. But that day has not yet come. Recent history is unhappily too instructive that that day has not yet come.

So I will say advice and consent is not negotiation. Ratification, even reservation, is not negotiation. Only the President of the United States is permitted by the Constitution to conduct negotiations. So let us not talk about shared foreign policy and blur the distinction that is so clearly made by the Constitution itself. That is what this amendment would do.

Let us pass the thing, get rid of it, and then let us be honest and come back and have an up or down vote on the Dole-Warner amendment, because this is no substitute for it.

I thank the Chair.

Mr. QUAYLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

MR. QUAYLE. Mr. President, before I begin, let me at the outset state once again for the record my deep respect and affection for our chairman of the Senate Armed Services Committee. He knows that without my having to say it. We agree on far more things than we disagree on. Although some people my dispute that after we go round and round today and tomorrow and for probably several weeks, but it is true, we do.

Mr. WILSON. Will the Senator yield for a question?

Mr. QUAYLE. I yield.

Mr. WILSON. Is the Senator aware that I share that affection that he shares for the distinguished chairman?

Mr. QUAYLE, I am sure the record notes that.

Mr. WILSON. I would seek to give assurance so there is no doubt, that however misguided his judgment of this issue, I have great affection for him.

MR. QUAYLE. He is really a good guy, we are trying to say, most of the time, with just a few aberrations we all have. We all make mistakes. Even the Senator from California has probably made a few mistakes in his life. Maybe the Presiding Officer——

Mr. NUNN. If the Senator will yield briefly, the Senator from Indiana is a valuable and effective member of our committee. The Senator from California is also very effective. Both are my colleagues and my friends and they do a superb job on the Armed Services Committee.

The Senator from Indiana was not here earlier, but I spent considerable time in the last 30 minutes making clear to this body that neither the Senator from Indiana nor the Senator from California have been potted plants in this body. They have been very assertive in foreign policy. The Senator from California has given the President a lot of advice and he has voted for legislation that, according to the minority leader, Senator DOLE, would have given the President too much advice and impaired his standing in international affairs. I spent a good deal of time describing the Senator from Indiana's amendment on INF which he offered last week.

Mr. QUAYLE. You ought to support that.

Mr. NUNN. There are attractive features to it. But the Senator from California was not aware of that amendment. He gave several reasons why amendments like that should not be introduced during this crucial negotiation period. I hope the Senator from Indiana will explain to the Senator from California the nature of his INF amendment and how it does have an impact on the negotiations. The Senator from Indiana is an assertive power and not a potted plant in this body.

Mr. QUAYLE. I want the last part of that statement to be amplified, that we will continue to be assertive. That was the third or fourth point I was going to make in my remarks, but since the Senator made his statement, let me state it briefly.

There is one substantive, significant difference between the resolution I introduced and the Levin-Nunn amendment. That is, mine is a sense-of-the-Senate resolution. It is not binding. It is expressing, hopefully, the will and sentiment of the Senate on where the negotiators ought to go. Quite frankly, if the Levin-Nunn amendment were a sense-of-the-Senate, if it simply said "Here is what I think the interpretation of the ABM Treaty ought to be," and it was debated as a sense of the Senate, we would have a debate and I would disagree with the distinguished chairman, we would vote on it and have a feeling of what the Senate is. I have no problem with doing this from time to time, and I will continue to voice my feelings both publicly and privately to this administration or any other successor administration. But there is a critical difference between a sense-of-the-Senate resolution such as my INF resolution and the binding legislation of Levin-Nunn.

We have waited for months for this debate. We have had a filibuster. As a matter of fact, as the majority leader said today, the filibuster could have continued because even the high water mark today would only have had 57 votes, but the distinguished minority leader decided it was time to get on with the Department of Defense bill, conferred with the White House and others, and they said, "OK, let us go ahead and begin the debate."

I am not sure where we will go in this whole debate, because of what we have before us, 99 percent deals with the substance of the Senate Armed Services Committee procurement of weapons, pay, operation, and maintenance, what a normal defense authorization bill deals with. But, it is the 1 percent that deals with arms control that has now received 99 percent of the attention.

What we have on the floor today, unfortunately, is an arms control bill, and that is what we are going to be debating, or the arms control resolutions. We are going to be debating what the interpretation of the ABM Treaty ought to be. We are going to be debating SALT limits, ASAT and nuclear weapons testing bans, chemical weapons freezes, all sorts of things.

We may never get off the arms control debate. It is going to go on and it is going to be lengthy. A lot of people will want to speak.

But after 3 or 4 months of delay, we are now confronted with the very first issue that is before us, which is a sense-of-the-Senate amendment by the majority leader and the chairman of the Senate Armed Services Committee.

It goes on and says:

Therefore, the Senate hereby establishes: 1, it declares that the Senate of the United States fully supports the efforts of the President to negotiate stabilizing, equitable, and verifiable arms reduction treaties with the Soviet Union.

I do not believe anybody, in fact, would disagree with that.

Then it says:

Endorses the principle of mutuality and reciprocity in our arms control negotiations with the Soviet Union and cautions that neither the Congress nor the President should take actions which are unilateral concessions to the Soviet Union.

I happen to agree with that second statement, that we should be cautious that neither the Congress nor the President should take actions which are unilateral concessions to the Soviet Union.

I think that goes to the heart of the debate, I might tell my friend from Georgia. I suppose from time to time we all make miscalculations on sensitive feelings on certain issues. I know I have had a number of people on this side and that side come and say, "It is really not that big of an issue, is it?"

I say, "Well, maybe it is for just a few of us."

But I would like to say, as I have said in committee and I will say it again, that these issues which we perceive to be unilateral concessions, whether they may be in disagreement, there are very intense, strong, deep convictions, not concerning personalities but concerning the basic policy and the principle of what the Constitution is, the role of the Senate, the role of Senators and Congressmen, the role of the House and the Senate in our legislative process.

There are some very deeply held feelings—and they are deeply held feelings I know on the other side—on policy, on principle, on the Constitution. There is deep concern about how we interpret our constitutional role. But this issue really divides us.

I was listening, somewhat haphazardly I must confess, because I had a meeting in my office I could not reschedule, to our chairman go through the discussion of the role of the Senate and the role of the Congress on how it is to deal with the executive branch. I am not sure I caught all of it but the gist of it was that, well, the President is not what he called the sole voice; he is more of a collective voice.

Certainly the President is the one who is going to represent us at the negotiating table, he and his designees. We do have observers. We do have people who go abroad and make statements and participate off the record and behind the scenes as to where we are in fact going. Certainly we speak with many voices. Sometimes I imagine our allies around the world, particularly as we have elections every 2 years and a Presidental election every 4 years, sometimes wonder which voice is in our pluralistic society that is really going to be the voice of the future. We have those debates on the floor from time to time on whose voice is the voice of the future.

But in listening to that discussion, a couple things come to mind, and I think they are worth noting, as to how I at least as one Senator from Indiana interpret what our constitutional responsibilities are and how, in effect, we work in the ratification process and the adoption of treaties and, furthermore, in the interpretation of the treaties.

I concede to the executive branch of Government and the President of the United States that he in fact is the Chief Executive Officer of this country, that he is the primary negotiator for arms control treaties or any other treaties, that he and his representatives will sit down at the table and hammer out a treaty. Furthermore—and this goes to the point of the Levin-Nunn proposal—I basically believe it is wrong, I think there are some serious

constitutional questions that would be raised by the Congress' imposing unilaterally, by statute, certain things that are presently being negotiated. I am not talking about a sense of the Senate. I am not talking about going out and expressing oneself. I am not talking about holding hearings. I am talking about binding legislation.

Now, you have to go back—and we are going to go back and dig into the Federalist Papers, into the Philadelphia Constitutional Convention in this bicentennial year and try to find some instruction on what in fact we should be doing today. You will find that our earliest precedents and debates upon the role of the President of the United States make it clear that he is the Commander in Chief, but that the Congress of the United States is the one that declares war and that appropriates money. What else does past practice make clear?

Well, the confirmation of Ambassador Jay to Great Britain during the first government formed under our Constitution involved a lot of discussion. As a matter of fact, many in the Senate at that particular time wanted to impose certain specific instructions to Ambassador Jay before he was confirmed by the Senate on what President George Washington would do in the negotiations of the treaty with Great Britain. That was brought up. It was discharged. It was defeated. It came down to, no, before a treaty is negotiated we are not as the Senate going to establish nor should we—and this is the first constitutional government—bind our President with instructions to Ambassador Jay. That is the first precedent, and a very important precedent, I might add, that the Senate in the first constitutional government of the United States of America said no, we are not going to do that. That goes to the Levin-Nunn amendment as far as sending specific instructions on the interpretation of a treaty.

Let me give you another example that happened in the first administration of Washington, the Paris Treaty. It was debated and it was argued in the Cabinet, Hamilton and Jefferson picking and choosing sides, on what the Paris Treaty said as far as whether we would in fact have to go into conflict on the side of France. The President of the United States at that time, George Washington, said, "I as the Commander in Chief have the sole power to interpret what that Paris Treaty says, and I interpret it that we can be neutral and therefore do not have to go into conflict on the side of France."

In the very first administration, two important things that we are discussing on the floor of the Senate today are instructive. One, sending binding, specific statutory requirements on how a treaty should or should not be negotiated.

Mr. NUNN. Will the Senator yield at that point?

Mr. QUAYLE. Just a moment. And, two, who has the power to interpret—to interpret—a treaty that has already been put forward? In both of those, the Levin-Nunn amendment is binding—before a treaty on space starts when we are potentially looking at the ABM Treaty—with specific messages as to how the President shall not interpret it and how Congress is going to intepret it. Both of those precedents were discussed and acted on in the first constitutional government of the United States of America.

I yield to the Senator for a question.

Mr. NUNN. Will the Senator yield for a brief observation? We are getting right down to the fundamental interpretation of what this does and if the Senator really believes that is what this amendment does, then I understand his opposition because I would not be in favor of that either. I would not be in favor of that if that is what the Levin-Nunn amendment does.

It does not do that. The Levin-Nunn amendment only provides that if the President of the United States tries to go to the broad interpretation, departing from the traditional interpretation for purposes of testing under the SDI program, he first has to get permission of the House and Senate. It does not say one word about what the President's negotiating position should be in Geneva. It does not say anything about binding the President in arms control negotiations. It does not preclude the President from taking any position he wants. He could take the position that he has the right to abrogate the treaty himself without coming back to the Senate. The Senator from Virginia said President Carter did not have that right under the Panama Canal Treaty, and I am going to quote that later. But he can take that position. The President could take any position he wanted to under the Levin-Nunn amendment. The only thing the Levin-Nunn amendment is intended to do is to say, "Mr. President, if you are going to change the testing program on SDI, from what your representatives testified to, if you are going to depart from the traditional interpretation, you first, sir, have to come back and get the Senate and the House to agree." That is all it does.

I keep reading newspaper articles which say that I am trying to force the administration to change their interpretation. I am not trying to force them. I would like them to change their interpretation because I think they are wrong. But this legislation does not force them to do anything. It simply, like we have done hundreds of other times, says you cannot do certain things with certain weapons systems until you get further approval of the House and Senate. We did that with the MX. We have a lot of provisions in this bill and other bills that say you cannot do certain things with this money.

That is what the Congress of the United States is all about. We appropriate the money. So the Senator is totally misinterpreting the amendment, because it does not do what the Senator said. If the Senators position was correct, I would be opposed to the amendment. I am not in favor of passing an amendment on the floor of the Senate at this point interpreting the ABM Treaty. I am saying that this is the traditional interpretation. This amendment reflects what the general in charge of SDI said they were going to adhere to. I would ask the question of the Senator, how can the Senator conclude——

Mr. QUAYLE. I was waiting for the question.

Mr. NUNN. How can the Senator conclude that this Levin-Nunn amendment binds the President of the United States in negotiations with the Soviet Union? The President of the United States can say to the Soviet Union, "We are in favor of the broad interpretations. I am going back and convince the House and the Senate that the broad interpretation is correct." We even give him an expedited procedure in this amendment.

The Senator from Virginia said when we first started this debate in May that the interpretation of the Senator from Indiana was not correct. He did not say it in those words but he said we did not try to interpret the treaty. We basically said, Mr. President, if you are going to change and test in a different way than your representatives describe, you have got to come back and get permission. That is all we are trying to do. So if the Senator want to draft an amendment that does that, if he agrees with that purpose, then we already have that in our amendment and this problem is settled.

Mr. QUAYLE. Mr. President, let me try to answer that very short direct question on how the Senator from Indiana can construe that. I think the chairman of the Senate Armed Services Committee and I are in total agreement that we are getting down to, and my discussion is going right to, the basic differences that the two of us have on this proposal. And the two issues are, one, binding statutory legislation, binding statutory legislation dealing with treaties, dealing with advanced negotiations of treaties, and, two, who has the power to interpret these treaties. And I cited the Jay Treaty, and I cited the Paris Treaty. And I went through the whole precedent of the first constitutional government of this country because in the

Federalist Papers you can dig and dig and come to different conclusions. So, therefore, since it was not clearly spelled out as perhaps it should have, you have got to look at precedent. You have to look at what took place. Believe me, the President, many in the Senate, and many in the Cabinet were the same ones who were at Philadelphia. So their precedents are far more instructive than perhaps something that would take place 209 years later as far as defining what the intent of the framers of this Constitution had in mind.

Let us not talk, and I am not trying to misinterpret the Senator's amendment that is before us. It is certainly not my desire at all, I do not mean to, and I do not think that I am. But let us be honest about this debate. What precipitated the Levin-Nunn amendment? What precipitated the Levin-Nunn amendment is the interpretation of the ABM Treaty. Let us not kid ourselves. I feel certain that the chairman of the Senate Armed Services Committee would agree with me. That is what precipitated this amendment.

When the administration announced—as a matter of fact, it was when former National Security Adviser Bob McFarlane on a national newscast talked about Agreed-Statement D of the ABM Treaty. All of a sudden—and I cannot recall the specifics but I know the chairman was interviewed afterward—what was meant by Agreed-Statement D was the issue. And all of a sudden we all got interested in what Agreed-Statement D meant in the ABM Treaty.

It started on one of the Sunday network talk shows when Bob McFarlane in answer to one of the questions said of course we could go to testing and development of space-based defenses because of Agreed-Statement D in the ABM Treaty. That is what set this roller coaster off on who is right on the interpretation. And that is the genesis, that is the background of why we are now in a box in the U.S. Senate.

In fact, some of us are adamantly opposed to having the U.S. Senate—and I might add, having the House of Representatives where I came from and the President in the chair came from—inserting themselves into treaty matters with binding legislative language on what the interpretation of an ABM Treaty. I go back to the discussion in the Washington administration that the interpretation, and I think the court cases will bear this out, and we can have this debate, that the interpretation of treaties rests with the executive branch.

Certainly, the Congress of the United States has the power of the purse. And if the President of the United States says, "I am going to test the kinetic vehicle in space, and I want to do that and I am doing it," and the Congress can say, "Yes, you can go ahead and do it, but we are going to deny you funds to do that," Congress can do that. The Congress can deny the President the funds to do that. The Congress can deny the President funds for MX. The Congress can deny the President funds for B-1. We can deny funds for SDI.

Mr. NUNN. Will the Senator yield?

Mr. QUAYLE. For how long?

Mr. NUNN. Just for a brief question.

Mr. QUAYLE. If it is a fairly brief question.

Mr. NUNN. That is really the only principle that we are trying to establish here. We may reach an agreement right here on the floor, because the Senator just conceded exactly the point. All we are saying in this amendment is if you are going to change the testing programs you presented to the Armed Services Committee and do something different, you have to come back and get permission. That is all we are trying to do.

Mr. QUAYLE. The chairman of the Senate Armed Services Committee knows full well that the administration said even though they say the legally correct interpretation is the one that is legal, which is the broad interpretation, they have said for the time being that they are going to stay with the restrictive interpretation. Quite frankly, I think that decision to stay with that restrictive interpretation has done quite a bit of damage to the SDI Program because that is the underlying debate—we will get to that later—the SDI Program. My own personal judgment is they should have moved to the legally correct interpretation. But they have not.

They also said, and they told the chairman of the Senate Armed Services Committee and others, "When we do, we will in fact give you advance notice." They have, in fact, asked for specific notice on this. They are going to go out and do it. Then the Congress should do it through a supplemental bill. You can do it through separate legislation. You can do it whenever you want to. They have said they will give advance notice in the spirit of consultation and communication. They said, "We will tell you, Congress, because you are interested in it, because we believe in working with the Congress, and because we are not going to sit there and run off on a one-way street, that we are simply going to have to sit down and talk. We will tell you when we move to the legally correct interpretation," which I have been advocating privately and publicly. They should have done it a long time ago. They will tell us.

If you do not like that, you are the chairman, then get a bill out of the committee. Run a bill through here. It may get filibustered. But you have a lot of votes. That is the process. It may get vetoed. You can override the veto. That is the process. This is the fundamental thing.

Mr. NUNN. Would the Senator yield for a brief observation? The problem is we are giving the money here. We give $4.5 billion and they want to just come back and give us advanced notice of how they plan to spend the money. The statute on intelligence oversight requires the President to give the Congress timely notice of certain intelligence operations. We spent 3 months in the Contra hearings establishing that timely notice can be as much as a year or 18 months. It can be anything the lawyers downtown say it is. Advanced notice is not exactly comforting.

What we want is advanced consultation and participation by the makers of the treaty, who are both the President and the Senate. That is all.

Mr. QUAYLE. The President, his advisers and I suppose maybe we can resolve this right here on the floor as far as advanced consultation which they have said they would in fact give. They have no problem with giving advanced consultation before they go to the legally correct interpretation.

Mr. NUNN. One minute, one day, one hour?

Mr. QUAYLE. I think the Senator knows full well that when you give notice that you are going to go forward with the testing program, that there are literally weeks and months and perhaps even sometimes years of work that has to be done, and the Senator has full knowledge and has enough information, not only on his personal staff but within the Department of Defense, to know full well when the program is going to go beyond the restrictive interpretation.

Mr. NUNN. So you have a complete understanding, if we had drawn the amendment in that way, we could not carry this out. The only thing we are trying to say is, "here is $4.5 billion for SDI, Mr. President." You laid out a testing program. That testing program showed that you were going to stay within the traditional interpretation of the treaty. We want you to come back to us if you depart from what you have testified to. We do that over and over and over again in legislation. We have legislation in this bill, section 121; relating to the lightweight tactical fire support system. That does not permit them to go forward unless they get approval of the House and the Senate again. We have section 123 that relates to the T46 aircraft. It has the same effect.

Mr. QUAYLE. What treaties is the Senator referencing?

Mr. NUNN. I am not referencing treaties.

Mr. QUAYLE. That is the point. That is the point, Mr. President.

Mr. NUNN. Why did the Senator not get up a substitute?

Mr. QUAYLE. That is the fundamental point here.

Sure, we do this and we sit there and deny funds. I said you can deny funds for MX or SDI. Congress has the power of the purse. But what the Senator's amendment is doing is basically saying: "Mr. President, you don't have the authority, and we're not going to give it to you, to interpret what the ABM Treaty says and act on it, unless you come back and have the Senate agree to that interpretation and the House of Representatives agree to that interpretation." Both Houses have to agree to that.

I think that as Senators, before we rush pell-mell in this direction—notwithstanding how you feel about the ABM Treaty, whether you are for the restrictive interpretation and the legally correct interpretation, or a restrictive treaty forever—before we begin inviting the House of Representatives to participate in the interpretation of treaties, we ought to think, we ought to stop and think about it, because that is precisely what we are doing. This goes to the gut issue of the Levin-Nunn amendment.

According to Levin-Nunn amendment, the only way the President can act on his interpretation is to come back and get agreement by majority vote of the House and the Senate.

Mr. WARNER. Mr. President, if the Senator will yield for an observation, it is not the House participating. It is a simple majority of those in attendance having the power to overrule the judgment of the Senate of the United States.

Mr. QUAYLE. The Senator is correct. They could overrule the judgment of the Senate.

I do not even go so far as to say that the Senate has the constitutional responsibility. I can stand up and cite the Court cases. I will cite my precedents, and you cite your precedents. Show me where the Senate unilaterally interprets the treaties after they render advice and consent and approve them. There is no such precedent. The Supreme Court decisions are absolutely to the opposite, saying that the President interprets the treaties.

I have said all along that the power of the purse is right here.

As a matter of fact, a more straightforward amendment would be to offer an amendment and say let us have only $1 or $2 billion, rather than the $3.4 or $3.7 billion, whatever is in the authorization bill. Just cut it back, because what we are going to do by this amendment, in a de facto way, is basically to only allow basic research in the laboratory. That is what this goes to. The debate is ultimately about the fate of SDI. We must ask if supporters of this amendment are for or against the SDI. If it passes, we can certainly know what the net result is going to be so far as SDI is concerned—the crippling of SDI.

Mr. President, we are going to have a long debate on this issue. We are going to be debating this for quite some time, the arms control issues.

I just want to talk for a moment about the two resolutions that have been discussed—the so-called Byrd-Nunn and the Dole-Warner resolutions.

What is meant by the Dole-Warner resolution is that Congress should basically not take binding actions and bind the President to positions that the Soviet Union is advocating at the bargaining table—in other words, that the U.S. Congress should not impose by statute what the Soviets are demanding at the bargaining table. In other words, the President needs flexibility. Some of those positions he may agree to, he may compromise with, but the Congress of the United States should not unilaterally impose those restrictions.

That is why the Byrd-Nunn resolution is a bit curious here, because the second item of the "therefore" clause of the Byrd-Nunn resolution says that it endorses the principle of mutuality and reciprocity in our arms control negotiations with the Soviet Union and cautions that neither the Congress nor the President shall take actions which are unilateral concessions to the Soviet Union.

I happen to agree with that and believe that an interpretation of what we are doing and what we said we were going to do by the Dole-Warner amendment is not to unilaterally adopt those positions.

Some of us believe, although we will get an argument, that the Levin-Nunn amendment is an interpretation of the ABM Treaty that is presently being advanced by the Soviet Union. That is a position that is being advanced by the Soviet Union. If we want to debate and argue a sense of the Senate, fine. Maybe a majority want to do it. We can have a debate. But what we are doing here is taking that position and putting it in statute.

So I think that some of the amendments that are going to be argued over after the Byrd-Nunn amendment might be somewhat, on the face of it, contradictory.

The Dole-Warner resolution was basically geared toward giving the President as much flexibility as possible.

It is a bit ironic that on this September 15, Shevardnadze is beginning his 3-day visit with the President, the Secretary of State, and others; that we are having this debate; that you have a Senate that is divided; that we in fact do not have and are not speaking with one total voice in this. The President will speak unequivocally on this issue. Congress will be split.

I just want to conclude on this discussion by saying that as we look at this, not only to filibustering, but also going to great lengths to not let this ever become law—in fact, my personal preference is not to let it go out of the Senate because of the precedent that will be established in the Senate if we start adopting binding, statutory treaty interpretation amendments.

Good God, who knows what else would come, if all of a sudden we say this one is going to pass? We would have SALT, probably some binding thing on ASAT. Who knows? We would get a host of amendments.

So it would be my desire not to let this go through as is. We will have a lot of votes, but we have a lot of ability under the rules to talk. Some of the talk may be illuminating; some of it may be rather dull from time to time. I guess that is the essence of unlimited debate in the Senate. I hope we will not be too dull. But from time to time we may have to indulge the Chair, our colleagues, and those who are watching us, in a great recipe of dullness, reading certain things.

Go back and read some of the Supreme Court decisions on interpretations. Go back and read the treaty. I guarantee that at some time I am going to read the relevant parts of the ABM Treaty and we will get into that debate.

Read that treaty. I am not asking a lot. Just read the treaty. I want you to read what is called agreed-statement D. It will not take too long. It is not a long treaty. You do not have to read the whole thing, just read article II, article V, and agreed-statement D, and maybe article III. If you read those, you have it. You will almost be an instant expert.

Then come over and tell me what that treaty says and how you can get out of that treaty that somehow testing and development and other physical principles—in other words, future technology that we did not know about in 1972—is prohibited. You are going to be scratching your head, doing a dance, trying to figure out why that treaty says that. You will probably say, "Someone told us that is what that meant. In the past, people have said that is what it meant."

As I said, read it. Just read it. I am not going to read it now. I have it in front of me, but I intend to read it. We will get to those parts of that treaty and have a discussion of that at sometime as well.

Mr. President, I yield the floor.

Mr. WARNER. Mr. President, will the Senator just indulge me a moment to compliment my distinguished colleague from Indiana on one of the finer statements that I have been privileged to hear since I have been in the U.S. Senate?

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, I think the debate in the course of this day on the amendment in question has been a very enlightening one.

I would join my friend and colleague from Virginia, the distinguished ranking member of the Armed Services Committee, in saying that the remarks of our friend from Indiana, as usual, are very enlightening, very helpful, in connection with this debate.

I would like very briefly to return to the central question here, Mr. President, so that those who may be observing in their offices what we are saying preparatory to the ultimate question when we vote on the Byrd-Nunn second-degree amendment to the Glenn amendment would remember that all of this relates to the original Levin-Nunn amendment discussed at great length and ultimately adopted in a close vote in the Armed Services Committee. And so notwithstanding all the very important things that have been said here, I would like to return in a kind of simplistic way to the central question just so every Member of the Senate can fix on that once again, Mr. President:

This administration requested no funds in 1988 or fiscal 1989 to restructure the Strategic Defense Initiative to conform to the broader interpretation of the ABM Treaty, that is, to conduct development and testing of space-based ABM systems and components using exotic technologies.

As a matter of fact, during the committee's hearings on this bill, General Abrahamson testified that all SDI research projects and all planned major experiments for the 2 years, have been designed to be fully compliant with the traditional interpretation of the treaty.

As a matter of fact, Mr. President, in response to a question from the distinguished senior Senator from Alaska, Senator STEVENS, in a March 19, 1987, in a defense appropriations subcommittee hearing as to whether he could, and this is a direct quotation, "assure the Congress that the fiscal year 1987-88 money will be spent in accordance with the President's current decision of the narrow interpretation," General Abrahamson replied, "That is the way the budgets were put together and is the way our plan is presently laid out. The answer is, yes, sir."

Now that is the direct testimony of the distinguished general in charge of the SDI program in answer to a question of the Senator from Alaska, the former distinguished majority whip of this body on the subject matter about how the funds would be expended in the next couple of years.

Now, notwithstanding the very fine debate, and I again agree with my distinguished colleague from Virginia, this has been a very enlightening, almost an ennobling debate in many ways, I would like to call attention of the Senate and those who may be paying attention to this bill. This is the bill, Mr. President, S. 1174, the Department of Defense authorization bill under debate.

The issue may, I say to my colleagues, involves page 23 of the bill, section 233, and it is entitled "Limitation on Development or Testing of Space-Based and Other Mobile Anti-ballistic Missile Systems," and then, Mr. President, in lines 10 through 14 on page 23 here is what we say:

> Funds appropriated or otherwise made available to the Department of Defense during fiscal years 1988 and 1989 may not be obligated or expended to develop or test anti-ballistic missile systems or components which are sea-based, air-based, space-based, or mobile land-based.

That is the issue here. After that there is some more language that goes for another brief few lines advising how the President can correct that by submitting to the Congress on an expedited basis authorization to change the fencing.

So the truth is, Mr. President, what this issue comes down to is, pure and simple, the right of the Congress to control the purse. This is our right. We have the right. Congress could say, Mr. President, that we will appropriate no money for SDI. This Senator does not want to do that. We have in fact authorized in this bill $4.5 billion, substantially more than the House. I imagine in the course of the debate when we ever get to it, Mr. President, the sum will be less than the $4.5 billion that is in this bill, and it will be somewhat more than the House's number, and I expect in the conference we will have a compromise and get some number everybody can live with, somewhere in the high three's, I suspect.

But the point here is our power of the pause and when you depart from all this marvelous rhetoric, some of it as enlightening as any I have heard here, and I have been here all day. When we finish all of the rhetoric we come back to the simple question as to whether under the DOD authorization bill we have the power to say how this money will be spent and I say that we do. I say that General Abrahamson has said to us how it will be spent and we are saying we authorize that the money be spent in that way and in no other way.

That is not a very sophisticated thing, involving very esoteric interpretations of the treaty or anything of that sort.

In fact, my friend from Virginia 3 months ago corrected this Senator, rightfully, corrected this Senator. When I got up here and started to make the speech about the narrow and broad interpretation, he said that is not the question here. He is absolutely right. It is not the question here at all. The question here is the right of the U.S. Senate or the Congress, as the case may be, the legislative branch, to control the purse and determine how the money is going to be spent. We have that right. We have said that in this bill. We have said that on the basis of what the administration promised us. We gave them, in response to their request, not as much as they asked—we gave them $4.5 billion in this bill in the Armed Services Committee. But we responded and said in that response we place limitations upon it. We have that right, Mr. President. We have that right. We have exercised the power of the purse. We have fenced as we have fenced so many times and as we will do so many times in the future, Mr. President. You, as a Member of the House before you come to the Senate, know that. And I say that that is a right that we will continue to exercise.

When we are in the minority and they are back in the majority, they will exercise it. We hope that never happens, of course. But the point is that the majority will always exercise those powers on issues in disagreement with the Chief Executive. And I find no problem with that at all. I say that is the central issue here. When we have that power, we are going to retain that power and we are going to exercise that power many times in the future as we have many times in the past.

So Mr. President, I would simply, at the request of my distinguished colleague, the distinguished senior Senator from Georgia, the chairman of the Armed Services Committee, ask for the yeas and nays on the amendment that is pending before the body at this time.

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

The yeas and nays were ordered.

Mr. WARNER. Mr. President, I see the distinguished Senator from South Carolina about to rise. I was just going to take a few minutes, but if you have an inquiry——

The PRESIDING OFFICER. The Senator from Illinois still has the floor.

Mr. DIXON. I have no desire to cut off debate, Mr. President. I was simply asking for the yeas and nays.

The PRESIDING OFFICER. Does the Senator from Illinois yield the floor?

Mr. DIXON. Yes; I do yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I will just take but a few minutes and then I would be very pleased to hear from our distinguished colleague from South Carolina, who indeed has spent a great deal of time on this issue.

I would just like to pose a question to my distinguished colleague from Illinois. He was reciting the incident in which he and I were engaed in a colloquy and he very thoughtfully acknowledged that my position was well taken.

I will pose this question: As I read the Levin-Nunn amendment, the drafters, either intentionally or unintentionally, appear to have failed to recognize the unique role of the U.S. Senate in matters relating to treaties and have reposed in the House of Representatives indeed a simple majority of the House present and voting, the authority, Mr. President, to overrule the judgment of all 100 Senators on this issue, the assumption being that we would engage—and I am certain all 100 would come forth and express their views on this provision.

Yes; a simple majority of the House could come forward and by that inaction, perhaps through some sort of their rather unique procedures in the Rules Committee, prevent the President of the United States from taking certain action.

I see my distinguished colleague from Illinois is nodding his head. Do you likewise read the amendment?

Mr. DIXON. I apologize to my colleague. I was talking to others.

Mr. WARNER. Would you kindly use the microphone, because there are many listening.

Mr. DIXON. I said I apologize to my colleague. I was talking to my colleagues here about another matter. I am always interested in what my colleague says. I did not mean to imply that I agreed.

Mr. WARNER. Let me restate the question. Do you read the amendment as reflecting the intention, either intentionally or unintentionally, of the drafters of the amendment of giving to the House of Representatives the power of a simple majority being present and voting of overruling the judgment of the Senate?

Mr. DIXON. Well, it is certainly necessary for both Houses to pass a resolution that would authorize expenditures for testing in that regard. And that would be, or course, necessary in any law that we pass, that, both bodies would affirmatively pass such a law or adopt such a resolution.

Mr. WARNER. So the answer is yes?

Mr. DIXON. My answer would be what my answer was.

Mr. WARNER. Mr. President, his answer is very clear.

I yield the floor.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER (Ms. MIKULSKI). The Senator from South Carolina is recognized.

Mr. HOLLINGS. Madam President, a moment ago I heard the distinguished Senator from Indiana, DAN QUAYLE, make one of the most eloquent statements I have heard in a long time. He was speaking from knowledge and commitment on the subject of the ABM Treaty's integrity—a commitment that this Senator shares. I admire his statement.

I have been hoping that the Senator from Georgia and the Senator from Michigan would join us in debate today. And, remember, consult me before we get any kind of unanimous-consent agreement. I am not engaging in delaying tactics. But it is important that we debate and rebut the raft of shibboleths and misconceptions without misplaced concern about stepping on each other's toes or violating senatorial courtesy. We must be under no illusions as to the purposes and objectives of Senator NUNN and Senator LEVIN. They took the floor for 3 days to regale the Senate with their purportedly scholarly presentation on the ABM Treaty.

I heard earlier today in an exchange with Senator NUNN that he wanted to make sure how SDI funds were being expended. Defense Daily printed it for him. Here's a copy of the SDI 1988-89 budget. Mr. President, I ask unanimous consent to have this printed in the RECORD.

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

STRATEGIC DEFENSE INITIATIVE, 1988–89 BUDGET

[In millions of dollars]

Program	1986	1987	1988	1989
SURVEILLANCE, ACQUISITION, TRACKING AND KILL ASSESSMENT				
Radar discrimination and data	21.0	12.7	22.6	34.7
Optical discrimination and data	117.7	90.6	87.9	80.1
Imaging radar technology	30.5	26.2	32.0	38.1
Laser radar technology	75.4	96.4	148.3	177.6
IR sensor technology	82.2	78.7	93.7	98.8
Boost surveillance and tracking	81.1	130.1	256.1	344.7
Space surveillance and tracking	49.0	47.6	191.8	242.2
Airborne optical surveillance	134.9	99.5	104.0	140.7
Terminal imaging radar	31.8	26.3	117.0	136.4
Interactive discrimination	7.6	4.5	32.2	61.7
Signal processing technology	94.7	105.9	134.6	145.1
SATKA integration and support	95.0	149.6	248.0	311.2
Countermeasures	.7	.8	0	0
Innovative science and technology	25.4	42.1	24.5	48.4
Shuttle recovery (memo)	0	13.6	0	0
Total SATKA	847.0	911.0	1,492.7	1,859.5
DIRECTED ENERGY WEAPONS				
Technology base development	435.5	339.7	340.5	408.6
ATP technology	51.9	39.8	39.8	51.5
Chemical laser devices	108.6	79.9	80.0	58.0
Excimer lasers	39.1	12.4	12.4	30.0
FEL technology	41.5	23.4	42.0	48.5
Other	93.1	27.0	32.3	28.0
Particle beam technology	34.8	38.5	57.8	46.0
Skylite	46.5	43.0	45.0	20.0
X-ray laser	20.0	8.0	30.0	25.0
Reserve	0	67.8	1.3	101.6
Tech. integration experiment (TIE)	329.4	402.1	587.9	646.1
ATP TIE's	185.9	137.6	147.0	198.5
FEL TIE	84.8	158.0	158.0	201.5
SBL TIE	.5	2.0	0	42.0
Integrated space experiment	58.2	104.5	142.2	204.0
TIE acceleration	0	0	139.2	.1
Reserve	0	0	1.5	0
Concept formulation and technical	18.7	26.8	32.3	28.0
Support programs	19.7	62.4	115.0	128.2
Innovative science and technology	0	12.7	28.0	35.0
Total directed energy weapons	803.4	843.6	1,103.7	1,245.8
KINETIC ENERGY WEAPONS				
SBKKV systems	134.4	126.8	303.5	357.4
SBKKV experiments	117.2	107.0	250.7	305.7
SBKKV technology	17.1	19.8	52.8	51.7
Exo KKV systems	61.6	107.6	220.6	307.6
Exo KKV experiments	53.7	102.8	186.1	259.4
Exo KKV technology	7.9	4.8	34.5	48.2
Endo KKV systems	76.7	111.3	237.6	238.8
Endo KKV experiments	45.6	100.7	198.7	179.9
Endo KKV technology	31.1	10.6	38.9	58.9
Mini projectiles	56.0	74.5	102.9	134.7
EML technology	32.4	16.1	14.4	32.2
Low endo	18.7	53.2	76.4	82.6
Laser guided HV projectiles	4.9	2.0	6.9	11.9
Advances endo projectiles	0	3.2	5.3	7.9
Test and evaluation	185.9	252.1	109.3	46.9
STM	174.0	176.4	63.1	0
Range instruments support	0	18.0	10.6	6.0
Spec. Instruments/support	0	4.1	2.2	3.6
Targets	9.8	14.8	21.7	21.7
HWIL and simulation	2.1	10.6	9.6	15.6
Special data collection	0	28.1	2.1	0
Allied/theater defense	69.9	44.3	72.9	79.2
Theater missile defense	69.5	39.2	66.3	68.4
Innovative science and technology	11.4	13.0	28.0	35.0
Total kinetic energy weapons	595.8	729.6	1,074.7	1,199.7
SYSTEMS ANALYSIS AND BATTLE MANAGEMENT				
SDI strategic architecture	63.5	58.4	91.0	78.0
System concept analysis	21.6	28.0	41.0	32.0
Architecture analysis	18.3	8.9	15.9	12.4
Architecture evaluation	7.3	6.0	10.1	7.9
Mission analysis	0	8.7	12.6	13.9
Threat analysis	16.4	1.0	1.3	1.6
Program planning	0	4.7	9.0	9.1
Technology requirements	0	0	.3	.4
SDII	0	1.1	.8	.6
SDI systems engineering	12.1	20.2	39.0	53.6
Industrial base	0	0	1.3	1.3
Affordability and cost	8.6	6.5	9.2	6.5
Logistics	3.2	8.3	14.1	11.4
Systems integration	.2	5.0	13.9	33.8
Systems requirements	0	0	.2	.2
SDII	0	.4	.3	.4
Theater architecture	1.7	39.8	38.4	37.9
Architecture	1.7	39.1	38.1	37.6
SDII	0	.7	.3	.3
BM/C³ technology	70.9	88.5	121.8	134.1
BM/C³ technology	70.9	86.7	120.8	133.0
SDII	0	1.8	1.0	1.1
BM/C³ experimental systems	23.4	80.7	172.9	203.5
BM/C³ experimental systems	23.4	79.2	171.5	201.9
SDII	0	1.6	1.4	1.6
National test bed	12.0	60.6	119.2	228.4
National test bed	12.0	59.4	118.2	226.5
SDII	0	1.2	1.0	1.9
Countermeasures	5.1	5.0	0	0
Innovative science and technology	13.4	18.1	28.0	35.0
Civil applications	0	2.0	2.0	2.0
Medical free electron laser	9.2	13.5	15.0	15.0
Total SA/BM	212.3	386.9	627.3	787.5
SURVIVABILITY, LETHALITY, AND KEY TECHNOLOGIES				
Systems survivability	59.4	60.0	94.2	98.3
Studies and analysis	8.5	8.7	14.4	14.9
Special studies	3.6	3.6	7.0	7.5
Advanced development	46.1	46.3	72.0	75.1
Program management	1.2	1.4	.9	.8
Lethality and target hardening	78.3	78.0	102.5	98.4
Thermal lasers	20.6	21.3	12.1	9.4
Impulse lasers	16.9	12.3	30.9	29.6
Particle beams	5.3	12.0	17.7	15.5
Kinetic energy	19.4	16.5	24.3	21.2
High power microwave	13.1	2.7	0	0
Lethality validation	0	0	1.7	6.0
Rep. pulse power	2.0	10.4	14.5	15.3
Program management	1.1	2.8	1.3	1.3
Power and power conditioning	50.0	85.7	158.0	186.9
Tech development	41.4	79.5	144.5	125.4
Studies and analysis	5.2	3.8	3.0	5.0
Flight demonstration	0	.4	9.0	55.0
Program management	3.3	2.0	1.5	1.5
Space transportation and support	20.7	36.4	433.8	606.2
Transportation analysis	9.8	5.5	6.0	4.0
Transportation assessment	0	.7	2.2	9.6
Transportation technology	0	19.5	281.7	327.7
NASP	9.0	10.0	0	0
HLLV	0	0	140.0	260.0
Program management	1.9	.7	4.0	4.9
Materials and structures	0	14.2	22.5	40.5
Advanced development	0	13.1	20.6	38.3
Space structures	0	.3	.4	.4
Requirements analysis	0	.5	1.3	1.4
Program management	0	.3	.2	.3
Countermeasures	8.7	26.7	42.8	78.4
Innovative science and technology	0	18.2	28.0	35.0
HELSTF	0	18.8	18.5	18.5
Total SLKT	217.1	338.0	900.4	1,162.2
Headquarters management	13.1	19.9	22.0	27.3
Total RTD&E resources	267.1	3,229.0	5,220	6,282.0

STRATEGIC DEFENSE INITIATIVE, 1988–89 BUDGET—Continued

[In millions of dollars]

STRATEGIC DEFENSE INITIATIVE, 1988–89 BUDGET—Continued

[In millions of dollars]

Program	1986	1987	1988	1989
Military construction	3.0	10.0	125.0	18.0
Total Department of Defense	2,678.1	2,239.0	5,345.8	6,300.0
DOE SDI Program	285.0	514.0	569.0	390.0
Total SDI Program DOD/DOE	2,963.1	3,753.0	5,914.8	6,690.0

Mr. HOLLINGS. There it is in great detail and specificity. The Armed Services Committee has attached more restraints and limitations on the SDI program than the Lilliputians put on Gulliver. So the intent of Senators NUNN and LEVIN here is not to spell out limitations on SDI. That would be redundant. No, the real intent is to change the ABM Treaty. They say the funds do not really need to be expended for 2 years. And when they are ready to spend them, they can come back to us, and we will be reasonable. That is malarkey.

The Senator from Illinois is the best practical politician we have in the U.S. Senate. Senator DIXON knows exactly what's going on here. They are saying, "For SDI we give you 4.2 billion bucks. All we ask is you not expend it, by the way, until you come back and see us." We will get credit with the defense crowd—the chairman of the Defense Authorization Committee is being pro-SDI—and get credit with the anti-SDI crowd for killing the Strategic Defense Initiative.

I remember back in the days when I was Governor, a contest was held by an insurance company. They had just organized Capital Life and they wanted a new corporate slogan. The winning slogan was "Capital Life will surely pay if the small print on the back don't take it away."

Today, Senators NUNN and LEVIN offer us the same kind of insurance policy. They advocate an SDI budget of $4.2 billion and they strike a macho pose, saying, "Look how much money we put in for SDI." Then they turn their face and say, "Look here, you can't spend that money and the reason you can't spend it is because we have changed the treaty."

As the Senator from Indiana has pointed out, that is exactly what they have done. They have unilaterally altered the treaty. I will develop this point at length, but I put Senators NUNN and LEVIN on notice here and now, that their attempt to alter the treaty will not be permitted to go unchallenged by this Senator. I go right back to the distinguished Senator from Georgia's presentation on March 11, on page 5302 of the RECORD. Therein the Senator from Georgia talks about the alleged traditional intepretation.

Article II defines the term "ABM system" generically as a system which has the function of countering strategic ballistic missiles. The definition then lists, as an illustration, the components "currently" in use at the time of the agreement. Because the clause listing the components is only illustrative, it does not limit the term "ABM systems" to those containing such components. It also means that the term implicitly covers future systems. Consequently, future ABM systems that might use different components (i.e., exotics) are within the definition.

Now, if you want to read a prime example of bafflegab, that passage is surely it. Therein lies the crux of the Nunn-Levin position and it must be exposed and debunked. Because what they claim, Mr. President, is that "current" means "future" and "future" means "current." They claim that what is precise is imprecise, and that what is explicit is implicit, and around and around they go.

Let me cite at this point the Ambassador who drafted the ABM Treaty, Ambassador Gerard Smith. Ambassador Smith wrote a book entitled "Doubletalk" in 1980.

As the chief negotiator and drafter of this particular treaty writing of the ABM Treaty, he said and I quote:

"It is a comprehensive, precisely-drafted contract."

There is nothing said about implicit. Listen to the kinds of words that the opponents of SDI put in here to try to change the treaty. They talk about generic systems but the treaty doesn't speak of generic systems. The systems are clearly defined in article II. There is nothing there implicitly covering future systems when the words with precision and specificity spell out that they relate to current systems, that is those systems existing in 1972.

I will show you exactly what I am talking about and I refer to article II of the treaty.

Article II, "For the purpose of this treaty an ABM system is a system to counter strategic ballistic missiles or their elements in flights from trajectory currently consisting of interceptor missiles," and radars, and paraphrase.

Then article II, paragraph 2 reads, "The ABM system components listed in paragraph 1 of this article includes those which are, (a) operational; (b) under construction; (c) undergoing testing; (d) undergoing overhaul, repair or conversion; and (e) mothballed."

All of these conditions refer to those that were current in 1972, that is, presently mothballed, presently operational, presently under construction. There is no language referring to "future under construction," "future mothballed" and "future operational." You do not get the future systems tied to article II at all. Senators NUNN and LEVIN try to do that and confuse everything with article V.

Read on in the treaty, in article VI, and you can see the word future. There you have the word spelled, f-u-t-u-r-e, in article VI. So they knew how to spell future when the treaty was negotiated.

Article V says that each party undertakes not to develop, test, or deploy ABM systems or components which are sea-based, space-based or mobile land-based. Note it says ABM systems, that is the systems defined in article II, which relate to present systems.

What did General Allison, a member of the negotiating team, say about future systems. Mr. President, I happened to go with the majority leader, Senator Mansfield, to Helsinki and there we saw General Allison, Harold Brown, Paul Nitze, and Ambassador Smith among our negotiators.

General Allison said on June 21, 1972, regarding future ABM systems, and I use his exact quote:

(a) Constraints in the treaty apply to deployment only. Research and development are not constrained.

(b) The U.S. delegation, under instructions, sought a clear-cut ban on deployment of future ABM systems, but the Soviets would not agree. Hence, they finally agreed and initialed interpretive statement * * *

and he quotes agreed statement D, and still quoting,

"* * * The upshot is that, to be accurate, we must avoid the connotation of an absolute ban in discussing future ABM systems. We should say that there is an obligation not to deploy such systems without taking certain specified and agreed steps, i.e., in the event such systems are created in the future"—

And by emphasis I get back to that phrase quoting from General Allison.

In the event such systems are created in the future, specific limitations on them would be subject to discussion and agreement.

But not the ban sought by the amendment of Nunn-Levin in the defense authorization bill, not that particular ban. No, General Allison was categorical on that score.

If you think that is a casual comment by one of the particular negotiators, I will go to statements of another negotiator, Mr. Garthoff, and in a memorandum dated December 20, 1971. Mr. President, Senators have been misled in the biggest charade and fraud pulled on this body successfully. That members of the press have already departed, they do not want to hear an opposing view. Their minds are made up without evidence. I have sent articles to the Washington Post and they refuse to print them. Nor will they report opposing points of view. But they have to listen when debate occurs here in the Senate.

Let me continue with Garthoff's statements of December 1971.

I say to the Senator from Indiana, the opponents of SDI use Rhinelander and Garthoff as their disciples and to rewrite history. Here is what Garthoff actually said:

Grinevsky stated that the second problem was the absence of a connective between the

subparagraph defining ABM systems and the three subparagraphs following which define components. His delegation strongly believed that there should be some connective such as namely or consisting of. Garthoff stated that the American side did not consider that a connective of this kind was either necessary or desirable. If, however, there were to be one, it should be precise.

Does the Senator see how he stated that? He said it should be precise. It took a year to fashion the agreement and it is only a few pages long. He said it should be precise, not be implicit, not like a Senator coming along 15 or 17 years later arguing that it is implicit and generic, and all that. No, they labored hard over each and every word.

Mr. QUAYLE. Will the Senator yield for a question?

Mr. HOLLINGS. Yes.

Mr. QUAYLE. As usual, the Senator has put his finger on a vital point, as he always does. This treaty is very precise.

Mr. HOLLINGS. Exactly.

Mr. QUAYLE. Do you know what we ought to do, read the treaty. If Senators do not want to read the whole thing, at least read article II, and read article V. As the Senator points out, in article II they are very precise, using the words currently consisting of, which means technology currently consisting of in 1972.

Mr. HOLLINGS. Exactly.

Mr. QUAYLE. The Senator is absolutely right when he says that it was the United States who wanted to ban future systems but the Soviets would not go along with it. Gerard Smith was precise and he was accurate and it is right in the treaty. I just make that observation. I go to the very point. It is precise.

Mr. HOLLINGS. I have never seen a bigger strawman than about the negotiating record, the ratification record, and the subsequent practice record. Look at the document itself. That is the contract. Let the treaty speak for itself. Let the treaty speak. In a court of law, Madam President, I can tell you here and now that under the parole evidence rule, you could not cite any of this unless there was an ambiguity, and in the case of the ABM Treaty there is no ambiguity.

Now, someone might talk of an ambiguity but it would only be about whether deployment of future systems can occur unless there is agreement. But there is no ambiguity whatsoever about testing and developing. I made a living practicing law and interpreting contracts for clients. I can tell you now, we better not get into drawing up a straw man of the negotiation record and the like. All of those records, incidentally, backup and reinforce my position. I do not resent them. I am happy to talk about the ratification record, the subsequent practice and the negotiation record. I do not mind that a bit.

But let me complete the Garthoff statement. I quote: "Therefore, he suggested we might consider use of the phrase 'currently consisting of' as a connective. This was clearly a new thought to Grinevsky and Kishilov. And they appeared uncertain of the reaction of their side. Garthoff noted that the Soviet side as well as the Americans recognized that there could be future systems." Madam President, this is back in December 1971. And the memo continues, "And while the question of constraints on future systems would be settled elsewhere than in article II, the correct way of indicating a valid connection between components and systems in article II would be to include the word 'currently,' " which they did. Get that again. Here is Garthoff back there saying, "And while the question of constraints on future systems would be settled elsewhere than in article II," but the Senator from Georgia says, "Oh, no, it is implicit in article II, future systems is implicit." He said that on March 11 with his unique interpretation of the Treaty.

Senator NUNN's definition lists "currently" as an illustration of the components currently in use at the time of the agreement because the clause listing the components is only "illustrative." Where do they get that "only illustrative nonsense? Who thought that one up? It does not limit the term "ABM systems" to those containing such components. The drafter of that particular article representing the American side, quoting the Soviet side said, look, future systems will be covered elsewhere in the treaty and only those currently in use, mothballed, being developed, stored, or otherwise, will be in the description of ABM systems under article II.

So the SDI opponents have absolutely misrepresented this ABM Treaty, and it is they who are amending the treaty with this language in the defense bill.

Now, let us get to the Senators. The Senator from Georgia quotes eight in the so-called ratification process. By the way, we have 100 Senators. He does not quote the other 92. One swallow does not make a spring. He quotes Senator Buckley. I never knew Senator Buckley voted for or against the ABM Treaty. I never heard him and it wouldn't have made a difference. I never paid any attention to him. He did not pay any attention to me. So what? What kind of record is that about what the treaty itself contains? Comments of Senators don't prescribe or change the meaning of a treaty. Few of us were on the floor. We intermittently came to the floor much like we have today. I was not bothered about testing and developing in the future because we were assured of it. We did not debate it. We never talked about a broad interpretation. We never talked about a narrow interpretation. Barry Goldwater asked negotiator Smith, and I quote, "Under this agreement are we and the Soviets precluded from the development of the laser as an ABM?"

Mr. Smith said, "No, sir."

I have to put that in your head again because you all are misrepresenting it otherwise.

I am getting you the record as of that time. Senator Barry Goldwater asked negotiator Smith, and I quote, "Under this agreement, are we and the Soviets precluded from the development of the laser as an ABM?" Mr. Smith said, "No, sir." Senator NUNN quotes Gen. Bruce Palmer, and I believe it is a very misleading quote of him. Senator NUNN pulls one sentence out of his testimony and says it supports the narrow interpretation. Let me quote General Palmer: In testimony before the Senate Armed Services Committee on July 19, 1972 he stated, "My understanding is, in the defensive area, R&D on such systems is basically prohibited." But realizing he made a mistake he later stated, and I refer to that testimony, I say to the Senator from Virginia, and I quote General Palmer to rebut the misleading quotes in other presentations in the Senate: "I would like to correct my statement. I was referring to the deployment of such systems. There is no limit on R&D in the futuristic systems."

That is General Palmer. But they have put in this defense authorization bill a limit on futuristic systems, their testing and developing and they are saying, "Oh, that is just to maintain our position so we won't be potted plants and so we can look out for the Senate." I am trying to maintain the position of the Senate and not have it changed and joined in by spurious amendments of a majority vote of both Houses. It is the Nunn-Levin amendment that amends the treaty that I voted for. I realize that I am in a minority, but at least the record has to be made so we will not engage in these shenanigans much further. I hope the President will veto this bill and not waffle around saying he is going to use the narrow intepretation and use the broad interpretation. There is no narrow and there is no broad. There is one legal interpretation.

The treaty is there. That is the weakness we have in this situation, I say to the Senator from Indiana, because we have the administration acting indecisively like they do not know. You have Judge Sofaer and the Senator from Georgia said he changed his mind. I have not followed that intramural scrimmage. I am not here for Judge Sofaer. I am not here for President Reagan. I am for the integrity of the ABM Treaty which speaks for itself.

And back to the number of Senators, three of the eight Senators referred to by Senator NUNN referred to testing in the future. Four of those Senators referred to ABM systems as described in article II. Read that testimony. We have time. We have the file. We will go over it. And, yes, Senator Buckley said that, but so what? He tied his comments to article V and not Agreed Statement D. Certainly, if he wanted to amend the treaty, he could have amended it. If he wanted to put in a reservation or an understanding the distinguished Senator from New York [Mr. Buckley] could have. He did not put in either.

Defense Secretary Harold Brown, in his 5-year summary report, which is required under the treaty to be given to the administration, said that you could do it. I am going to get that particular reference, as soon as I put my hands on it, because we will have to get that letter.

In the 5-year periodic review of the treaty, Secretary of Defense Harold Brown said, "The Soviet Union did not believe the treaty precluded the development and testing of future ABM systems." That is what he said in September 1977.

Yes, I will yield.

Mr. NUNN. Will the Senator yield? I think we can stipulate right here on the floor that the ABM Treaty does not prohibit the testing and development of futuristic ABM systems.

Mr. HOLLINGS. Why do you then try to amend the treaty in your defense authorization bill?

Mr. NUNN. Because the Senator from South Carolina, as Judge Sofaer did to begin with in this deliberations—and he has clarified a lot of that since then—fails to distinguish between ground-based and mobile-space-air testing. Everyone agrees—and that was an American position in the talks all along—that we were going to protect our ability to test exotics as long as they were ground-based exotics, not mobile, not space, not air. This record is so confusing because people do not distinguish between the two. There is no doubt that exotics can be tested, but it is only a certain kind of exotics, and that is mobile, air, and space, that cannot.

The Senator from South Carolina continually goes through this as if there is no difference, and that is the fundamental difference in the whole thing.

Mr. HOLLINGS. The Senator from Georgia got to the fundamental difference. If he will point out the word exotic in this treaty, I will jump off the Capitol dome. Where is it?

Mr. NUNN. I will call it whatever you want to call it; laser for example.

Mr. HOLLINGS. What is the future and what is the present? All right. Let us do that. Article II talks about present and current. As I have gone over it, that was precise language, and suggested as current at that particular time, and then my words of specificity in the five particular categories—those that are operational, under construction, undergoing testing, undergoing overhaul, or mothballed. We are not talking about exotic land-based and exotic air-based and sea-based, and all that.

If the Senator wants to get to the future, turn to Agreed Statement D. As Garthoff said, and as the treaty requires:

". . . in fulfillment of the obligation not to deploy—and they are talking about deploying in this Agreed Statement D—ABM systems and their components except as provided in article III of the treaty."

The parties agree that in the event ABM systems based on other physical principles—there it is. That is where future systems are discussed—including the components capable of substituting for the ABM interceptor missiles, ABM launchers, ABM radars, are created in the future.

Therein, Senator, show me your exotics about distinguishing between land-based, air-based, and sea-based. That is not the debate. the debate is whether they are current at the time of the treaty or whether they are in the future.

Now we are operating in 1987 in the future. That is the confusion that the Senator planted in the minds of the Senators when he made his presentation.

Mr. NUNN. Will the Senator yield for another brief observation?

Mr. HOLLINGS. Yes.

Mr. NUNN. If the Senator will read Agreed Statement D very carefully, he can see it refers to article III. Article III authorizes the deployment of certain fixed land-based systems.

Mr. HOLLINGS. Article III refers to deployment and relevant criteria and conditions and to those systems described and defined in article II.

Mr. NUNN. That is right.

Mr. HOLLINGS. That is right.

Mr. NUNN. Exotic fixed land-based systems can indeed be tested and developed. Agreed Statement D keeps them from being deployed.

Mr. HOLLINGS. The treaty does not use the words fixed, land-based systems. The Senator talks about testing and deploying. The language on page 23, line 10, of the defense bill says funds appropriated or otherwise made available to the Department of Defense may not be obligated or expended to develop or test. We are not talking about deployment.

Mr. NUNN. Go ahead and read the rest of it.

Mr. HOLLINGS. That is right. Antiballistic missile systems or components, which are sea-based, air-based, space-based, and mobile land-based.

Mr. NUNN. Exactly. The Senator just made the point. Fixed land-based ABM's are not covered in section 233 nor are they covered in the Senator's distinction. But the Senator has to distinguish between fixed land-based systems and the mobile, sea-based, air-based, and space-based systems. If he does not, the whole context of the treaty comes apart. That is where the Senator is off base. That where Judge Sofaer was off base the first time when he went through the ratification record. When he came back, though, he changed a lot of that. Now he is relying not on the Senate ratification record, which the Senator from South Carolina is relying on, but rather on the negotiating record.

The Senator from South Carolina really stands alone in terms, as far as I know, of legal analysis, believing the Senate of the United States was not given the traditional interpretation. I do not know whether the Senator is relying on Judge Sofaer. I was pointing out Judge Sofaer's opinion.

Mr. HOLLINGS. As the Senator was. He has given me the responsibility of Judge Sofaer.

Mr. NUNN. I am not.

Mr. HOLLINGS. Wait a minute. The Senator is saying that I misled. I have not misled, and I have not gotten that land-based, sea-based, and air-based. We are talking about the treaty, and I am not referring to any Record as the Senator from Georgia did. I am referring to the treaty.

The treaty distinguishes those currently, and those in the future based on other physical principles. That is my point. The Senator from Georgia is the one interjecting about air, sea, and so on and attempting to manufacture that kind of situation of exotics. The Senator's whole discussion focused on exotics, and that immediately translates in senatorial minds to mean laser beams, particle beams, and everything else which we are testing.

Mr. NUNN. We can use any term the Senator desires, "other physical principles," or "exotics," or "futures." All of those have been used. We can use any term the Senator desires. I do not see that that is a debatable point. What term does the Senator want to use for future systems?

Mr. HOLLINGS. I want to use just this treaty.

Mr. NUNN. That is fine.

Mr. HOLLINGS. That is not what I want to use. That is what I have to use.

The Senator from Georgia does not choose to cite the treaty itself. Instead, the Senator has tried to dance around the fire in every instance, with complete disregard to the history of this treaty, its ratification, and what both sides have adhered to. And the Senator is the one amending the treaty. The Senator from Georgia is trying to do it in such a way that he can simultaneously be credited for

being in favor of SDI and against SDI. And within 2 years as the Senator indicated because we cannot do too much testing before then we will have cut ourselves off, with this particular amendment. And in 2 years, when SDI technology is really advanced—we will hear its opponents say "we had that big debate 2 years ago. Let us not go through that again."

Unless we develop and test, we will never be able to assess whether it is wise or not to continue our course with a strategic defense initiative. Accordingly, to block developing and testing would be a disaster for the security of this Nation.

Mr. NUNN. I understand the Senator has some doubts about my position. I think he established that with our colleagues. The main point I wanted to interject here is that the Senator does not distinguish between fixed land-based exotics and those that are mobile, sea, and space air-based. The Senator has missed the heart of the ABM Treaty, and the rest of the Senator's analysis falls flat on its face.

Mr. HOLLINGS. We do indeed make that distinction. But it does not fall flat on its face because the Senator from Georgia moves on to his next plateau of confusion where he talks of that which were fixed land based or which were not fixed at the time of the treaty. He talks of mobile land based, air based, sea based, space based, in article V and incorrectly ties ABM systems or components based on other physical principles to mean only land based. That's outlandish. That is where the Senator fails to follow. He is trying to stop, and trying to raise the technicality with all this analysis of exotics. When does he see as it is written here, where does the distinguished Senator see, and please explain it to me, where something is implicit? How can article II implicitly cover future systems? That is what he stated. Why doesn't it say future systems. Why doesn't Agreed Statement D say land based. There's not one bit of discussion in the negotiating record that says ABM systems or components based on other physical principles relates solely to land based. It wasn't discussed. As a matter of fact, I will show later that the negotiations concisely pointed out that future systems meant all types and basing modes of systems.

I wish the Senator would explain to the Senate how it does. How does that implicitly cover future systems? Well, the Senator from Georgia does not answer.

Mr. NUNN. I know the Senator would like to put the answer on a bumper sticker but that is not possible. I would be glad to give him a detailed answer right now if he wants to yield for that purpose.

Mr. HOLLINGS. I yield for that, certainly.

Mr. NUNN. Article II reads:

For the purpose of this Treaty an ABM system is a system to counter strategic ballistic missiles or their elements in flight trajectory, currently consisting of . . . [ABM missiles, launchers and radars]." The negotiating record reveals that on December 20, 1971, the U.S. side proposed a word change, adding the connective phrase "currently consisting of" after noting explicitly that both sides recognized that there were going to be "future systems"

That is, as I mentioned, exotics or futures or whatever you want to call it

. . . and therefore the connective phrase used in the article had to take account of this fact. Moreover, the negotiating record reveals that when Grinevsky, the senior Soviet negotiator tasked with reaching agreement on this provision, accepted the U.S. proposal the next day, he confided in his American counterparts that the U.S. proposal had been accepted by the Soviet side over the strong opposition of some members within his delegation.

That was the Soviet military.

In his May 11, 1987 report, Sofaer insists that even though he now concedes that exotics are covered under Article III, and

That goes back to the same definition under Article II, but, quoting from Sofaer's report, he says:

This fact does not establish, however, that Article II(1) defined ABM systems, as used in the Treaty text, to include all OPP devices.

So Judge Sofaer would agree with the Senator on that point, although he has now conceded that article III bans the deployment of exotics, which does not follow unless they are covered under article II.

Mr. HOLLINGS. No. How is Judge Sofaer agreeing with me at all? The Senator from Georgia did pretty good until he raised the canard of Judge Sofaer.

Mr. NUNN. Just a minute. If I can finish——

Mr. HOLLINGS. Where is the future systems, and article II, without mentioning Judge Sofaer's analysis. Where does the Senator from Georgia find it?

Mr. NUNN. I am going to complete my answer, if the Senator will give me a chance.

This assertion, which is the same assertion the Senator from South Carolina made, flies not only in the face of logic but it is also inconsistent with yet another significant concession in Judge Sofaer's report, that the language of article II is functional.

In his May 11, 1987 report, Sofaer states:

The Parties intended ultimately to regulate all ABM devices that could perform the ABM function, as reflected in the functional language of Article II(1).

In short, Sofaer is now conceding that Article II was expressly drafted by the two sides to reflect their recognition that there were going to be exotic ABM systems and that Article II was therefore made "functional" in scope. This concession forces Sofaer to try to reconcile his admission that the Soviets intended Article II to be "functional" in scope with his insistence that they did not intend Article II to limit "any ABM system other than the ones currently consisting of ABM missiles, launchers, and radars."

There is about a 10-page section in my report dealing with this. I could read every bit of it if the Senator wants to hear it. It is long, but the summary can be stated this way. The phrase "currently consisting of" was added to cover exotic ABM's—and certainly this is substantiated by everything I have read in the negotiating record, and also what Senator Jackson brought out in the Committee on Armed Services in specific detail. That Senator Jackson was presented with the traditional interpretation is conceded by Judge Sofaer, by Richard Perle, and a lot of other people who disagree on the meaning of the negotiating record, including this Senator.

Mr. HOLLINGS. That is absolutely wrong. I have listed the instances where everybody said that. I quoted Gerald Smith, who said no. I quoted Paul Nitze, who said no. I quoted General Allison, a negotiator, who said no. I quoted Secretary Brown, who at the time was assigned as a negotiator, in August of 1971, who said no. The negotiators speak with one voice. Senator NUNN's response is to resort to this canard about Judge Sofaer.

Again, permit me to quote what Garthoff said on December 20, 1971, and I am going to quote him directly:

Grinevsky stated that the second problem was the absence of a connective between the sub-paragraph defining ABM systems, and the three sub-paragraphs following which defined components. His delegation strongly believed that there should be some connective such as 'namely' or 'consisting of'. Garthoff stated that the American side did not consider that a connective of this kind was either necessary or desirable. If, however, there were to be one, it should be precise. Therefore, he suggested, we might consider use of the phrase 'currently consisting of' as a connective. This was clearly a new thought to Grinevsky and Kishilov and they appeared uncertain of the reaction of their side. Garthoff noted that the Soviet side, as well as the American, recognized that their (sic) could be future systems * * *.

I call this to the Senator's attention:

* * * and while the question of constraints on future systems would be settled elsewhere than in article II * * *.

I repeat this:

* * * and while the question of constraints on future systems would be settled elsewhere than in Article II, the correct way of indicating a valid connection between components and systems in Article II would be to include the word "currently."

There it is. That is what the Americans agreed to and that is what the Soviets agreed to. That is not the shibboleth about what is sea based, land based, and air based. It is what was present at the time of the treaty and what is future, and that is exactly

what the Levin-Nunn amendment tries to inhibit. There it is.

The Senator said his analysis is not complicated. I read every page, every word of his statement back in March. I had others read it, and I still say, "It just doesn't make sense."

I have the highest respect for the distinguished Senator from Georgia, and I know he is dedicated and knowledgeable on defense matters, but I was here when the treaty was debated, and I have not found anybody who voted for it in 1972—with the possible exception of James Buckley—who believed that it banned research and testing of future systems. And James Buckley simply misinterpreted the treaty because he tied his version of the ban to article V that deals with the ABM systems in article II and not the systems based on other physical principles in Agreed Statement D.

I can tell you here and now that during the ratified debate on the floor, Majority Leader Mansfield could not get anybody to talk. The whole debate was completed between shortly before noon and 6 or 7 o'clock p.m., and most of that time consumed by quorum calls. Senator Mansfield complained that we were twiddling our thumbs. There was simply no real debate or controversy.

I have quoted General Palmer. I will quote others as well.

Senator Barry Goldwater asked precisely the question we are all interested in. He asked at that time: "Look, can we use a laser beam?" He was interested in what we would be able to do in the future. Everybody knows that Goldwater was a particularly astute authority with respect to defense and on communications. Goldwater asked Ambassador Smith, the chief negotiator, "Under this agreement, are we and the Soviets precluded from development of the laser as an ABM?"

Mr. Smith said: "No, sir."

That is the answer. Senator NUNN is representing to the Senate and everybody that we were misled and, by cracky, what we are going to do now is that we are not going to mislead anymore, and we are going to get negotiations, and if you do not quit your filibustering, I am going to ask for the whole negotiations record on your new treaty.

If you get an intermediate nuclear force arms control agreement, I can tell the President right now he will have to give us the negotiation record, because we are entitled to it. It is no threat. We are supposed to look at that. We are supposed to ask the questions. We did that in the Armed Services Committee. We did that in the Foreign Relations Committee. We talked with our colleagues in those committees and we went into it.

I can tell you here and now that the treaty speaks for itself, and this is what the Soviets have adhered to—the correct broad interpretation, plus their violations at Krasnoyarsk and otherwise.

In essence, they thought that way; everybody thought that way, and to say now that the Senate is misled and we in the Senate cannot trust the Executive is the manufacture of a charade to kill SDI. That is what happens. If you go along with this particular amendment, everyone should know that that ends SDI, because we are trying to play catchup ball with the Soviets. They have spent years and billions of dollars, and they believe SDI can work.

You have the bitter-enders who want mutually assured destruction—MAD—rather than mutually assured defense and come bobbing and weaving in. They will not see that we live in a different world.

The American people want to defend themselves against missiles and not this lawyer talk and changing treaties after they have been ratified, which this Senator and other Senators voted for, on a spurious record, where article II includes future systems. It has generic terms we hear. It is not generic; it is specific. It includes the future. Absolutely not. Article II refers to the current systems.

I have much more to get into. The Senator says he is only putting restrictions on. He sure knows how to put restrictions on.

I have already included in the RECORD the SDI budget for 1988-89.

Earlier today, the distinguished Senator from Louisiana said they would not tell us what was in it. Well, I put it in the RECORD for him and it has been available. There are literally dozens of categories and spending levels listed.

General Abrahamson has been absolutely candid with the U.S. Senate. He has not played any games with us, and that is why he has the confidence of both sides of the aisle.

Madam President, I am not one of those who wants to deploy now, before we have completed a prudent course of R&D. We simply do not know whether deployment is feasible. It is going to be some 5 to 7 years or more, even with the full court press of research and testing and developing, before we can make an informed decision with regard to deployment. Likewise, it is irresponsible to scare everybody to death and say, "If you vote for this, you're going to spend $2 trillion by 1990."

I tell you, Madam President, that we have spent $2 trillion for strategic offensive weaponry over the past two decades. Look at your defense budget commitments. I work on the Defense Appropriations Subcommittee and the Budget Committee, and if you include the B-1, the Stealth, the cruise missile, the D-5 and the MX and all the rest, you are committed as a Senator, like it or not, to expending $2 trillion over the next 15 to 20 years on strategic offensive weapons.

What we are trying here is to develop strategic defense weaponry that is far more economical than offensive systems. We are talking in the range of $4.2 billion and $3.2 billion for SDI in 1988 between the House and Senate bills. There is a $1 billion difference. But that is a significant $1 billion difference. And with that particular difference we can take the momentum we have got and continue research and test so the DOD can make a presentation and say, "We are sorry, it looked promising, but it doesn't work. We think it can work, but no use to get all these scientists in to say, 'It can't work, it can't work.' "

A lot of them said we could not get to the Moon, I say to the Senator, but this Congress had faith in John F. Kennedy, and we got to that Moon and that is the kind of confidence we need now in our research and technology in this land.

I see the distinguished majority leader wants me to yield.

Mr. BYRD. Madam President, will the Senator yield without losing his right to the floor and without showing in the RECORD interruption of his statement?

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

Mr. BYRD. Madam President, I hope that the debate will continue on this matter and we might be able to reach a vote on this amendment at some point this evening or on something. There is an event going on down on the Mall and some Senators or all Senators certainly have been invited.

I think I should state that there will not be any rollcall votes between now and 7:15 this evening.

Mr. WARNER. Madam President, will the distinguished majority leader yield?

Mr. BYRD. The Senator has the floor.

The PRESIDING OFFICER. The Senator from South Carolina has the floor.

Mr. HOLLINGS. I wanted to ask the courtesy of the distinguished majority leader because I have a hard time finding people to debate. I am the Rodney Dangerfield of SDI. I get no respect. In any event, I would like to be present any time they make a unanimous-consent agreement. I am not in a filibuster. I voted for cloture so we could bring up this bill, and that is my intent to follow right along. But I need a little bit of time to catch up with the magnificent work that the Senator from Georgia has done. I keep writing articles, and he gets his printed and they throw mine away.

But when you make those agreements I will be trying to keep an at-

tendance at the debt limit conference, the trade conference, and the budget conference—I am on all three. I would request that you please let me know so I can come to the floor before the majority leader makes any unanimous-consent agreement on any time limitation relative to these amendments because I will have amendments to strike out Nunn-Levin and several others. I accept that we may not prevail, but maybe we will educate this body about the dangerous course Senator NUNN is embarked on.

Mr. BYRD. Does the Senator wish me to respond?

The PRESIDING OFFICER. The Senator from Virginia will withhold.

Mr. HOLLINGS. Please, and then I will yield the floor to Senator WARNER so the majority leader can respond.

Mr. WARNER. Madam President, my purpose in seeking recognition is to address the majority leader.

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Virginia?

Mr. HOLLINGS. I think I can yield the floor and then cut the confusion out.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, as a courtesy to the majority leader I wish to advise that there are Senators on this side who wish to speak extensively on the pending amendment and it will be my judgment that a vote could not be reached today on this amendment as presently before the Senate.

Mr. NUNN. Could I inquire of the Senator from Virginia, could we set aside this amendment and come back to it and take up other amendments because we have 48 or 50 amendments pending. A lot of them have nothing whatsoever to do with arms control. I would be glad to try to work with the Senator from Virginia and the leadership to avoid arms control amendments until we can get rid of all the other amendments and then make sure the Senator from South Carolina and others involved in this will have plenty of time to debate this matter and any other arms control matters as they come up.

Is there any way we can proceed on that line and use this week to take up other amendments and get this business going?

Mr. WARNER. Madam President, it would be my judgment that option is not available at this time. The intensity and the interest on this side of the aisle and the issues raised by the pending amendment are such that we wish to continue to address that matter.

Mr. NUNN. So what we've got is unfortunately a continuation of the filibuster; is that right?

Mr. WARNER. Madam President, I simply stated the facts as I know them. The distinguished chairman and Senator from Georgia can draw his own conclusion.

Mr. NUNN. I thank the Senator from Virginia.

Mr. WARNER. Madam President, I yield the floor.

Mr. BYRD. Madam President, may I assure the distinguished Senator from South Carolina in response to his statement that before any agreement is entered into with respect to time on an amendment, especially any amendment in which he is interested——

Mr. HOLLINGS. This one, yes.

Mr. BYRD. We will give him the assurance that he will be contacted wherever he is and in whatever committee—and he is tied up in a number of committees.

Mr. HOLLINGS. It is only SDI, the one right now. I have other amendments and what have you, but I am particularly interested in this ABM Treaty and I want to see it.

Mr. BYRD. All right. Madam President, I assure the Senator that any agreement that may be entered into with respect to that subject area will not be entered into until the Senator from South Carolina is apprised of the type of request that is about to be made at that time and so he will have an opportunity to object or come to the floor and help shape the agreement.

Mr. HOLLINGS. I thank the leader.

Mr. BYRD. Madam President, it disturbs me to hear the truth spoken as we have heard it. We are told the truth shall make us free, but the truth in this instance is not going to make anybody free.

The distinguished Senator from Virginia has laid it on the line. As I understood him, he indicated that objections would be made to setting the pending amendment aside and that in the meantime we would not be able to reach a vote on the amendment and that in the meantime there was going to be considerable discussion of it. A good many Members on the other side of the aisle wanted to discuss it.

Have I misstated what I thought the Senator was indicating?

Mr. WARNER. Madam President, indeed the amendment crafted by the distinguished majority leader and the chairman of Armed Services Committee has language in it which is absolutely vital to the security interest today, tomorrow, and in the future of this Nation, and on this side of the aisle we view—we do not say we disagree—but we view the contents of this amendment to be of such magnitude and importance it will require extensive debate.

I am not here with my good friend from West Virginia trying to hint, but I am just stating the facts. There is extensive debate desired on this side of the aisle because of the importance of the issues raised in this amendment. I am giving the majority leader my judgment that even if we were to continue throughout the day that debate could not be concluded on this day, nor in my judgment on tomorrow.

Mr. BYRD. Do I understand the Senator to say that there will be objection to setting this amendment aside and taking up other amendments such as the distinguished chairman of the Armed Services Committee has referred to?

Mr. WARNER. Madam President, I would advise the majority leader that, yes, if a parliamentary move were to be made to set the pending amendment aside there would be objections to the unanimous consent, of course, on this side, again the reason being the importance of this amendment in the present and future security interests of this Nation.

Mr. BYRD. Madam President, I will not at this moment seek to inquire of the distinguished Senator from Virginia—for whom I have the greatest and genuine respect—as to what it is about this amendment that is so dangerous to the security of the Nation, but I do inquire of him as to when he thinks we may get to a vote on the amendment. Is it because of the discussions that are going to be going on between Mr. Shevardnadze and Secretary Schultz and the President, or are we waiting until that distinguished visitor comes to the country, is received with all due courtesies and leaves the country; is that what we are worried about?

Mr. WARNER. Madam President, the distinguished chairman and I were privileged today to join with the President, the Secretary of State, and indeed Mr. Shevardnadze. And while we are cognizant of the importance of that visit to this country and there could well be some relationship, and indeed there is, with the content of this amendment and other issues that could arise in connection with the consideration of this bill, I would not want to tie specifically the debate on this bill to that visit. There is a relationship, but I would not say there is direct linkage.

Mr. BYRD. Well, Madam President, does the able Senator wish to move to table the amendment?

Mr. WARNER. Madam President, it is not the intention of this Senator at this time to move to table the amendment. Again, I reiterate the importance of the contents of this amendment. It is of such a magnitude that there are many on this side of the aisle that wish to continue to address the issues.

Mr. BYRD. Madam President, I think we have had the gauntlet thrown down. And I do not mean in saying that that the distinguished Senator from Virginia has any intention of issuing a challenge here. When we hear the words "the gauntlet has been thrown down," it sounds like

somebody is challenging somebody else. That is not the case. I do not mean it in that light.

But I think we have been made clearly to understand that we are not going to vote on this amendment today. And I assume the Senator is talking about the amendment in the second degree.

Mr. WARNER. Madam President, the majority leader is correct. If I may say, I have not thrown down the gauntlet, I say respectfully to my leader. I simply advised you of the facts as I see them.

Mr. BYRD. Then we are made to understand that we will not vote on this amendment today or tomorrow and that there is indeed some relationship between the visit of Mr. Shevardnadze and the culmination of action by the Senate on this amendment in the second degree—at least some degree of relationship. We are also told that there will be an objection to setting it aside to permit the Senate to move on to other amendments while our distinguished visitor is in the greatest city on Earth, the seat of the Federal Government of the United States.

We are left to believe that this Senate, that its action, its work, is going to be delayed for some unknown reason, but having something to do with the visit of this eminent Soviet representative of the Soviet Government.

I am rather unused to having the Senate adapt its schedule to the presence or the absence of any distinguished visitor from abroad, except for a few minutes. If we were going over to have a joint session to hear the late Winston Churchill, were he still alive, that would be a different matter, and we would suspend the activities of the Senate until we could hear that visitor.

But this is the first time in my 29 years that I have been put in this kind of position.

Mr. WARNER. Madam President, will the distinguished majority leader yield?

Mr. BYRD. Yes.

Mr. WARNER. I hope you have not misinterpreted anything I have said. I said there was no linkage in my judgment and nobody on this side of the aisle has indicated to me that there is a linkage. But I cannot sit here and tell you positively that in the minds of some Senators at some point, at this course of this debate, that they might not link this visit or the statements made in connection with this visit with the pending matter.

I must say I take some umbrage of my good friend's use of the word that this is a delay. I said out of respect for the content of the amendment, the magnitude of the importance is such that it dictates a continuation of the consideration of the issues, not the delay.

(Mr. ROCKEFELLER assumed the Chair.)

Mr. BYRD. Mr. President, if my good friend takes umbrage at something I have said, may I get down on my knees, figuratively speaking, and ask him to forgive me and say to him as the Pope said, "Thou wert my guide, philosopher, and friend."

I hope the able Senator will not take umbrage in anything I have said.

Mr. WARNER. Mr. President, I simply say to my good friend, I am your neighbor. We have a common border between our two States. And I accept your very gracious remarks.

Mr. BYRD. Mr. President, I will sleep, if I get any sleep at all tonight, I will now sleep more easily.

Mr. President, I think it has been made very clear that we are not going to vote on this amendment today, and that we are not going to set it aside by unanimous consent, and that there is a good bit yet to be said on the other side of the aisle with respect to this amendment.

Therefore, let us get out the cots. Let us let Senators who wish to speak on this amendment speak on it. I do not intend to any longer subordinate the work of the people and the work of this Senate to the comfort of the few Senators who may want to filibuster in a very easy fashion—filibuster by going out at 6 o'clock or 7 p.m., coming in tomorrow and start in a very casual way a new day of filibustering. Whatever can be said, let us have it out, get it off our chests tonight. Let the American people see who is holding up the defense bill. Let them understand fully that this is a filibuster. A rose by any other name smells just as sweet, and a filibuster by any other name is still a filibuster.

So, Mr. President, I suggest to the distinguished Senator from Virginia that he ask his colleagues to come to the floor when they are ready, when one Senator speaks and finishes for another one to be there, and somebody on this side will accommodate Senators and be here to listen. But also, I say to the Chair, that if no Senator seeks recognition, the Chair has a duty to put the question on the pending amendment.

I am sorry that this is a filibuster, but that is exactly what it is. I thank the Senator from Virginia for stating it as he has. I do not cast any reflections on him. He is not acting only on his own behalf, he obviously knows what the leadership on that side of the aisle has decided to do.

So we broke the filibuster on taking up the Department of Defense authorization bill and now we have a filibuster going on the bill itself. That is plain. That is pure and simple. We might as well face up to it. The American people might as well know it. So we will be in tonight.

I would ask the distinguished chairman to not let any vote occur until after, I would say, 7:15. If there is a change in the disposition to have a vote or set this amendment aside, that is fine. But if there is going to be any vote, any vote to ask that the Sergeant at Arms or request the Sergeant at Arms to seek the attendance of absent Senators, I would hope that would not occur before the hour of 7:15 today, so that all Senators who have to go down to this event may go and they may know that they will be safe in not missing a vote in the meantime.

Mr. NUNN. I thank the majority leader. Who has the floor, Mr. President?

The PRESIDING OFFICER. The majority leader has the floor.

Mr. NUNN. I would be prepared to stay as late as necessary to try to conclude this debate and hear from every Senator who wants to be heard on the debate.

I think that we have got to take care of this bill. I am told by staff that we now have 80-some-odd amendments pending and we are having a filibuster on an amendment which, strangely enough, everybody who has spoken on it said they agree with it. That is what is so strange. The filibuster is taking place on an amendment which everyone agrees with.

So there has got to be some kind of reason here that we have not heard and do not understand at this point. Because the Senator from California spoke, said he wanted a vote on the Warner-Dole amendment but said he had no objection to this amendment. I have not heard anyone who objected to the Byrd amendment.

So I would just say to the majority leader, it would be my view as floor manager that we stay as long as the majority leader believes we should stay in session and start as early as possible tomorrow. I would not like to get in a situation where we, for instance, stay over here until 2, 3, 4 o'clock in the morning and then come in at 1 or 2 in the afternoon. I think it is much better to get up and be here early in the morning and stay as late as necessary.

So I am prepared to go around the clock if that is what the majority leader wants to do.

Mr. BYRD. If I have the floor, Mr. President, this is a filibuster; that is what we have going on right here. I know one when I see one and the Senator does, too.

I have read that the filibuster is being trivialized. I also have read that the majority leader would not get the cots out because he might lose his leadership position.

Mr. President, the distinguished chairman has said that he would be willing to stay as late this evening as the majority leader would recommend

and come in as early tomorrow. I am not suggesting we go out at all this evening. I am suggesting that we stay right here and hear those Senators who have something to say about this amendment.

The distinguished Senator from Virginia says this will be, I believe, a lengthy debate or that there are others on the Senator's side who wish to talk on the amendment, and that we cannot set it aside.

So I say, right up here is the television camera. Let the American people see that this is a full-fledged filibuster. On what? On the defense bill. And a filibuster of sorts has been going on for months on this bill—on the motion to take up. Now we have it on the bill itself.

Mr. NUNN. Would the majority leader yield just for a brief observation?

Mr. BYRD. Yes.

Mr. NUNN. I have made it clear in the last couple of days to officials in the State Department and Defense Department and my colleague from Virginia that if there is any sensitivity about debating arms control amendments or any of these amendments during the Shevardnadze visit I would, as floor manager, cooperate in every way if we got consent from the other side of the aisle to defer the amendments, and we probably have 70 amendments that do not relate to anything to do with arms control; take those up and utilize the time. I have issued that invitation and I have not heard anything back that indicates anyone from the State Department or Defense Department or anyone on the other side of the aisle wants to delay anything concerning arms control amendments.

So, when the Senator from Virginia indicated that maybe some people are concerned about that, I think it ought to be abundantly clear, at least it is to me, that there is a reason that I do not detect for the other side of the aisle to want to debate those amendments while the Foreign Secretary of the Soviet Union is in town.

We have had 3 months of delay. We finally get it up last Friday. I make an offer to the administration not to debate any of these matters this week while Shevardnadze is in town if they think it is sensitive. I tell my colleague that and yet here we are with a filibuster going on on an amendment which everyone agrees to. It seems to me if you put all that together, there is a strong case that there are reasons that I do not detect that there is a desire on that side of the aisle, perhaps on the part of the administration—I do not know—to have this kind of holdup and tie up the Senate while the Foreign Minister of the Soviet Union is in town. I do not know why because it does not seem to me that is good for our country. Yet it is part of our freedom that we are going to demonstrate that the Senate is, and the institution here, while we have this distinguished foreign visitor.

But it is not my choice and I think everyone should understand.

Mr. WARNER. May I join in this colloquy?

The PRESIDING OFFICER. Does the Senator from Virginia wish to ask a question of the majority leader?

Mr. WARNER. I would simply like to—yes. I will put it in the form of a question.

I am somewhat taken aback by the sudden characterization of this debate in the Senate as being a filibuster. I defer to your extensive experience; far greater than mine. But it seems in a sense that you almost, by the nature of that accusation, denigrate the very amendment itself. Thus far, according to my count, only four Members on this side have spoken: the distinguished majority leader, the distinguished chairman, the Senator from Illinois, the Senator from South Carolina.

On this side, the Senator from California, the Senator from Indiana, I spoke to it myself. The Senator from Texas. Eight, nine Senators on an issue of this magnitude of importance.

Let us give the rest of our colleagues the opportunity to come forth and state their views and not so quickly go to a judgment that this is a filibuster.

I am not about to be presumptuous enough to suggest to the leader, when he wants to roll out the cots—I have been here many a night. I am prepared to stay this one. But I would not, as yet, in my humble judgment, characterize this debate—which has been a very excellent debate, particularly the statement by the distinguished Senator from Indiana, statements by the distinguished chairman, the statements by the distinguished majority leader—I do not think that it has been a dilatory period for the Senate.

Mr. BYRD. Mr. President, "A word fitly spoken is like apples of gold in pictures of silver."

The gentle Senator just said a moment ago that there are a good many other Senators on his side who wish to speak. I do not want to do anything that could deprive them of an opportunity to speak on this amendment. But the distinguished Senator also said we will not be allowed to set this amendment aside by unanimous consent.

The reason I am saying it is a filibuster is that the Senator couples the statement that other Senators wish to speak on this amendment with the rather flat statement that we will not be able to set it aside to take up other amendments so that we can get on with action on other parts of the bill that are not so offensive to Senators on the other side of the aisle.

That is what troubles me. We should take up other amendments, get on with the actions, have some votes, make some progress in carrying out the people's business and come back tomorrow. Each time we set the pending amendment aside by unanimous consent it is set aside only temporarily, and upon the disposition of the amendment that takes its place the pending amendment as of now will automatically come back before the Senate and we can then hear the Senators on the other side who wish to elucidate on what they have been cogitating.

So, Mr. President, as long as the Senator says that we will not be able to set this amendment aside, I can only believe in my poor little heart of hearts that this is, indeed, a filibuster. The American people need to know it.

Why cannot we set aside this amendment? Why cannot we set it aside?

The Senators who want to enlarge our understanding concerning their objections to this amendment may do so. But let us get on in the meantime. If there is some arcane reason why we cannot hear them tonight, let us get on with other amendments.

I am going to keep on here until I miss the event that I was talking about, so I am going to beg my leave, leave the floor and depend upon the distinguished Senator from Georgia and other Senators to keep this debate going or try to get, in the meantime, this amendment set aside to take up other amendments. I will be back.

Mr. WARNER. Mr. President, I will be here.

Mr. BYRD. The Senator will be here.

Mr. WARNER. And we still will not set this amendment aside, I say this most respectfully, because of the importance of the amendment.

Mr. BYRD. Oh. Because of the importance of the amendment. Then, Mr. President, I have no recourse but to have the Senators listen to what Senators have to say about this important amendment. He pays me a great tribute, the Senator from Georgia and me, by the way. It is our amendment.

Can the Senator from Georgia, for a moment, consider the tribute that is being paid to us as authors of the amendment? It is so important that we cannot set it aside and Senators have a great deal to say on it, but we cannot vote on it. It is a bit overwhelming.

I must go.

Would the Senator take care of the situation while I go?

Mr. NUNN. I will be glad to.

I say that I do not see any line of Senators wanting to speak on this important amendment. Maybe the line is outside the door?

Mr. WARNER. Mr. President, the majority leader said there was an important function on the Mall. The

Senators are present. I mean I just learned of this and it is the first time I learned of that statement that you made an offer to the administration not to bring up arms control this week. That is the first time I heard it.

Mr. NUNN. No, I thought I mentioned that to you.

Mr. WARNER. No, I carefully listened.

Mr. NUNN. I thought I mentioned it.

Mr. WARNER. So there is a certain value to keeping this colloquy going because I am learning things, Mr. President.

Mr. NUNN. I think it is obvious that the Senator from Virginia wants to debate arms control this week and wants to debate it while the Foreign Minister is in town. There are probably good reasons for that. I do not know what the reasons are. We have about 70 other amendments that have nothing to do with arms control that we can go to, or we can debate arms control while the Foreign Minister is in town. The Senator from Virginia obviously wants to debate foreign relations and arms control during this period. That is his choice.

I do believe that our colleagues ought to understand that as floor manager I want to stay in until we move this bill. If it takes around the clock, as the majority leader says, I think we will do that, not just tonight, but all nights and weekends, whatever it takes. We have waited a long time. The military men and women in this country depend on this bill. Their pay raise depends on it, their military supplies, the Army, Navy, Air Force, and Marine Corps. It is really something that should not be delayed. It is very important for our national security. I know the Senator from Virginia agrees with that. I hope at some point we will get some cooperation from the other side of the aisle and move this legislation.

Mr. WARNER. Mr. President, I assure my distinguished friend and chairman of the committee that we are prepared to go toe to toe for whatever periods you wish. Again, I repeat, so far as I know, there is no linkage at all between the interest on this side in the pending amendment and the visit to the United States by Foreign Minister Shevardnadze.

Mr. NUNN. Would the Senator care to reflect on our conversation earlier today? It was a very private conversation, but I thought it was in the form of an offer to delay amendments on arms control until this trip was over and go ahead and move on other amendments.

Mr. WARNER. Mr. President, I made it clear to the majority leader and the distinguished chairman from this side of the aisle that it was the desire on this side of the aisle to debate the pending business.

Mr. NUNN. I thank the Senator.

Mr. WARNER. I would be happy to discuss with the chairman at the appropriate time the conversation we had today. I have always tried to be as straightforward as I know how to be in all of our conversations.

Mr. President, I yield the floor. I see our distinguished colleague from Nebraska seeking recognition.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, while my good friend from Virginia is on the floor, I wanted to explain to the Chair that this Senator, like other Senators, has been engaged in his office meeting with constituents and taking care of other important matters, awaiting resolution to the stalemate we have at hand. I came on the floor 15 or 20 minutes ago after hearing some of the discussion and debate. Let me see if I can clarify for myself and possibly some of the other Senators who may have not been listening to this discussion as intently as the Senator from Georgia, the majority leader, and my colleague, Senator DIXON, from Illinois.

As I understand it, we had a great deal of difficulty bringing up the Defense Department authorization bill. It was filibustered by those on the other side of the aisle so we could not bring it up. We finally broke the filibuster the other day after four, five, or six attempts, I forget the number. Now it seems since we have brought it up they are right back to the position they were in before only they are filibustering after the measure has been brought up on the floor of the U.S. Senate.

I have been listening to the offer by both the majority leader and the distinguished chairman of the Armed Services Committee, on which I am proud to serve, that they do not want to have any discussion whatsoever with regard to any part of any controversial amendment that might be offered either by Senator BYRD or Senator NUNN and/or Senator LEVIN. They do want that brought up this week. Neither do they want to move off of the present amendment which has been offered by both Senator NUNN and Senator BYRD. I guess the question that I am trying to ask the Senator from Virginia is, is it the disposition of the Republican minority that you are simply going to tie up the U.S. Senate since you are filibustering? We should lay it on the line. You are delaying the most important bill that I think we have to deal with involving the national security interest of the United States, the so-called defense authorization bill. You will not allow this amendment to be set aside, which would seem to be a reasonable approach, because, in the words of the Senator from Virginia, the people on that side of the aisle feel so strongly about this that you will not let it come up. Nor will those on that side of the aisle allow this amendment to be set aside temporarily to take up other amendments that obviously would not be as controversial as the one before us.

Does that mean that it is the intention of the Senator from Virginia and those on that side of the aisle to tie up the U.S. Senate all week so we cannot do any thing other than to go through the laborious process of day and night sessions, sleeping on cots out there in the lobby when we could be working on something constructive?

I know the Senator from Virginia very well. We are good friends. We have worked together on very, very many things, generally, I guess, more in agreement than in disagreement. For the life of me, Mr. President, I do not understand what possibly can be accomplished with all the work that we have to do to waste another week here in the middle of September by not proceeding with constructive action. I would like to appeal to my friend from Virginia for a little reason, a little understanding. It does not sound like the JOHN WARNER, the distinguished Senator from Virginia, that I know, to be as unresponsive to the request by the majority leader and the chairman of the Armed Services Committee by simply saying what can we do to move forward? Or is it your desire to so highlight this dispute on this particular amendment that that is a most important thing in your mind and those of your colleagues on that side of the aisle at this time? Where are we and where are we going to go?

Mr. WARNER. Mr. President, I do not know anyone who has suggested that we will drag our feet for a week. I do not know the extent to which our distinguished colleague from Nebraska has followed the debate today. But I, for one, state clearly that it has been a good debate. I have learned some things. As closely as I have followed these issues for years, I freely acknowledge having benefited from the debate today by some eight Senators. I do not consider it a waste of time. I know others on this side are anxious to participate in the debate. Perhaps they thought that normally when a bill is first brought up, such as this one, on a Tuesday, given the activities outside of the Senate this evening, stated in some fashion by the distinguished majority leader, they are not present, but that we would pick up in an orderly fashion on tomorrow morning after a reasonable session here tonight. I am not here to suggest how the body should be run. That is up to the leadership. I simply refute the characterizations that the debate today have been dilatory, that we are trying to drag our feet. That is not the case.

I put the question to my distinguished colleague, have you followed the debate today? Have you had the opportunity?

Mr. EXON. I have followed the debate in my office to some extent. I think we have debated this matter very thoroughly. It is very clear in the debate today the situation we find ourselves in right now. I suggest to my friend from Virginia, why do we not get cracking? What is the possible objection of the Senator from Virginia and those on that side of the aisle, if, as I think you have indicated indirectly in your comments—and I wish we could be a little more direct on the floor of the U.S. Senate—what is it that the Senator from Virginia and the minority want?

They would like to adjourn tonight, I take it, then come in in the morning, and I am not in position to make those decisions. That is up to the majority leader. I have listened to the debate very clearly, and in my mind I am not sure I understand what it is the Senator wants. I take it that what he wants is to adjourn tonight, start anew in the morning and at that time might agree to set aside the amendment offered by the majority leader and the chairman of the Armed Services Committee. Is that right?

Mr. WARNER. Mr. President, I have stated very clearly what the desire of this Senator is; namely, that we continue the debate in a constructive way on the pending matter. I do not suggest, infer in any way how the leadership wants to run the Senate—stop, start; that is their prerogative.

Mr. EXON. May I ask my friend from Virginia, who is it who wishes to debate the matter that he says is so vitally important he feels it should be debated further tonight? Does the Senator from Indiana wish to make a speech on this subject?

Mr. QUAYLE. Will the Senator yield?

Mr. EXON. I yield for an answer to my question.

Mr. QUAYLE. We will be debating more. I talked a little bit this afternoon, some probably think too long.

Mr. EXON. No one would suggest that, I say to the Senator.

Mr. QUAYLE. Some might think that. But I say to my distinguished friend from Nebraska that we have put this thing off now for 3 or 4 months and we are going to talk about arms control. We will have to wait and see. In my judgment, we will talk about arms control this week, probably all of next week. This has basically, unfortunately, turned into, even though I said a small part of it is delegated to arms control, an arms control bill, so we are going to talk about arms control. Whether it is this amendment or other amendments, I do not know. It is going to be a long, lengthy, deliberate debate on arms control. That is that this authorization bill is, an arms control bill, so we will talk about arms control. This is just the beginning.

Mr. EXON. I thank my friend from Indiana and for his answer to my question. Is the Senator from Indiana one of those that the Senator from Virginia referred to as anxiously wanting to debate the pending matter?

Mr. QUAYLE. As the Senator knows, I have debated it. I am prepared, if pushed. I presume that it may be debated even further. I just got wound up this afternoon. Maybe the Senator missed it. It was a lot of fun. Myself, Senator NUNN—we got Senator HOLLINGS involved a little bit—we had a good, thorough discussion, but there are a lot of other people I know who will want to discuss arms control as such. I do not know if they are prepared to do it now, but I suppose you can force them to come over at some time. We could have quorum calls or whatever it may be. But there is just no desire to vote on this tonight, nor is there any real desire to enter into any type of unanimous-consent agreement to set it aside to take up other amendments. The amendments are arms control amendments and that is on what the discussion is going to focus.

Mr. EXON. I thank my friend from Indiana for his response. I would say, Mr. President, that Senator NUNN is on the floor at the present time. My colleague from Indiana, who just spoke, is on the floor at the present time. The Senator from Nebraska is here. None of us evidently are so wrapped up in this issue that we want to make further comments. The Senator from Wyoming has come on the floor. Maybe he, indeed, is one of those many Senators who have been anxiously awaiting their opportunity to address the Senate on this matter. So not wishing to hold up any further the legitimate and I suggest maybe nonsense deliberations of the Senate, I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. WALLOP. 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. EXON. Mr. President, as the acting majority leader, I ask unanimous consent, so I can talk on the subject of the bill, that the quorum call be dispensed with.

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

The Senator is recognized.

Mr. EXON. I yield to the Senator from Colorado.

Mr. WARNER. Mr. President, parliamentary inquiry. The Senator from Nebraska has the floor. Am I correct in that?

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. And the Senator from Nebraska is yielding for what purpose?

Mr. EXON. I am yielding to the Senator from Colorado for the purpose, and for which he wishes to make a request of the Chair, a unanimous-consent request, so he can get a staff member on the floor of the U.S. Senate.

The PRESIDING OFFICER. During consideration of the bill.

Mr. WARNER. Mr. President, I did not get the Chair's response to the Senator from Nebraska.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Nebraska.

Mr. EXON. Does the Senator from Nebraska have the floor?

I apologize to my colleague from Colorado. There are often unusual things happening on the floor of the U.S. Senate these days, and never before have I seen objection to a request for a staff member to come on the floor of the U.S. Senate during consideration of a bill.

I would ask the Chair at this time, maintaining my right to the floor, if all of the other staff members on the floor at the present time are properly cleared by the Chair.

The PRESIDING OFFICER. The Chair would have fundamentally no knowledge as to how to answer that question.

Mr. EXON. Would the Chair ask the Sergeant at Arms to please appear on the floor of the U.S. Senate and to check and see whether or not the staff members currently on the floor are on the floor by proper authority granted by the Presiding Officer?

The PRESIDING OFFICER. The Chair will endeavor to do exactly that.

Mr. EXON. I thank the Chair.

Mr. WIRTH. If the Senator will yield, during that process, for a brief—and I am sorry it is so troublesome—unanimous-consent request, I have a defense fellow, Michael Landrum, who has been working for them, and unless I do it by unanimous consent, he cannot be on the floor during any part of the deliberation on the defense authorization bill. Why he might want to be here during these deliberations, I do not know; but I am sure there will be others that will be of significance to Mr. Landrum. I ask unanimous consent that he be able to be on the floor during the consideration of the legislation before the Senate.

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

Mr. WIRTH. I thank the distinguished acting majority leader for his willingness to yield, and I thank the distinguished Senator from Virginia.

Mr. EXON. I thank the Senator from Colorado.

Mr. President, I rescind the request I made of the Chair a few moments ago with regard to the Sergeant at Arms coming down to inspect the credentials of the other staff members on the floor, and I ask that that be set aside.

The PRESIDING OFFICER. It will be set aside.

Mr. EXON. Mr. President, I rise in support of S. 1174, the Department of Defense authorization bill for fiscal years 1988 and 1989. My enthusiasm derives from the bill's efforts to meet real defense shortfalls and seriously consider future defense needs. Rather than trying to fund all defense programs, it places greater emphasis on sustainability, readiness, and our technology base. It targets the most important defense needs; those that are particularly weak or offer potential military advantage and leverage. It acknowledges that the defense budget will grow only slightly, if at all, by identifying priorities, planning for the phased introduction of major new programs, and restoring weapons productions to more economic rates. Additionally, for the first time, we prepared a 2-year authorization bill. This will streamline budget decisionmaking and provide greater economic stability.

This is a much needed and noteworthy accomplishment. Senators NUNN and WARNER, the chairman and ranking minority member of the committee, largely deserve the credit for this. Their leadership and hard work led the way for the committee. It has been a pleasure and honor working closely with them and their staffs these past months. I would also like to express my appreciation for the hard work, cooperation, and dedication of Senator STROM THURMOND as we worked together on the Subcommittee on Strategic Forces and Nuclear Deterrence. Our subcommittee held 19 hearings to consider many of the most controversial programs and policy decisions in this bill.

During the subcommittee markup, I offered a funding package on the most controversial strategic programs. The subcommittee and full committee eventually approved this plan. It represents a general consensus among the committee members as the best approach to these complex and controversial programs.

It was decided to allow research to continue on both the Rail Garrison MX Program and the small ICBM, commonly known as the Midgetman. Funding for research on both missiles was reduced but will continue. I would like to see a final resolution to the ICBM Program, and I am very concerned about the $50 billion price tag associated with the Midgetman. In fact, at this time, I would rate the need for the Midgetman as one of our lowest strategic priorities. However, I recognize that we are not yet at a point at which we can make a final decision on ICBM modernization. The funding for the ICBM's in this bill preserves our future options.

A funding growth of 23 percent was authorized for the strategic defense initiative. While this was a reduction from the President's requested 55 percent growth, the $4.5 billion authorized will allow for a vigorous SDI Program. This figure is $1 billion higher than last year's amount.

The committee also provided a role for the Congress in any future interpretation of the ABM Treaty. The bill does not require the President to adhere to the traditional or restrictive interpretation. But if he decides to move to the "broad" interpretation, the Congress would play a role in the decision. I think this is reasonable. The Senate has the constitutional responsibility for approving the ratification of treaties. In my opinion, that means the Senate should be an active participant in any decisions affecting the subsequent interpretation of treaties.

Also included in the bill was an amendment I offered on the control of overseas training of the National Guard. In a recent decision, the U.S. District Court in Minnesota rejected the appeal of that State's Governor that the current law dealing with this matter is unconstitutional. The court decided the Congress has the right to control overseas training of the Guard. My amendment clears ambiguity in the standing law. Under my amendment, if a Governor objected to the overseas training of his or her National Guard for whatever reason, the President could, on a case-by-case basis and for national security reasons, override that objection. This clears up the ambiguity of wording in current law, restores the role of Governors with regard to decisions affecting the Guard, leaves the final determination for national security reasons in the hands of the President and allows for a clear way of resolving disagreements between Governors and the President. I believe that my approach is a reasonable, middle-of-the-road solution to this complex and controversial issue.

While I have some concerns on specific parts of this bill, I can support it overall. It is the product of long and thoughtful work, fair debate, and genuine concern for the future security of our Nation.

The PRESIDING OFFICER. Who seeks recognition?

Mr. WARNER. 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. WALLOP. 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. WALLOP. Mr. President, it really is sad to see the majority party trying to force upon the Government of the United States, the executive branch, and its negotiators that position which the Soviets have failed to achieve. I do not know why the majority party does that. It is, nevertheless, the absolute truth that what Senator NUNN and Senator LEVIN are doing in their amendment is, in fact, that which the Soviet negotiators have failed to accomplish through negotiation.

It is hard to imagine why any body politic within this country would seek to do that and yet that is what we are witnessing.

It is also hard to imagine why any body politic within this country would overthrow the entire history of treaty obligations, understandings, and procedures that have been enforced in this country since its inception until these past few months.

Make no mistake about it: The Senate has one job in treaty making and only one job, and that job is to ratify treaties or fail to ratify them, or at the time of the debate, attach such understandings and reservations to them as it will, and which if they do not offend the other negotiating party, the other country, they become part and parcel of the understanding of the treaty.

Treaties are agreements between states and not agreements between parliaments, and no amount of blathering on the part of the Democratic majority here will change that issue unless, if they succeed, we will find no other country in the world willing to make a treaty or enter into a treaty with this country.

It is possible, Mr. President, that before this whole debate is over, before this bill goes to whatever fate it may have, I will seek to see what the majority wishes to do on this issue by proposing an amendment. This amendment will state that in arms control treaties with the Soviet Union—past, pending, and future—the Senate shall be the sole arbiter of the interpretation of those agreements. Moreover, the interpretation of the Senate shall be binding upon both parties, the United States and the Soviet Union, and that, since it was arrived at Senate debate, that future debates from future Senates can impose their will, at will, upon the interpretation of treaties.

If I do not miss my guess, the Senate will find such an amendment offensive

but that is precisely what in this one instance the majority seeks to do.

Many Senators have said on both sides of the aisle that there are pieces of this legislation which are urgent and important, and so they are, and so they should be acted upon. But sometimes and in some places there comes a time when this country must have somebody, willing to stand up for first principles, the traditional means of handling relations between states, and in this case how treaties ought to be made.

Let me get to this so-called Byrd resolution. Let me say from the beginning that it is yet again one of the unfortunate characteristics of this body, the U.S. Senate, which so blatantly boasts of its ability to be the world's greatest deliberative body, that we seek above all to make high-sounding statements that are "full of sound and fury, signifying nothing." That characterizes the resolution of the majority leader offered as a substitute to the Dole-Warner resolution, which had at least some semblance of reason attached to it.

If this resolution is an improvement over the Dole-Warner language, and everything that is before us is open for improvement, it would find no objection from this Senator. But this resolution reads as if it is water; all the vinegar has been taken out.

I note with interest that before beginning to say that we do not want to do anything and we are willing to postpone debate until Shevardnadze has left town, does anyone here suppose Shevardnadze and the Soviet Embassy and people guiding their foreign policy are not aware of what is the business in front of the Senate? Does anyone here suggest that for a minute they do not know absolutely and precisely what it is that the Senate is about to do as soon as the Foreign Secretary leaves town?

(Mr. REID assumed the chair.)

Mr. WALLOP. The fact that this resolution is in front of us and the fact that the Nunn-Levin amendment is part of the DOD bill is part and parcel of the very thing which achieves for the Soviet Union that which they have not been able to achieve for themselves at the negotiating table.

I note that the so-called Byrd resolution no longer contains the original statement of the Dole-Warner resolution that the Congress must "not make unilateral concessions to the Soviet Union on arms control that which the Soviets themselves cannot achieve at the bargaining table."

I wonder what is wrong with that statement? Is there some kind of feeling that perhaps if that were the resolution before the Senate, we would be called upon to question what it was that we were about?

How can it be that the majority party objects to a statement saying that the Congress must not make unilateral concessions to the Soviet Union on arms control that the Soviets themselves have been unable to achieve at the bargaining table?

Would anyone, I suppose, propose that we, the Senate, ought to make such concessions, or that in an act of carelessness if we made such a concession, we ought to be excused from it? I mean, we really ought to go back and make the statement that the Congress must not make unilateral concessions to the Soviet Union.

Would anybody object if that language were put back into the resolution?

Let me note also the absence of the following passage from the original resolution, and I quote, "The Congress must not act to further the interests of the Soviet Union by unilaterally adopting Soviet negotiating positions that have been rejected by the U.S. Government."

It is curious that this was dropped. Why would we drop that? Why would the majority party insist that this Senate in a resolution not mention the fact that we would not further the interests of the Soviet Union by unilateral adoption of Soviet negotiating positions that have been rejected by the U.S. Government? Why would we do that?

Perhaps, Mr. President, perhaps it is because the House armed services bill in fact contains provisions that do exactly and precisely that. Already passed are provisions in the House armed services authorization that do precisely that.

Maybe it is because certain Senators intend to introduce amendments coming up that would enshrine Soviet negotiating objectives on such issues as SALT II, or ASAT, or nuclear testing, or chemical weapons. Or is it indeed perhaps because the Nunn-Levin amendment is such a provision.

At any rate, Mr. President, its absence from the resolution before us makes rather hollow the language at the end of the Byrd resolution that neither the Congress nor the President should take actions which are unilateral concessions to the Soviet Union.

Why have we replaced something meaningful and specific with something meaningless and vague? Perhaps to make ourselves feel good and perhaps to make it possible for everybody under the Sun to vote for something which, once again, signifies nothing. Something that shows the American people that indeed the Senate is full of people with care and concern and that we all of one mind. And we are all of one mind. We want to survive in peace, but not be weak to threaten the peace. So perhaps at one moment in time we ought to put that language back into the resolution.

Now, then, we talk about all the benefits that have been mentioned by a variety of people of both sides of the aisle that are contained in the armed services budget authorization. And I agree with that. They are there and they are important. But fundamentally they are less important to this country than the proper and appropriate and responsible behavior of the Senate of the United States with this in mind: that this country's survival and not the politics' survival is the purpose for which we meet here.

If there is an overriding special interest which guides this place, Mr. President, it is not the oil companies and it is not labor unions or a host of other things. It is reelection. And one of the ways to reelection is to keep, if possible, the American people from understanding what is at issue. We are seeking to bring this fundamental issue before the American people.

What is at issue is national survival. Here what is at issue is some other nation, including the Soviet Union's willingness, once again, to negotiate with us. But if the Senate seeks to assert itself as the sole arbiter of the interpretation of treaties, it is not conceivable that nations will negotiate with us.

So, what the benefits in the armed services budget authorization are held hostage to is not a filibuster on the part of the minority party. They are held hostage to an adamant intrusion on logic by the two authors of an ABM interpretation amendment. And make no mistake about it, while Shultz and Shevardnadze are meeting, Shevardnadze knows that this Senate as a body seeks to work his will while his nation has not been able to achieve it at the negotiating table.

So if it is a filibuster, so be it. I do not think it is. I think it is a debate. But if it is, it is for the very important reason that some of us stand behind the President of the United States and his negotiators. Some of us hope to see some kind of a diminution of the level of terror. Some of us would like to see the majority party take as strong a stand against the Soviet Union's violations as they do against the interpretations of treaties of this Government.

Why is it, I wonder, that when this country sees major violations of arms control agreements by the Soviet Union that the action of the Congress first is to constrain the actions of our own country? We have seen it in ASAT, we see it in SALT II, we are now seeing it in ABM interpretations. But time and time and time again the Soviet Union violates and we are forced to prove our sincerity by further restriction on our ability to act in the defense of the people our oath swears us to defend.

So, while the rules and the law requires us to act on the authorization

for armed services—and it is a good rule, it is a good law, but neither our rules nor the law contemplates the Senate's infringement on the jurisdiction of the Foreign Relations Committee nor the unconstitutional approach to our seeking to assert our will in the interpretation of treaties.

It is ironic in the extreme that those who seek to force this interpretation say that it comes about in part at least by findings and judgments of the standing consultative committee.

Mr. President, is that not the body that was designed to resolve disputes of interpretation between the Soviet Union and the United States? Some of us think it has done an utterly miserable job. Some of us think that a committee of two never comes to a conclusion. But there are those who seek to force this interpretation upon us who quote that body. And yet they are unwilling to have that body function. They seek to assert their independent view over and above what kind of a dispute may be raised within the Standing Consultative Commission between the two countries.

I do not know how much more foolish you can get. Either it has some relevance to the process of interpretation of treaties and can be quoted or leave their quotes out of it. In either instance, I do not think that the actions of the Standing Consultative Committee of and by themselves sustain the arguments of those who would seek to impose upon us their interpretation of the ABM Treaty.

I think that it is unconstitutional.

Let me just toss out an idea to the Senate to see what might take place. Suppose, for an example, we take one of the many treaties with Canada. Let us suppose, for example, we had a binding treaty, at least we thought it was when we entered into it, that Canada could not fish in certain waters of the United States if we would not fish in certain of theirs. And suppose for some reason that the body politic of this country came to the conclusion that we ought to have more fishing rights in Canadian waters and they took a look at the treaty and they decided, the Senate on its own decided, that we would have more access to Canadian waters and, by the way, the Canadians were probably fishing too much in ours and we would reduce theirs.

Now does anyone here for a minute think that the Canadian Government would stand by the interpretation of the Senate of a treaty or agreement like that and force the Senate's conclusions upon itself?

Let us turn it around and let us suppose that the Canadian Government, taking a look at this very same treaty, felt that in the reading of the Parliament they had more access to waters than they traditionally were using and they came down and started fishing in them because the Parliament said that their interpretation of the treaty says they could.

Now, who in this Senate would feel bound by an interpretation arrived at by a debate on the floor of the Parliament? While we are at it, who in this Senate would feel bound by a debate in the Supreme Soviet on a new interpretation of the ABM Treaty?

Now, Mr. President, these are relations between the executive branches of government, not the parliaments of government.

To seek to bind all these things together is to do precisely what the Soviet Union has failed to do.

Now we have a treaty already in negotiation and we see the Soviet Government day-by-day reneging on postures that they had already allowed us to believe were genuine; for example, they are calling now for the destruction of warheads when, make no mistake about it, Mr. President, they have never had the slightest intention of destroying any of their warheads.

Somewhere along the line there may be a treaty that actually comes in front of this Senate. Somewhere along that line we may pay a little more attention to it than did the Senate in consideration of the ABM Treaty. Maybe that is even too much to hope for.

But whatever happens, should it be that it is ratified, should it be that it satisfies this Senate that it can be enforced as well as verified, it will not be possible for the Senate to change what the Senate that ratifies it thinks it means by a debate in 1995. It would not be possible. And it is not possible now.

These are relations between governments, to be conducted by and between Secretaries of State and Foreign Ministers, not between the deliberation debating bodies.

It is something of a compliment, I guess, to the Soviet Union to think that there is a debate about anything or that it even could happen, but make no mistake about it, were they to indulge in one of the processes they label government over there and they sought a new interpretation of that treaty, we in the Senate would not be bound by that. We would take offense at it. The most unfortunate part of it is that what we seek to do here is to do the Soviet Union's bidding. We seek to enforce not their interpretation but their stated desire upon ourselves.

We see them strangely in violation of several dimensions of the ABM Treaty. What is the response of the majority? Restrict the United States.

It is absurd when you hear it, but that is what the response is: to restrict us in the face of their violations. And it begs the question of whether America is safer or more at risk. That has sadly not been part of the debate.

It has not been part of the debate that nowhere in the armed services of the United States is there a mission to defend this country. No branch of the Government, no branch of the armed services has the mission to defend us from Soviet missiles. In fact, no branch of it has the mission to defend us in wartime from Soviet bombers either.

The North American Aerospace Defense Command has a peacetime mission. Its mission is to maintain the peacetime sovereignty of U.S. air space.

While the Soviet Union violates the terms and provisions of SALT II with two new, three new missiles, and while they go to missiles that are rail mobile and road mobile that cannot be located by our intelligence, cannot be targeted for retaliation by our fixed or sea-based or air-based retaliatory forces, we seek an interpretation that keeps us from ever going to the point where we might be able to defend the American people.

They do not want to get us involved in the business of defending the American people, even in ways which we know how, even in the face of egregious violations of the ABM Treaty; even in the face of the failure of Soviet negotiators to achieve this at the bargaining table where we are on the threshold of having, we are told, some kind of an INF agreement. Even in this moment in time when the Soviet Foreign Minister is engaged in talks with the Secretary of State—even in those moments we seek further to constrain the actions of our country by agreeing to the principles of the Soviet Government and the Soviet negotiators.

On its face, Mr. President, it is absurd. But more importantly is what is at issue: Not the rules that say the authorization has to be passed; not the rules which say that this is appropriately the business of the Foreign Relations Committee; not any of those rules. What is at issue is the survival of our Nation and the morality of seeking to defend the people from nuclear terror.

Some of us have thought for a long time that it is the morality alone, yet alone the military value, which ought to guide the decisions of this country. Many people have decried the advance in weaponry, the weaponry of death and destruction. Here, all of a sudden, is the weaponry of safety, the weaponry of defense.

Many people have thought that that was the more defensible thing in democracies and probably more defensible strategically because, in a missile-for-missile building contest with the Soviet Union, we lose. They already have hot production lines and we have just politics.

Politics indulges the Senate and the Congress in great debates about the future weaponry of this country. Politics saw us drop the MX at a moment in time when it could achieve major, real safety, for the promise of Midgetman. And when Midgetman comes off the drawing boards and into the decisionmaking processes, politics will have some other kind of "man," Maximan or McDonaldsman or some other kind of "man," some new weapon system to replace it, because we want to hold ourselves hostage to the promises of tomorrow for fearing to offend the Government of the Soviet Union.

Well, in time of great struggle, Mr. President, we ought to worry less about offending the Soviet Union than defending, according to our oath, the people of the United States.

We see people seeking to force us out of that concept. I hope they do not succeed. Should they succeed, I hope it is vetoed, and I know that veto—just given the debate and the votes we have had to date—that veto will be sustained. It means a lot to the survival of this country that it should be.

The saddest part of it is that we do not have the two parties at least thinking in terms of survival on the same wave length.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered. Is there further debate? The majority leader has the floor.

Mr. BYRD. Mr. President, I will suggest the absence of a quorum. It will be a live quorum. I think that Senators ought to understand what we have here is a filibuster and we all ought to govern ourselves accordingly and, therefore, I would suggest that both cloakrooms put the word out that there will be a rollcall vote on requesting the Sergeant at Arms to seek the attendance of absent Senators.

Mr. WARNER. Mr. President, would the distinguished majority leader withhold for a few moments?

Mr. BYRD. Yes.

Mr. WARNER. I wish to advise the majority leader and other Senators that I know of two additional speakers and the likelihood of several more during the course of the evening. I just pass that on by way of information.

Mr. BYRD. I thank the distinguished Senator.

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

CALL OF THE ROLL

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the role, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 20]

Byrd	Quayle	Wallop
Nunn	Reid	Warner

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of the absent Senators.

The legislative clerk resumed the call of the roll.

Mr. BYRD. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators and I ask for the yeas and nays.

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

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD. I announce that the Senator from California (Mr. CRANSTON), the Senator from Arizona (Mr. DECONCINI), the Senator from Tennessee (Mr. GORE), the Senator from Michigan (Mr. LEVIN), the Senator from Alabama (Mr. SHELBY), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

I also announce that the Senator from New Jersey (Mr. LAUTENBERG) is absent because of death in family.

Mr. SIMPSON. I announce that the Senator from Rhode Island (Mr. CHAFEE), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Washington (Mr. EVANS), the Senator from Utah (Mr. GARN), the Senator from Texas (Mr. GRAMM), the Senator from Nebraska (Mr. KARNES), the Senator from Kansas (Mrs. KASSEBAUM), the Senator from Oklahoma (Mr. NICKLES), the Senator from South Dakota (Mr. PRESSLER), the Senator from Vermont (Mr. STAFFORD), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

The PRESIDING OFFICER (Mr. DASCHLE). Are there any other Senators in the Chamber desiring to vote:

So the result was announced—yeas 67, nays 14, as follows:

[Rollcall Vote No. 243 Leg.]

YEAS—67

Adams	Cohen	Graham
Baucus	Conrad	Grassley
Bentsen	Danforth	Harkin
Biden	Daschle	Hatch
Bingaman	Dixon	Hatfield
Boren	Dodd	Hecht
Bradley	Dole	Heflin
Breaux	Domenici	Heinz
Bumpers	Exon	Helms
Burdick	Ford	Hollings
Byrd	Fowler	Humphrey
Cochran	Glenn	Inouye
Johnston	Mitchell	Sanford
Kennedy	Moynihan	Sarbanes
Kerry	Nunn	Sasser
Leahy	Pell	Simon
Lugar	Proxmire	Simpson
Matsunaga	Pryor	Thurmond
McCain	Reid	Trible
McClure	Riegle	Warner
Melcher	Rockefeller	Wirth
Metzenbaum	Roth	
Mikulski	Rudman	

NAYS—14

Armstrong	McConnell	Stevens
Bond	Murkowski	Symms
Boschwitz	Packwood	Wallop
D'Amato	Quayle	Wilson
Kasten	Specter	

NOT VOTING—19

Chafee	Gore	Pressler
Chiles	Gramm	Shelby
Cranston	Karnes	Stafford
DeConcini	Kassebaum	Stennis
Durenberger	Lautenberg	Weicker
Evans	Levin	
Garn	Nickles	

So the motion was agreed to.

The PRESIDING OFFICER. A quorum is present.

Mr. BYRD. Mr. President, the Senate is engaged in a filibuster.

Earlier this evening, the distinguished ranking manager of the bill stated that consent would not be given to temporarily setting aside the pending Byrd-Nunn amendment, which is the amendment in the second degree to the amendment by Mr. GLENN in the first degree. So we know that we cannot get unanimous consent to set that amendment aside and go to other amendments.

The distinguished manager of the bill, Mr. NUNN, indicated that he would be willing, as the manager on this side, to set this amendment aside, the one that is pending, and not take up any arms control amendments but go instead to non-arms-control amendments—Mr. NUNN indicated that there were a good many of them to be disposed of—so that the Senate could work its will on those amendments, and the arms control amendments would be called up and disposed of at a later date.

There was some indication that a stall on this amendment is related in some way perhaps to the visit of Mr. Shevardnadze. The indication also was that several Members on the other side of the aisle wish to discuss the pending amendment at length. Discussing the pending amendment is one thing. Senators have a right to discuss the pending amendment. I would not call that a filibuster, if they discussed it this evening and tomorrow. But when that is coupled with the fact that we will not be allowed to set aside the pending amendment to take up other amendments which are non-arms-control amendments, then it goes beyond a mere discussion of the pending amendment.

We have seen a filibuster on the motion to take up the Department of Defense authorization bill. We all remember that contentious morning—

weeks and weeks ago—when I sought to get a nondebatable motion in during the morning hour, so that we could take up the DOD bill. Those on the other side of the aisle who wished to filibuster the motion ran out the clock, and we were unable to achieve our goal of getting a nondebatable motion to proceed. Consequently, I moved to proceed at another time when the motion was debatable.

We sought to get cloture on that motion to proceed, and three times we failed to get cloture on the motion to even take up the Defense bill.

So, having tried for the third time, having only gotten 59 votes and lacking 1 vote, with 54 Democrats voting for cloture on taking up the DOD bill, only getting 5 votes from the other side, we still lacked 1 vote, the necessary 60th vote.

So, last Friday I was able to reach a point under the circumstances where a motion that would not be debatable to take up the bill could be made to that bill or any other bill. It could have been catastrophic illness or any other bill. We took up the Defense Department bill. Had we not taken it up on Friday—get this.

Mr. President, may I have the attention of Senators?

The PRESIDING OFFICER. The Senate will be in order. Senators will cease audible conversation.

Mr. BYRD. Mr. President, had we not gotten the Defense Department bill up last Friday, we would not have gotten it up today on the cloture vote; because had the same Senators who voted against cloture heretofore and the same Senators who voted for cloture heretofore voted today on a cloture motion precisely as they voted before, the vote would have been 57 votes to take up, not 59, because of absentees.

The bill is now up, but it is clear that had we not gotten it up on Friday, we would still have an ongoing filibuster on taking the bill up.

I have every respect for the distinguished Senator from Virginia, the ranking member of the committee. He has done a good job—he and our chairman of the committee—in bringing this bill to the floor.

This is a good bill. There are some parts of it, some provisions, that some Senators do not agree with. But why do we not get on with the bill and let Senators offer amendments? If they want to knock out the provisions they do not like, they can do it, if they have a majority of the votes.

But here is the position that we are in now. We cannot set aside the pending amendment. We cannot go to the non-arms-control amendments, and we are told that other Senators on the other side of the aisle wish to speak at length on the pending amendment.

Mr. President, this is a filibuster, pure and simple, and we might as well face up to it now.

We have been accustomed to two kinds of filibusters in the Senate. The easy kind where we come in at a reasonable hour, say 9 o'clock, and stay in to 6 o'clock or 7 p.m. and go home, come back the next day and renew the same old pedestrian filibuster. Some Senators get up and speak on matters other than the subject matter before the Senate and we dilly-dally and maybe put in a cloture motion and go home and come back the next day and do the same thing.

But this will be a different kind of filibuster. We are just going to have at it, and if Senators on the other side who are opposed to this bill—not all of them are opposed to it—but if Senators on the other side are opposed to this bill, or are opposed to something in it will not let us get to the amendment on it and will not let the Senate work its will on at least the non-arms-control amendments, if they have a point to make let them make it the old fashioned way. Let them earn it.

Senators should be on notice to be here all night. There may be rollcall votes. These old fashioned filibusters are not easy. They are hard on everybody. But our Republican friends have made it difficult for the Democratic majority to get certain legislation up now for months. This has been going on for months.

We have ended two filibusters since we have been back from the recess—one on Melissa Wells to be Ambassador to Mozambique, and the other on taking up the DOD bill.

Now we have a new one. This is the Republican record on which that party will have to run in next year's election. It is pure and simple—delay, obstruct, veto, threaten to veto, vote "no," and filibuster. That is it, as we see it.

So there is no point in our making it easy on the filibusterers by going home now.

We will all suffer together. We will just be here all night, and I do not say that as a threat. I am just facing up to reality.

I have tried to be patient. I try to make it as easy on all of my colleagues as I can, but the majority leader has a responsibility at some point in time to try to move legislation and the minority has the responsibility along that line as well.

But it looks like it is up to the majority alone. We cannot get up catastrophic illness. We cannot act on the defense bill. We could not act on campaign financing reform. And so here we are. We are facing appropriation bills coming down the pike. There are 13 of them. Nine of them are already over from the House. A 10th is to come over soon. The Appropriations Committee reported out its first bill I believe today, and that bill will be on the calendar soon. And we have the extension of the debt limit which we have to do something about by midnight Wednesday of next week, a week from tomorrow. We have reconciliation. We have this Department of Defense authorization bill that ought to move before we take up an appropriation for the Department of Defense.

I do not care who is in town, whether it is Shevardnadze or whether it is Gorbachev. The Senate has its own job to do, and we ought to run on our schedule and we should not be delayed just because a distinguished visitor may be in town or whatever the reason is. We have to do our work, and we are going to have a hard time. If the Republicans want to make us have all-night sessions, if they want to filibuster, we will do it the old-fashioned way and let everybody see what a filibuster really is.

I have been on both sides of filibusters. I have been a filibusterer myself, but I have long since decided that the majority of the Senate ought to be allowed to work its will at some point.

We hear all this outcry about the Bork nomination. The Judiciary Committee of which I am a member got started on the Bork nomination today, and those hearings are going forward. I, myself, want to see the Bork nomination taken up in the Senate at some point. I am committed to that.

I will say here and now that the Bork nomination will not be killed in the Judiciary Committee. It will not die there. It does not make any difference how many Senators there vote it down. It will not die there. What the Senate will do to it when it gets here, I do not know. Whether cloture can be invoked on a filibuster I cannot say, but the Senate is going to have a vote of some kind pertaining to the Bork nomination, in relation to the Bork nomination. There will be a vote in this Senate.

Mr. NUNN. Mr. President, will the majority leader yield?

Mr. BYRD. Yes, in a moment.

It is going to be before the year is out. But if the Republicans are not going to let us vote, if they are going to persist filibustering the defense bill—and they have been filibustering the defense bill for months—every day that they persist in prolonging final action on this bill is a day later that Mr. Bork will have to wait before his nomination gets up on this Senate floor.

We are merely pushing that nomination on back and back and back.

So I plead with the White House and our friends on the minority side of the aisle, to cooperate with the majority. We only have 54 votes. We cannot invoke cloture with Democrat votes alone. But I plead with them to answer to the call to get on with the

public business. Whatever there is that they do not like about this defense bill, let them offer amendments. Or are they afraid to offer amendments? Are they afraid to have votes? What is it they are afraid of? What is it they are waiting on? Who is calling the signals? Is it the White House? We ought to have an answer.

Yes, I yield to the distinguished Senator from Georgia.

Mr. NUNN. I thank the majority leader.

I would just like to inquire of the majority leader, because I completely agree with his description of the situation. We have been trying to get this bill up for 4 months. For 4 months we have been trying to get the bill up. This is the national security of our Nation. It involves the military pay of every man and woman in uniform. It involves all the ships, all the planes, all the ammunition, everything about the protection of our Nation, and we have had a 4-month filibuster by those on the other side of the aisle.

First, I would like to agree with the majority leader and thank him for his dedication and diligence in getting this bill up.

The second point I would like to inquire about committees meeting tomorrow and what the rule of the Senate is because I share his view on the Bork nomination. I have made no decision on the Bork nomination. I am going to listen to all the testimony. I will not be in on the committee but I will listen to it as best I can. I will judge it on its merits. Nothing that my colleagues do on this bill will affect my judgment on the Bork nomination on its merits.

But I do very much, and I have said this, object to moving the Bork nomination in front of this defense bill, and I will not agree as one Senator, one vote, to put the Bork nomination in front of the national security of our Nation.

The Supreme Court is important, but the national security of our Nation is more important than a Supreme Court Justice. They can get by a lot better with eight Justices over there on the Supreme Court than they can with no defense bill as far as I am concerned; and "they" being the American people and the security of our Nation.

So I ask the majority leader about the hearing schedule tomorrow because as one Senator I assume complete responsibility for this. I have not asked anyone else to assist in this. It is not part of any Democratic plan.

It is the Senator from Georgia who is very frustrated with the responsibility as chairman of a committee that has a bill that was brought out in good faith. Every amendment was debated a long, long time. The one that is the subject of this filibuster was given more consideration than any other amendment or any five amendments that we had in our committee, and the minority was given every courtesy in dealing with this in committee.

So I would suggest to the majority leader that, as a Senator from Georgia, I will object to any committee meeting tomorrow morning beyond the required time, the time allocated under the Senate rules after we come in. So I think that while we are serving notice to Senators about an all-night session tonight, as far as I am concerned as the manager, it is up to the majority leader, I can go tomorrow night all night, I will go Thursday night all night, I will go Friday night all night, and I hope we are in Saturday. If we have to stay the weekend, then that is the way it will be. I think we are going to get the mattresses now and we might as well keep them here.

I will object to any consideration of any committee or any committee meeting after the allocated time required by the Senate rules tomorrow morning. I will do that from now on until our friends on the other side of the aisle understand that the Nation's security is very important. I believe, as Judge Bork has been reported to believe, I believe in judicial restraint. If that is the only allegation against Judge Bork, he will be in pretty good shape as far as I am concerned.

But I also believe in senatorial restraint. And we have not seen much senatorial restraint in the 4 months we tried to get this bill up.

I also believe in the Nation's security. I believe our young men and women who are serving in the Persian Gulf, who are serving in Korea, who are serving in Europe deserve a little consideration. They at least deserve this body getting the bill up that provides the means for them to help defend this country and have a legitimate debate. Let the votes fall where they may.

Mr. Leader, I would then ask—it is a rather long question, I know—but I would ask the majority leader what are the rules and where are we regarding committee meetings tomorrow morning?

Mr. BYRD. Certain committees, such as the Appropriations Committee, have standing consent to meet. But the Judiciary Committee will be able to meet from 8:30 until 10:30 tomorrow morning because the order has already been entered that if the Senate goes out it will convene again at 8:30 tomorrow morning, and it will convene again at 8:30 the following morning, and it will convene again at 8:30 the following morning. So if the Senate is in all night—and I fully intend to have the Senate in all night. This is a filibuster and I am going to deal with it as a filibuster and we will all learn what the old-fashioned filibuster is. I have heard the filibuster has been somewhat trivialized and the majority leader may have to give up his job if he has the cots brought out. But I will at least get to sleep on the cots.

But, in answer to the Senator's question, if the Senate is in all night, at 8:30 tomorrow morning, the convening time that has already been set by order, the Senate will be deemed to have convened. And, under the rule, any committee may meet for 2 hours after the Senate convenes, so the Judiciary Committee will meet for 2 hours. After 10:30 it will require unanimous consent to continue its meeting. The same thing will be true the next day.

May I say further, that this is not the only night we will be in all night. I am saying here and now we are going to stay in all night tonight, all night tomorrow night, all night Thursday night, and all night Friday night, and we will be in Saturday if we do not break this filibuster and get some understanding that we can get on with this bill. And it will not just be an understanding. We have got to see some tangible evidence.

I have had my fill of being jerked around by the minority, letting us just have a little bit of rope, you see, just a little bit. We have got to beg for that. We cannot get consent to take up certain vital matters.

Mr. NUNN. Mr. Leader, I have been here 14 years in this body, and it takes quite a bit to frustrate the Senator from Georgia. I think I have had about as much patience as anyone around this body. I believe that I have voted, as the record will display, on the issues regardless of party and regardless of who is in the White House as much as most anyone in this body.

But I want my colleagues to know that when I object to committee meetings, it is going to continue as long as this filibuster continues. Because I really do feel that we have been abused in this process, "we" being those who have tried to get this bill up. I believe that 4 months is long enough.

I would ask the majority leader, I know we have an 8:30 rule this week, but if this filibuster lasts next week, I would serve notice that I would at least ask the majority leader to make sure that we do not have any committee meetings because, until we get this bill taken care of, as far as I am concerned, the other agendas in this town can also get a portion of the frustration that those of us who have tried to get this bill up have had for the last 4 months.

I will object. I have not consulted with anyone. I want everyone to understand that. This is not any kind of position that anyone is responsible for except the Senator from Georgia. I will take whatever responsibility is in order.

But I would like for our friends on the Judiciary Committee to recognize that they will meet for only 2 hours for the rest of this week. And as long as this filibuster continues, I will be here when the unanimous-consent request is made, and I will object.

Mr. BYRD. Mr. President, on the Bork nomination, neither will my decision on the merits of the nomination itself be affected by this filibuster. I am going to give Mr. Bork a fair hearing in my own mind and I want to reach a fair judgment with respect to Mr. Bork. He is not responsible for what is going on in the Senate right now.

But if the President wants some cooperation on getting the Bork nomination up, let us have some cooperation from the White House on getting the minority to help the leadership here in the Senate to get up some of the bills that have to be taken care of, and time is running out and the calendar is running out.

So, Mr. President, I wonder if we could get consent to vote on this amendment within an hour or 2 hours or whatever.

Mr. DOLE. Mr. President, would the majority leader yield?

Mr. BYRD. Yes, I am glad to yield.

Mr. DOLE. Mr. President, I thank the majority leader for yielding. I must say I have not been on the floor all afternoon.

Having been in the spot the majority leader is in, I think I can smell a filibuster. I am not certain there is one here yet. I think I learned a little about the frustrations of trying to get something done.

The truth of the matter is we had an amendment pending which we could have voted on and there would not have been any filibuster. But that amendment, the underlying amendment was withdrawn and took the Dole-Warner amendment with it. Had we voted on that, I would guess we would be substantially along with other amendments. So we would have been able to vote on that today, which was pending at 2 o'clock, in fact, earlier. The majority leader did precisely what he had a right to do and the distinguished Senator from Ohio. We had not asked for the yeas and nays and the amendment was withdrawn and another Glenn amendment was offered with a second-degree amendment by the distinguished majority leader. That is precisely why we are discussing the amendment now.

I must say I do not think we have a filibuster going. The bill came up on Friday. We were not in session yesterday. This is only Tuesday. I know for a few months ahead of that time there was a lot of frustration.

Mr. NUNN. The bill came up on May 13. We have had 4 months of this.

Mr. DOLE. The bill came up Friday.

Mr. NUNN. We tried to get the bill up.

Mr. DOLE. Right. I do not quarrel with that. I think what we might do, I have not had a chance to discuss this with Members on this side. I do not want to stay here all night if I can avoid it.

Mr. NUNN. We said earlier this afternoon—I know the minority leader was not on the floor—that we would be glad to vote on this amendment, the Byrd-Nunn amendment, which no one really has raised any objection to and go right on to other amendments. I would be glad to get to the Dole-Warner amendment.

Mr. DOLE. Would you give us a vote on that?

Mr. NUNN. Absolutely. I would give you a vote on both of them tonight; glad to vote on them.

Mr. DOLE. We were just discussing that quietly. It might be good, if it is all right with the majority leader, not for a very long time, if we could have a chance to discuss this on our side. That might be a good trade. You would get your vote and we would get our vote.

Mr. DIXON. Vote on all three; the Glenn amendment, too. We voted on that before.

Mr. DOLE. Does the majority leader have any objection if I had about 15 or 20 minutes in my office with the members of the Armed Services Committee on this side?

Mr. BYRD. None at all.

Mr. DOLE. Either a quorum call or just a brief recess?

Mr. BYRD. Mr. President, unless a Senator seeks recognition, wishes to speak, I will be happy to put in a quorum call.

Does the Senator from Wyoming wish to speak? I will delay.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I do not want to just come in here and throw some incendiary material out into these smooth waters. But I just have to say something. I have been here 9 years and I know the frustration of the leadership.

It is interesting to me, this continual tossing up to the Republicans on this side of the aisle—that somehow we are the ones destroying and obstructing everything the majority leader is trying to do; or that the fine Senator from Georgia is trying to do. That just will not wash in any kind of form.

I am not involved in a filibuster. I have not heard anybody over here talk about a filibuster. I have heard them talk about two things. I heard them talk about a Senate campaign finance bill which, if passed in its present form, would assure that there would not be a Republican majority in this body for another 40 years. It is a stupid reason to filibuster a bill, I know, over there, but we think it is kind of valid for us to do that.

If somebody gets together with us and says: What is it we are trying to do? Originally, it was trying to get rid of PACs; remember? So half of our membership said let us get rid of PACs. And then they said: "Wait a minute; that is kind of an impossible idea. Where did you get that?"

So, here we are; we are ready to do a lot of things there, but we are not ready to take our lumps and let "soft money" go on the bypath and "in-kind" contributions go on the bypath, and that is why we have stiffed that bill. There are a couple or three Democrats who have helped us stiff that bill and it is probably worth stiffing. I hope we can continue to do that.

OK, that is number one. The other one is the Department of Defense authorization bill. The strange reason there, it does not have to do with anything else—we are not objecting to the Department of Defense bill. We are objecting to the Levin-Nunn amendment. Period.

You give us a vote on the Department of Defense bill alone and we will not have to listen any more to how the ships will not steam or that Republicans are not going to do their part for the military or that nobody will be in uniform next month. That is guff. Give us an up and down vote on the Department of Defense authorization and we will pass it 100 to nothing in here. What in the world is this? Goofy.

But that Levin-Nunn amendment, with the technical aspects of it that have been pored over by Senator NUNN and we all admire him—there is not a person I admire more in this place. It has never been more frustrating for him in all the years he has been here. This is the most frustrating one for me too.

Nunn-Levin is an amendment that is going to mess us up, while we are making real progress in seven-league boots on arms control.

Why do we want to throw that amendment in here now while we are making more progress than we have ever made in the history of any President at any time? That is what we are talking about.

Two things. Now that is it. If we had really wanted to do a lot of nasty things that I keep listening to all the time in here, we would have done something with the highway bill, because we knew we were going to get that rammed down our gullet. We would have done something with the clean air bill, because we knew we were going to get that rammed down our gullet. We would have done something with regard to the appliance standards bill, which was a sure loser. And guess what was presented to us when we came back, you know, into

this new session? Those three babies were right on the top of the stack. With a lot of glee, they were on the top of the stack, because they were three losers for us. I would not have sustained the President's veto on clean water and I told him that and we knew where we were going to lose with the highway bill and we took our lumps. We never pulled any kind of tricks on those three bills at all, and we knew we were going to lose all three of them. I hope people remember that.

So this is one Senator, and I am a pretty reasonable chap and slow to ire. But, by gad, I am not a boob. And I do not have to sit here, day after day after day, and listen to how the Republicans are destroying the U.S. Senate and we cannot do our will.

The first crack out of the box when I was assistant majority leader was a filibuster by my dear friends DAVE BOREN and JIM EXON, men I was elected with, who I came into this place with, and I cannot admire them more. That was pretty tough, to sit and talk about farm credit for 10 days when we were trying to move something else.

Does anybody remember that? I remember it. It was the most vexing thing I had ever seen.

I just wanted to explain, at least from this Senator's opinion, as to why these hideous souls on this side of the aisle just happen to want to talk about two things and why we have done what we have done on DOD. You give us DOD without Levin-Nunn, we will pass it like a dose of salts through this place.

And one other thing. There have been some very steady nuances in the last few days procedurally that we have not brought to the attention of the body which must be embarrassing and will be, eventually, if this is the way it is going to go.

If we are going to have this game of the dueling parliamentarians, which I have described before—if you think you have got problems now, wait until later. I think that has got to be an embarrassment to this fine gentleman in the Chair, this Parliamentarian. I think he is in a very, exceedingly uncomfortable position.

And then we have our own parliamentarian, the former Parliamentarian Emeritus, who is in an exceedingly tough position.

So is that the way it is going to be? Is that the way it is going to be on into the night? I am in rather trim health. I will be here all night every night. That matters not a whit to me.

But these are called, I guess, threats. I do not know what else you call them. I do not know how Judge Bork got into the game, but I do not think that is very becoming.

You know, we had better deal with Judge Bork, but if we are going to hold up Bork to show who ate the cabbage, who is being the obstructionist on that?

Mr. NUNN. I will answer the Senator's question: I am.

Mr. SIMPSON. Well, fine.

Mr. NUNN. I am going to continue to be, because we have more than one agenda here. We have been waiting 4 months, I say to my friend. Four months.

You said you waited 10 days and you said that was the most frustrating experience you ever had. We have been waiting 4 months to get this bill up, and the first day we get it up, we have a filibuster on an amendment which everybody agrees to. So I think we have to consider that everyone here can play this game. I have never played it before. But I am going to have to if I am going to get a defense bill. That is apparent.

Mr. SIMPSON. Mr. President, I have never played it before either, but I know I can get good at it and I want you to know that I can just hone up my skills in this area and I can get awfully good at that.

What we settled when I talked about my 10-day excursion sometime ago, was settled through accommodations of the Members. I do not know what happened to the relationship of Senator SAM NUNN of Georgia and Senator JOHN WARNER of Virginia, but it used to be pretty remarkable. I do not know where it went. But I am saddened to see it go. That is what I want to say.

If we had an executive session around this place we could sit down and talk about the phantoms of the Chamber which match the Phantom of the Opera in that other format. Because if we started to say the same things in private that we say in public around here, we could get something done.

But I will tell you this, I know what a threat is when I see it. And I know what we can do, parliamentarywise. Let us then really do it the "old-fashioned way." It is called that every time we get a good amendment that you know is going to pass, let us vote on it. That is called the old-fashioned way. It is called losing a vote.

When we talk about the old-fashioned way, I like that way. It is when SAM NUNN used to put up an amendment, we would say that baby is going to pass. And then we did not lose sleep or go to a parliamentarian and say: How do we trick this so that we do not get to a vote on this because it is going to pass?

I do not play that kind of music. I never have. I do not intend to.

So it is the same old business. You might let us vote, even when you lose every now and then. It would not harm you too much. We will be right here to do the same. But every time we come up with an amendment that is going to pass this place we then watch this subtle song and dance; subtle shunting; subtle little ways where we are left holding the bag, that is not the way to gain the assistance of, certainly, this Senator. I am not one that has any reputation for playing that game but I know—I am not going to sit here and listen to threats. It is not becoming. It is almost like, if you do not do it our way we are going to take our marbles and go home. And that is not very becoming either.

What we object to is the heavy-handed tactics and not one attempt at reconciliation or accommodation. Nothing but nothing.

We say, you know, could you change a paragraph there? Could you separate this? Could you divide the question?

[Indicating.]

No. And that is what you are going to get out of this side of the aisle as long as you do that. I hate that. I think it is disgusting but I am sure going to get good at it.

The PRESIDING OFFICER. The Senator from West Virginia, the majority leader.

Mr. BYRD. Mr. President, the distinguished Senator from Wyoming has made a statement about threats. We have just heard one, my friend. He talks about playing games.

I am not interested in playing games. I am interested in getting on with the work of the Senate.

He talks about dueling parliamentarians. I am not aware of any dueling parliamentarians. The only Parliamentarian is that one at the desk. I do have to go and ask the Parliamentarian a question. But I do not go to this Parliamentarian and ask, "How can we trick that? How can we top that trick?"

I have topped some tricks around here and never even said hello to the Parliamentarian. I do not have to have the Parliamentarian. I have a lot to learn, but I do not live or die on the presence of a Parliamentarian. There are no dueling parliamentarians here.

I have not been making threats, but I am telling you that I am up to my neck, up to my chin, with this stall that is going on, and we all have seen it. The Senator from Wyoming can hone up all he wishes to. I have a great deal of respect and genuine fondness for the Senator from Wyoming, but when he talks about what was said about the "old-fashioned way," he was talking about me. I was the Senator who used the term the "old-fashioned way."

We are having a filibuster. That is what is happening. That is what we have.

I am not interested in playing games. I have as much interest in getting on with business as anybody else does, or I would be found not doing my duty. I hope I have demonstrated

my concern and willingness to work things out time and time again in the Senate over a period of more than 20 years' time on this floor, if not as majority leader, then as minority leader; if not as minority leader, then as majority whip; if not as majority whip, then as secretary of the Democratic Conference.

Talk about patience and having patience strained. I am a living example of having had all kinds of pressures, all kinds of lectures and all kinds of finger pointings and all that, but I still try to maintain a good humor. I am patient with my friends here because I know when this battle is over there will be other battles and maybe those who fought against us in this instance will be with us the next time.

I do not like to get personal. I want to avoid that.

We talk about the other side, the Republican Party filibustering. I am stating what I think is a fact. When I said the distinguished Republican ranking member said thus and so I have stated the fact the best I could repeat his words. I am not saying it with any animus toward that Senator. I do not have any animus against any Senator on the Republican side because of the filibuster. I say that to my friend from Wyoming. The Senator has been here 9 years and he knows there are two political parties in the Senate. While he continues to speak about how the Democrats held something up, I do not recall that the Democrats ever laid down what appears to me as a party strategy to filibuster bill after bill after bill. We cannot do business that way.

Never do I impugn the good intentions, the good faith of any particular Senator here, and I am not going to begin tonight.

But as to dueling parliamentarians, I have never heard of such a thing. As far as I am concerned, we have one Parliamentarian and he has two assistants, and they are all on the Senate payroll as Parliamentarian and Assistant Parliamentarians, and they serve all of us.

As to the former Parliamentarian, I supported the resolution which designated him as Parliamentarian Emeritus. I have no animus toward the former Parliamentarian. But I have not the slightest knowledge of dueling parliamentarians.

If I have not been here long enough to learn some rules and precedents myself without calling on the Parliamentarian, I had better walk out now and go to my wife. She needs me.

I am not fully dependent on the Senate Parliamentarian; nor have I anything to do with the former Parliamentarian.

Once in a while I may duel and I go to the only Parliamentarian here if I have any questions, but forget about "dueling parliamentarians." There are none.

Mr. WARNER. Mr. President, is the distinguished majority leader agreeable to suggest the absence of a quorum and perhaps some of us can meet with the minority leader and discuss the pros and cons of the statements made by the majority leader?

Mr. BYRD. Yes, 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. BYRD. 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 ask unanimous consent that a vote occur immediately, up and down, on the pending Byrd-Nunn amendment in the second degree to the Glenn amendment. I ask unanimous consent that upon the disposition of the pending Byrd-Nunn amendment to the Glenn amendment, a vote occur on the amendment that was offered by Mr. WARNER, Mr. DOLE. Mr. HELMS, and other Senators to the Glenn amendment which was displaced by the Byrd-Nunn amendment, and that that be an up and down vote.

I ask unanimous consent that it then be in order for Mr. WARNER to make a motion to strike the Nunn-Levin language from the bill, and that meanwhile the pending Glenn amendment in the first degree be set aside temporarily and remain set aside until such time as the motion to strike the Nunn-Levin amendment has been disposed of; provided further that no amendment be in order to the amendment by Mr. WARNER et al.

Mr. President, before the Chair puts the request, the Senate upon disposing of the two second-degree amendments would go out, and would come in tomorrow morning at 8:30 under the order that is already entered. At 9 o'clock, it would be my intention to suggest the absence of a quorum after having some morning business, and that would be a live quorum.

I think we have reached the stage now on the calendar that we have to get on the business early every day, and the best way to do that is to have a live quorum so that Senators will get here, and we can proceed with debate.

I have said we would have the live quorum beginning at 9 a.m. so it would not disrupt the meetings of committees, the Judiciary Committee being one of those committees that would be meeting. It will meet at 10. That is my understanding in discussing the matter with Senator BIDEN.

So we would have rollcall votes daily, if possible. We will be meeting early as I have already indicated and the Senate will be meeting late. We have to get out of the mode into which we have fallen during these several months this year, namely, that we go home early in the evenings and on Fridays we have 2 or 3 hours of sessions and a lot of Senators skip out, and we are stymied then.

So we should have a full day Friday. The managers of the bill, Senator DOLE, and I have met. As I read them, they feel that we should have a full day Friday, and that we should not at this point say that there will not be a session Saturday. We want to say that there may be a session Saturday because we are into a situation which is kind of between us and the Lord, namely, we only have October, November, and December left in the year. This is the 15th day of September, so we are at the halfway mark in September.

I guess that is about all I need to say.

Mr. DOLE. Mr. President, I wonder, too, if we might provide there be no amendments in order to the language to be stricken. Otherwise somebody could amend that.

Mr. BYRD. Mr. President, the request would include the proviso that there be no amendment, period. That means no amendment to the underlying language that is to be stricken.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER (Mr. DASCHLE). The Senator from Ohio.

Mr. GLENN. Mr. President, I wonder. I am agreeing to bring my amendment down, as I understand. I have not heard the whole agreement. But I understood a few moments ago on the telephone that I would be pulling mine aside. Could there be an agreement on that, that there be no amendment in order on my amendment when we finally do bring it up?

Mr. QUAYLE. I had hoped we might be able to talk the Senator from Ohio out of that.

Mr. GLENN. I thought the Senator might be asking that.

Mr. DOLE. Mr. President, if the Senator will yield; I guess the majority leader has the floor.

Mr. BYRD. I yield.

Mr. DOLE. We discussed that. It is not I think that some are flatly opposed to amendments. Some thought there might be some modifications that could be agreed upon or maybe not agreed upon. So they did not want to make that agreement.

Mr. GLENN. OK. I do not want this whole thing to come down. But I thought I would try because I would like to get a straight vote on that if we possibly could.

Mr. BYRD. Mr. President, I add to the request the proviso that a call for regular order not bring back the Glenn amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none. It is so ordered.

The text of the agreement follows:

Ordered, That during the consideration of S. 1174, a bill to authorize appropriations for fiscal years 1988 and 1989 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal years for the Armed Forces, and for other purposes, the Glenn amendment No. 680 be set aside until the disposition of a Warner motion to strike the Nunn-Levin language from the bill; Provided, that no amendment be in order pending the disposition of the Warner amendment; Provided further, that no call for the regular order would bring back the Glenn amendment.

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

Have the yeas and nays been ordered on both?

Mr. NUNN. Mr. President, I ask for the yeas and nays on the Byrd-Nunn amendment and on the Warner-Dole amendment.

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

The yeas and nays are ordered on the pending second degree amendment.

VOTE ON BYRD-NUNN AMENDMENT NO. 681

The PRESIDING OFFICER. The question is on agreeing to the Byrd-Nunn amendment in the second degree, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. GORE] is necessarily absent.

I also announce that the Senator from New Jersey [Mr. LAUTENBERG] is absent because of death in family.

Mr. SIMPSON. I announce that the Senator from Minnesota [Mr. DURENBERGER], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Vermont [Mr. STAFFORD], the Senator from Virginia [Mr. TRIBLE], and the Senator from Connecticut [Mr. WEICKER] are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota [Mr. DURENBERGER] would vote "yea."

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

The result was announced—yeas 92, nays 1, as follows:

[Rollcall Vote No. 244 Leg.]

YEAS—92

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

NAYS—1

Helms

NOT VOTING—7

Durenberger	Lautenberg	Weicker
Gore	Stafford	
Kassebaum	Trible	

So the amendment (No. 681) was agreed to.

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

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

The motion to lay on the table was agreed to.

VOTE ON DOLE-WARNER AMENDMENT NUMBER 679

The PRESIDING OFFICER. Under the previous order, the question recurs on the amendment of the Senator from Virginia.

Mr. GRAMM. Mr. President, I ask that the Dole-Warner amendment be read.

The assistant legislative clerk read as follows:

At the end of the amendment add the following:

The United States and the Soviet Union may be on the verge of reaching agreement on Intermediate Nuclear Forces (INF) and are continuing serious negotiations on other issues of vital importance to our national security; and since,

The September discussions between our Secretary of State and the Soviet Foreign Minister represent the culmination of years of detailed and complex negotiations between our countries that reflect delicate compromises on both sides; and since,

Chief U.S. negotiator Max Kampelman has announced that he has been instructed by the President to place special emphasis on START talks, now that an INF accord may be close at hand;

Therefore, the Senate declares that:

The Congress of the United States fully supports the President in his negotiations with the Soviet Union.

The Congress recognizes fully the constitutional role of the President as the sole voice of the United States in matters during the delicate course of treaty negotiations; and the Congress must not intrude in this process by acting to constrain a President's flexibility in reaching agreement with foreign nations.

At this critical point, the Congress must not take actions equivalent to unilateral concessions to the Soviet Union on arms controls, and specifically on issues that the Soviets cannot themselves achieve at the negotiating table.

The Congress must not act to further the interests of the Soviet Union by unilaterally adopting Soviet negotiating positions that have been rejected by the United States government.

The Congress should not seek to establish, in U.S. domestic, law, positions on matters such as ASAT, nuclear testing, SALT II compliance, ABM Treaty interpretation, and the role of chemical weapons, at the very moment that such sensitive arms control subjects are being negotiated by Secretary Shultz and Foreign Minister Shevardnadze and by the negotiators in Geneva. Such action would inevitably disadvantage and undermine the United States Government in such negotiations.

Mr. BYRD. Mr. President, I ask unanimous consent to proceed for 45 seconds to make an announcement.

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

Mr. BYRD. Mr. President, this will be the last rollcall vote today unless there is a tight, very close vote here and there is a motion to reconsider which might necessitate a second vote.

On tomorrow, the Senate will come in at 8:30. There will be a live quorum beginning at 9 o'clock. The Senate will meet at 9:30 a.m. or earlier daily for the rest of the week and daily there will be a live quorum at 9 o'clock in order to get the Senate moving and get Senators in here for debate. There could very well be a Saturday session and there will be long sessions daily, coming in early staying in late. Hopefully we can make progress in the bill in that fashion. I thank all Senators and I yield the floor.

The PRESIDING OFFICER. The Chair informs the body that the yeas and nays have not been ordered.

Mr. BYRD. Mr. President, 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 amendment No. 679. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. GORE] is necessarily absent.

I also announce that the Senator from New Jersey [Mr. LAUTENBERG] is absent because of death in the family.

Mr. SIMPSON. I announce that the Senator from Minnesota [Mr. DURENBERGER], the Senator from Vermont [Mr. STAFFORD], the Senator from Virginia [Mr. TRIBLE], and the Senator from Connecticut [Mr. WEICKER] are necessarily absent

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

The result was announced—yeas 35, nays 59, as follows:

[Rollcall Vote No. 245 Leg.]

YEAS—35

Armstrong	Hecht	Pressler
Bond	Helms	Quayle
Boschwitz	Humphrey	Roth
Cochran	Karnes	Rudman
D'Amato	Kasten	Simpson
Dole	Lugar	Stevens
Domenici	McCain	Symms
Evans	McClure	Thurmond
Garn	McConnell	Wallop
Gramm	Murkowski	Warner
Grassley	Nickles	Wilson
Hatch	Packwood	

NAYS—59

Adams	Dodd	Metzenbaum
Baucus	Exon	Mikulski
Bentsen	Ford	Mitchell
Biden	Fowler	Moynihan
Bingaman	Glenn	Nunn
Boren	Graham	Pell
Bradley	Harkin	Proxmire
Breaux	Hatfield	Pryor
Bumpers	Heflin	Reid
Burdick	Heinz	Riegle
Byrd	Hollings	Rockefeller
Chafee	Inouye	Sanford
Chiles	Johnston	Sarbanes
Cohen	Kassebaum	Sasser
Conrad	Kennedy	Shelby
Cranston	Kerry	Simon
Danforth	Leahy	Specter
Daschle	Levin	Stennis
DeConcini	Matsunaga	Wirth
Dixon	Melcher	

NOT VOTING—6

Durenberger	Lautenberg	Trible
Gore	Stafford	Weicker

So, the amendment (No. 679) was rejected.

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

Mr. HEFLIN. I move to lay it on the table.

The motion to lay on the table was agreed to.

PEACE IN CENTRAL AMERICA

Mr. LEAHY. Mr. President, with the possible exceptions of trading arms to the Ayatollah for American hostages, and maybe the disastrous sending of U.S. Marines to Beirut, no issue better exemplifies this administration's capacity for self-delusion than its policy toward Central America.

Six weeks ago, on the eve of the Guatemala meeting of all five Central American leaders where a promising peace initiative was signed, Secretary of State Shultz said, and I quote:

> The Central Americans asked us to let them try to solve their own problems. We have a great deal of confidence in them. We don't want to push a Yankee solution at the situation.

That came of something of a surprise to those of us who have been paying attention to events in Central America for the past 6 years. If this administration is so eager to let the Central Americans solve their own problems, why have we been funding a proxy war to overthrow the Government of Nicaragua—a policy Central American leaders working for peace say has only made their task more difficult?

Be that as it may, last week Secretary Shultz told the Foreign Relations Committee:

> The Guatemala agreement commits the five Central American signatories—including Nicaragua—to democratization. This is to include complete freedom of the press, full political pluralism and the lifting of all states of emergency. The governments of the region commit themselves to undertake all the necessary steps for achieving an effective ceasefire.
>
> The signatories commit themselves to denying the use of their national territories for logistical or military aid to forces destablizing other governments. All assistance to irregular forces shall cease.

Secretary Shultz went on to ask "Can the United States make the Guatemala agreement work?"

His answer was that "it is certainly in our interest to try. We are and must give it our fullest and strongest support." He urged all members of Congress to "call for full implementation of the Guatemala agreement."

He then calmly announced that the administration will ask for an additional $270 million for the Contras so they can continue their 5-year hopeless war against the Sandinistas.

Apparently, the Secretary of State is not bothered by the total contradiction between his words of support for the Guatemala peace initiative, and his declaration that the administration plans to ask for yet another $270 million for rockets, bullets, and bombs to kill more Nicaraguan peasants.

For the fragile negotiations in Central America, this announcement could not have come at a worse time. It came on the heels of a plea from Costa Rican President Arias that the administration not ask for Contra aid until the peace process he initiated has had a chance to succeed. It was timed a few days before President Arias was to come to Washington to meet President Reagan to discuss the peace plan, and just before the Central American foreign ministers where scheduled to meet again to continue the peace negotiations.

Maybe this was just another case of the administration's ideological blinders preventing it from thinking through clearly the implications of its actions. Or, perhaps it was not just another blunder such as those we have come to expect, and was actually timed to achieve exactly what the hardliners in the White House, the Pentagon, and in the halls of Congress really want—to torpedo the Guatemala process before it can achieve results which would make further aid to the Contras unnecessary or at least politically unattainable.

Perhaps we have a clue to the truth in some further statements over the weekend. On Saturday, a mere 2 days after Secretary Shultz called on Congress to support the Guatemala initiative, in his weekly radio address President Reagan said he cannot support the Guatemala plan because it differs from the plan he and Speaker Wright proposed last month.

The same administration that 6 weeks ago piously insisted that it wanted the Central Americans to solve their own problems, is today acting as if the Guatemala meeting never even happened. Since the Central American leaders unanimously rejected the Reagan-Wright plan and proposed their own, it looks like the administration has decided that letting the Central Americans chose their own fate is not such a "neat" idea.

Sometimes I wonder if the White House thinks we're deaf or suffering from memory loss up here—that we won't remember this week what they told us last week.

We do remember.

We remember administration "assurances" about its dedication to a negotiated settlement given just before each Contra aid vote in the past. We remember the promises about reforms in the contra political and military organizations, elimination of the Somocistas, and an end to their appalling human rights abuses.

We remember the bland statements that the Contra war is not intended to overthrow the Government of Nicaragua, with which we maintain diplomatic relations, but to "pressure" the Sandinistas into negotiation.

We remember the absurd declaration that there is no need for the United States to talk to the Nicaraguan Government about the war because it "is a civil war between the Sandinistas and the Democratic Resistance"—as if we in Congress could not remember that it was the administration which created, trained, armed, funded, and advised the Contras from the beginning.

I am convinced that the administration's announcement to seek a huge increase in funds for the Contras is a calculated attempt to calm its constituency on the right who fear the Contras will be abandoned, without actually saying what is only too obvious—the President desperately wants the Arias peace initiative to fail. Because it does not want to weaken its already poor chances of getting more money for the Contras, the administration dare not blatantly torpedo the talks in Central America. This would allow the President to say to some waverers in Congress that we need more pressure from the Contras before the Sandinistas will negotiate seriously.

Secretary Shultz carefully refused to say when the administration will formally request more Contra aid. To do so before November 7, the date the peace plan is scheduled to take effect, would in all probability destroy the current negotiations. It would smother the only real chance the Central

Americans have to deal with their own problems on their own terms.

I join Chairman PELL and other members of the Foreign Relations Committee who urged Secretary Shultz not to make the request before that date.

As long as the administration continues to stubbornly insist that peace in Central America can only be achieved by continued U.S. support for the Contra insurgency, it sends exactly the wrong message to the Central American leaders and the people of that region.

A month ago in Guatemala, the leaders of Central America took an extraordinary step toward peace. That agreement presents the United States and its southern neighbors with both an opportunity and a challenge—to chart a new course in Central America.

Deliberately or through mismanagement, the administration is preparing to miss this opportunity—even though the Contra policy has been a disaster for the United States. By any objective, standard support for the Contras has achieved the opposite of what was intended.

It has strengthened—not weakened—the grip of the hard-line Marxists among the Sandinistas.

It has opened the door for increased—not reduced—Soviet and Cuban influence in Central America, by leaving the Sandinistas no alternative but to turn to the Soviet bloc.

It has intensified—not lessened—tensions in a dangerously unstable region, and provided the worse possible atmosphere for the shaky democracies struggling to take root there.

It has divided—not unified—the American people, and prevented the establishment of a broadly based consensus that could provide the foundation for an enduring policy toward that region.

It has caused unspeakable suffering in Nicaragua, where thousands have died in the Contra insurgency.

And, in stimulating the Iran/Contra diversion it led to the most serious assault on our democratic system of checks and balances and accountability in recent history.

The President has never said what his goals are in Nicaragua. In one breath he says we need the Contras to pressure the Sandinistas to restore democracy, and in the next he says the Sandinistas will never agree to democracy. At one moment he denies the goal is to overthrow the Sandinistas, and at another he says the Sandinistas are a beachhead of communism on the American mainland which must not be tolerated. He now insists that anything less than complete American-style democracy in place by midnight on November 7 justifies new funds for the Contras.

That is a recipe for disaster.

What other Central American country, with the possible exception of Costa Rica, has achieved geniune democracy? Not one, including Mexico, a country with 25 times the population of Nicaragua, a one-party political system, a largely state-owned economy, and a thousand-mile border with the United States. As Senator HELMS pointed out last week, Mexico wouldn't know democracy if it fell out the sky. If there is an unstable, shaky regime to our South where we have fundamental interests at stake and where we should be devoting intense attention, it is Mexico. Yet that does not seem to be of much concern to the ideologues in the basement of the White House. They would rather be obsessed with a tiny, impoverished country of 3 million peasants who have suffered centuries of oppression and injustice, several decades of that under a brutal dictatorship propped up by the United States.

The President wants the Guatemalan Peace Plan to fail because it would not automatically oust the Sandinistas from power.

I reject the administration's premise that our security and the security of Central America cannot be protected short of supporting a war to reverse the 1979 revolution in Nicaragua and restore the corrupt oligarchy to power. As long as that remains the central premise of United States policy toward Nicaragua, we are inviting failure.

The people of Nicaragua are fundamentally Western. Most of them don't know where the Soviet Union is, nor do they care. They are not interested in Marxism or even capitalism. They have known only repression and degrading poverty. As Secretary Shultz said last week, they want freedom and prosperity. Now that the dictatorship is gone, they should be left to work out their own system of government by themselves.

That is not to say the United States has no legitimate security interests in Central America. Every Member of Congress knows that it does. So do the Sandinistas. We cannot permit the Soviet Union or any hostile nation to establish a military presence there from which to threaten the security of this hemisphere. Preventing that possibility should be the cornerstone of our policy toward Nicaragua.

If we can negotiate a verifiable INF treaty with the Soviet Union, we and Nicaragua can negotiate a verifiable agreement that the Soviets and Cubans will not establish a military threat in Nicaragua. The Sandinistas have offered to sign such an agreement for the past 4 years.

Our other principal security concern is that Nicaragua not support guerrilla insurgencies to destabilize its neighbors. There will be no peace if the other Central American leaders are not satisfied that Nicaragua will accept this limitation. The Guatemala Peace Plan says that an end to aid to insurgencies is "indispensable" to peace, and we should support the Central Americans in formulating a comprehensive, verifiable agreement on this point. With our superb national technical means of verification, as they are called in arms control, we could help the Central Americans verify Sandinista compliance with the ban on aid to the Salvadoran insurgents.

If the United States and Nicaragua can resolve these concerns, we should be able to begin to improve relations on a wide range of issues. That is in the interest of both countries. Without our help, Nicaragua will never get its economy back on track. Its economic isolation and siege conditions leave it little choice but to seek assistance from the Communist bloc. The time for rhetorical denunciations has passed. We cannot dictate the outcome of events in Nicaragua, but if the Sandinistas are prepared to recognize our security concerns, we can influence events in that country in positive ways.

We can do that by treating Nicaragua the same as we do other small countries we don't agree with. Not by trying to overthrow their government, but by offering its people opportunities to travel and study in the United States and learn about our democratic system, and by offering the kind of help that they so desperately need.

By improving trade and supporting private enterprise.

By sending doctors, teachers, engineers, veterinarians, and other professionals to improve the standard of living of the hundreds of thousands of Nicaraguans who live in poverty.

By keeping a dialog going, recognizing that like every other country in Central and South America and no matter what we do, Nicaragua's political system will never be just like ours.

Nor can we expect to erase overnight a half century of resentment for our support of Somoza and the Contras. Secretary Shultz himself has said that successful diplomacy requires time and patience. Patient diplomacy ultimately reversed decades of hostility and mistrust between the United States and China. Today, this administration is following that course with Mozambique, a Marxist government which nevertheless has indicated a willingness to get along with the West.

We are at a historic crossroad. We can continue a senseless war and shatter the first glimmer of hope for peace in Central America. Or we can stop the hypocrisy and start talking and acting like we truly want peace. I am convinced that only then the freedom and prosperity Secretary Shultz speaks of will finally come to Nicaragua.

MESSAGES FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of February 3, 1987, the Secretary of the Senate, on September 14, 1987, received a message from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received on September 14, 1987, are printed in today's RECORD at the end of the Senate proceedings.)

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Emery, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

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-1833. A communication from the General Counsel of the Securities and Exchange Commission transmitting, pursuant to law, a Report of the U.S. Securities and Exchange Commission on the Financial Guarantee Market: The Use of the Exemption in Section 3(a)(2) of the Securities Act of 1933 for Securities Guaranteed by Banks and the Use of Insurance Policies to Guarantee Debt Securities; to the Committee on Banking, Housing, and Urban Affairs.

EC-1834. A communication from the Assistant Attorney General, transmitting, pursuant to law, the Attorney General's 1986 Annual Report to Congress on the administration of the Equal Credit Opportunity Act for calendar year 1986; to the Committee on Banking, Housing, and Urban Affairs.

EC-1835. A communication from the Comptroller General, transmitting, pursuant to law, a Financial Audit on the Export-Import Bank's 1986 and 1985 Financial Statements; to the Committee on Banking, Housing, and Urban Affairs.

EC-1836. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a report for the design and construction of a Spacecraft Solid Rocket Motor (SRM) High Energy X-Ray Facility at Kennedy Space Center, Florida; to the Committee on Commerce, Science, and Transportation.

EC-1837. A communication from the Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, the U.S. Consumer Product Safety Commission 1989 Budget Request; to the Committee on Commerce, Science, and Transportation.

EC-1838. A communication from the Deputy Associate Director for Royalty Management, U.S. Department of Interior, transmitting, pursuant to law, a report on proposed refunds of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1839. A communication from the Deputy Director for Royalty Management, Department of Interior, transmitting, pursuant to law, a report on proposed refunds of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1840. A communication from the Administrator of General Services, transmitting, pursuant to law, information copies of lease prospectuses; to the Committee on Environment and Public Works.

EC-1841. A communication from the Acting Secretary of the Treasury, transmitting, pursuant to law, notification of a two-month delay of the Statement of Liabilities and Other Financial Commitments of the U.S. Government; to the Committee on Finance.

EC-1842. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Third report of the Maternal and Child Health Services Block Grant Act for the Fiscal Year 1986; to the Committee on Finance.

EC-1843. A communication from the Acting Assistant Secretary of State (Legislative and Intergovernmental Affairs), transmitting, pursuant to law, a report on travel advisories issued by the Department of State for certain countries, which have security implications for Americans traveling or residing in those countries; to the Committee on Foreign Relations.

EC-1844. A communication from the Deputy Assistant Secretary of Defense, transmitting, pursuant to law, notification of a proposed Computer Matching Program Between the Department of Defense and the Department of Education; to the Committee on Governmental Affairs.

EC-1845. A communication from the Assistant Attorney General (Office of Legislative and Intergovernmental Affairs), transmitting for the information of the Senate, U.S. Department of Justice objections to S. 1293; to the Committee on Governmental Affairs.

EC-1846. A communication from the Executive Secretary of the Federal Deposit Insurance Corporation, transmitting, pursuant to law, a report on the establishment of a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-1847. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, "Audit of the Public Service Commission and the Office of the People's Counsel Miscellaneous Taxicab Accounts"; to the Committee on Governmental Affairs.

EC-1848. A communication from the National President of the Women's Army Corps Association, transmitting, pursuant to law, a report on the Financial Statement of the Women's Army Corps Veterans Association for the fiscal year July 1, 1986 through June 30, 1987; to the Committee on the Judiciary.

EC-1849. A communication from the Chief Immigration Judge, U.S. Department of Justice, transmitting, pursuant to law, a report of certain grants of Suspension of Deportation; to the Committee on the Judiciary.

EC-1850. A communication from the President of the National Safety Council, transmitting, pursuant to law, a report of the audit of the financial transactions of the National Safety Council for the fiscal years ended June 30, 1987 and 1986; to the Committee on the Judiciary.

EC-1851. Not assigned.

EC-1852. A communication from the Secretary of Health and Human Services, transmitting pursuant to law, a report on the implementation of the Age Discrimination Act of 1975 during the fiscal year 1986; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute and an amendment to the title and with a preamble:

S.J. Res. 26. A joint resolution to authorize and request the President to call a White House Conference on Library and Information Services to be held not later than 1989, and for other purposes (Rept. No. 100-156).

By Mr. INOUYE, from the Select Committee on Indian Affairs, with an amendment in the nature of a substitute:

H.R. 1567. A bill to provide for the use and distribution of funds awarded to the Cow Creek Band of Umpaqua Tribe of Indians in U.S. Claims Court docket numbered 53-81L and for other purposes (Rept. No. 100-157).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary:

William S. Sessions, of Texas, to be Director of the Federal Bureau of Investigation for the term of ten years (Exec. Rept. No. 100-6).

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. GRAHAM (for himself and Mr. CHILES):

S. 1684. A bill to settle Seminole Indian land claims within the State of Florida, and for other purposes; to the Select Committee on Indian Affairs.

By Mr. HEINZ:

S. 1685. A bill to temporarily suspend the duty on N-methyl aniline and m-chloro aniline; to the Committee on Finance.

By Mr. GRASSLEY (for himself, Mr. DOLE, and Mr. KARNES):

S. 1686. A bill to amend the Internal Revenue Code of 1986 to defer the tax consequences of the repayment of a Commodity Credit Corporation loan with a generic commodity certificate; to the Committee on Finance.

By Mr. SARBANES (for himself, Mr. ADAMS, Mr. CHILES, Mr. COCHRAN,

Mr. EVANS, Mr. GRAHAM, Mr. HEFLIN, Mr. INOUYE, Mr. JOHNSTON, Mr. KERRY, Mr. LEVIN, Ms. MIKULSKI, Mr. NUNN, Mr. SANFORD, Mr. STENNIS, Mr. TRIBLE, and Mr. WARNER):

S.J. Res. 188. A joint resolution designating the week of November 1 through November 7, 1987, as "National Watermen's Recognition 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. HEFLIN:

S. Con. Res. 72. A concurrent resolution authorizing a bust or statue of James Madison to be placed in the Capitol; to the Committee on Rules and Administration.

STATEMENT ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRAHAM (for himself and Mr. CHILES):

S. 1684. A bill to settle Seminole Indian land claims within the State of Florida, and for other purposes; to the Select Committee on Indian Affairs.

SEMINOLE INDIAN LAND CLAIMS SETTLEMENT ACT

Mr. GRAHAM. Mr. President, my colleague, Senator CHILES, and I are pleased to introduce today a bill which settles a longstanding dispute involving the Seminole Tribe, the State of Florida, and the Federal Government.

The Seminole Indian Land Claims Settlement Act of 1987 will compensate the Seminoles for land taken by the Federal Government.

It will resolve a Seminole grievance over a critical water flowage easement controlled by the South Florida Water Management District. It will secure the continued use of that easement which is essential for the provision and regulation of the water supply for the residents of South Florida coastal cities, including Miami and Fort Lauderdale, and of large agricultural areas.

By monetary compensation and by the transferral of some lands to the United States to be held in trust for the tribe, an 11-year legal dispute over water rights and land claims will be put to rest, that action will remove the cloud over many land titles in Florida, and the attendant hardship to present landowners.

Under the act, a 9,600-acre tract of land which is now in the East Big Cypress Reservation, will be added to an existing Seminole reservation and held as a Federal reservation for the Seminole Tribe, those lands will be subject to Florida civil and criminal law, specifically, Florida laws on alcoholic beverages, gambling and cigarette sales.

Seminole land and water rights in Florida have been disputed since before the 1939 Presidential Executive order which attempted to resolve the claims the Seminoles had nearly 150 years ago.

Both Senator CHILES, who is an enthusiatic cosponsor of this legislation, and I are relieved to have at last reached an accommodation agreeable to all parties.

I urge my distinguished colleagues to support and vote for the Seminole Indian Land Claims Settlement Act so that we may expeditiously resolve these complicated issues without further delay.

Mr. President, I ask unanimous consent to submit a section-by-section analysis of this bill for printing in the RECORD.

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

SECTION-BY-SECTION ANALYSIS OF THE SEMINOLE INDIAN LAND CLAIMS SETTLEMENT ACT OF 1987

In general, the bill follows the form of the Florida Indian Land Claims Settlement Act, approved by Congress in 1982, which settled Miccosukee land claims in Florida.

Sec. 1 names the Act the "Seminole Indian Land Claims Settlement Act of 1987."

Sec. 2 defines various terms for the purposes of this legislation. Specifically *Subsections (a)* through *(d)* provide identifying definitions for the Seminole Tribe, State of Florida and South Florida Water Management District—the three parties to the Settlement Agreement—and for the Secretary of the Interior. *Subsection (e)* defines the phrase "lands or natural resources" allinclusively, specifying interests or rights in minerals, timber, water, hunting and fishing. *Subsection (f)* defines "Settlement Agreement" as the negotiated agreement between the parties. It establishes the parties' intent to settle a pending lawsuit and extinguish other pending or potential claims of the Tribe to lands or natural resources in Florida. It notes that the agreement provides for the State and District to buy certain real property interests from the Tribe. *Subsection (g)* defines "settlement funds" as those the State and District will pay to the Tribe for these interests under the agreement. *Subsection (h)* defines "Compact" as the Water Compact incorporated into the Settlement Agreement. The Compact defines precisely Seminole water rights and how they may be used within the Water District.

Sec. 3 recites findings and declarations by Congress which explain the need for the legislation and the congressional purpose in enacting it. Specifically, the legislation will settle the 1978 lawsuit entitled *Seminole Tribe of Indians of Florida v. State of Florida, et al*, involving a Seminole claim to certain lands within Florida. The pending suit challenged the District's right to a flowage easement, granted by the State in 1951 over lands reserved to the Tribe under State law, without the consent of the Tribe or the United States and without compensation to the Tribe. The District uses the easement for a water flowage and storage area, part of a federally-authorized flood control project in central or southern Florida. This area is essential for the provision and regulation of the water supply of residents of south Florida coastal cities, including Miami, Hollywood and Ft. Lauderdale, and of large agricultural areas.

The Tribe also has unresolved claims to other Florida areas, based on an 1839 Presidential Executive Order, and on tribal aboriginal possession rights never extinguished. The Tribe has asserted—but not filed suit on—these additional claims. The pending lawsuit and unresolved claims could cloud many land titles in Florida, even to land not involved in the present lawsuit, resulting in economic hardship for present landowners.

Congress in 1976 appropriated $16 million to pay a judgment won by the Seminole Nation for compensation for land taken *by the United States*. The Settlement Agreement, which all parties have signed, resolves any remaining unfiled Seminole land claims *against the State and District*, and settles the pending lawsuit. It provides for both money payments and conveyance of land in trust for the Tribe to the United States, and requires implementing legislation by both Congress and the Florida legislature. Congress shares the desire of the parties to settle the lawsuit and other Seminole land claims without imposing new cost burdens on the United States.

The water rights claimed by the Tribe are disputed, and amicable settlement is desirable. The Tribe and District have reached agreement—detailed in the Compact—which when Congress approves it, will substitute precisely defined water rights for the Tribe's undefined and disputed water rights claims.

Sec. 4 requires the Secretary to make findings that the State and District have paid the settlement funds to the Tribe, and waived certain claims against the Tribe (required by Section 5c of the Settlement Agreement), and that the State has enacted the required implementing legislation. It prevents Section 5 from taking effect until 180 days after enactment, or after the Secretary has made the required findings, whichever occurs last. *Subsection 5(a)* requires the Secretary—*after* making the required findings—to publish them in the Federal Register with the Settlement Agreement. On this publication, the Tribe's commitments become effective. The land and resource transfers made by the Tribe are deemed constitutional and in conformity with applicable federal law, including the so-called Indian Non-Intercourse Act. Congress specifically approves the Indian land and resource transfers in the Settlement Agreement, including the Compact and related exhibits.

Under *Subsection (b), Paragraph (1)*, all Seminole tribal aboriginal title claims in Florida are extinguished, unless specified as an excepted interest in Paragraph 4a of the Settlement Agreement. All prior land or resource transfers by the Tribe to the State or federal government pursuant to statute or treaty are validated. Under *Paragraph (2)*, any Seminole tribal land and resource claims arising *after* the transfers validated by Paragraph 1 which depend on retention of interest in rights to the land or resources transferred are extinguished. Specifically extinguished are damage claims for trespass or use and occupancy. *Paragraph (3)* leaves *unaffected* any individual Indian claims not derived from or through the Seminole (or some other) Indian tribe. *Paragraph (4)* sets out the exclusive procedure under which an individual Indian or non-Seminole tribe, claiming a loss of property by extinguishment of a claim or validation of a transfer under Section 5, may seek relief. The claimant must, within 180 days of the Secretary's publication of findings, bring suit against

the State and the United States in the U.S. District Court for the Southern District of Florida. The only remedy afforded in any such action is a proportionate share of the $16 million Seminole Judgment Fund previously appropriated by the Congress.

Subsection 6(a) authorizes and directs the Secretary to take immediately into trust—regardless of clouds on title—approximately 15 sections of land in the northwest corner of Broward County, Florida, presently part of the East Big Cypress (State) Reservation. The land will be held as a federal reservation for the use and benefit of the Seminole Tribe, subject to the criminal and civil jurisdiction of the State (assumed under Florida Statutes Section 285.16, which permits the civil and criminal laws of Florida to obtain on all Indian reservations within the State to the same extent as elsewhere throughout the State).

Subsection 6(b) requires the Secretary within two years of enactment to conduct a cadastral survey of all Seminole reservations in Florida—including the 15 sections described in subsection 6(a)—and publish correct legal descriptions in the Federal Register within 180 days after completing the survey.

Subsection 6(c) authorizes and directs the Secretary—if the parties subsequently agree that additional lands exchanged with, or acquired by, the Tribe under Paragraph 6 of the *settlement agreement* should be held in federal trust as a reservation for the Tribe—to accept such lands under the agreed terms and conditions subject to the same assumption of jurisdiction by the State as the lands in Subsection 6(a), unless the State eventually retrocedes jurisdiction to the Tribe. Specifically, Florida laws on alcoholic beverages, gambling, and sale of cigarettes will be enforceable within the transferred lands. Tribal sovereignty over the lands, except for these three specified areas, will be the same as for other Indian reservations.

The legislation leaves unchanged applicable federal restrictions on alienation, encumbrance and taxation of Indian trust property; leaves unaffected any federal hunting, fishing or trapping rights, privileges or immunities the Tribe or its members now enjoy; and grants no new civil jurisdiction to the State over Indian property. The transfer conveys no new water rights to the Tribe, except as defined in the Compact.

Sec. 7 provides that the Water Compact shall have the force and effect of federal law.

Subsection 8(a) bars any action to contest the constitutionality of this legislation, unless filed within 180 days of enactment in the U.S. District Court for the Southern District of Florida. *Subsection (b)* provides the same Federal court with exclusive jurisdiction over any controversy arising under the Settlement Agreement, Compact, or private agreement between the Tribe and any third party, notwithstanding any immunity from suit enjoyed by any of the parties, but the Court has no jurisdiction to award money damages against any of the parties to the settlement agreement. Expedited court proceedings are mandatory within sound judicial discretion.

Sec. 9 provides that if part or all of the Settlement Agreement is ever invalidated, affecting any of the commitments made by the State or District, the Compact shall no longer be of any force and effect, and the Tribe and its members will be released of its commitments as if never enacted, and the approvals of transfers and extinguishment of claims and aboriginal title will be void retroactively.

Sec. 10 provides that the Act becomes effective upon enactment.

● Mr. CHILES. Mr. President, I am pleased to join with my colleague from Florida [Mr. GRAHAM] in introducing the Seminole Indian Land Claims Settlement Act of 1987.

The bill we introduce today is not only vitally important to the Seminole Tribe of Florida, but also to many Floridians whose water and property rights are beneficially affected by the settlement this legislation approves. One unique aspect of the water rights compact, part of the settlement, is that it is the first large-scale water rights settlement anywhere between tribal and State authorities before litigation was filed. As such, it offers an alternative for solving future water rights disputes.

This settlement apparently benefits all parties involved; that is, the Indian tribe, the State of Florida, and the South Florida Water Management District. Agricultural and urban customers of the South Florida Water Management District, including residents of Miami, Hollywood, and Fort Lauderdale, also stand to benefit from approval of the settlement. The settlement also enjoys the enthusiastic support of conservationists and environmentalists throughout Florida who are concerned about the restoration of the Everglades.

According to dictates of law, the settlement must be approved by many entities, including the U.S. Congress and finally the Federal court. The package has already been approved by Governor Martinez of Florida, the Cabinet (which functions independently under Florida law), both Houses of the Florida legislature, the Seminole Tribe, and the South Florida Water Management District.

I particularly want to mention the instrumental role played by my friend and colleague, BOB GRAHAM, who, as Florida's Governor, helped create an atmosphere conducive to successful completion of negotiations. I pay tribute to Senator GRAHAM's continuing leadership in bringing this legislation to the Senate for approval.

Similar legislation is being introduced in the House of Representatives.

As chairman of the Committee on the Budget, I am very pleased to report that this settlement will impose no new costs on the United States. But if the litigation continues because Congress does not approve this legislation promptly, the United States would be obligated, under its responsibility to protect the trust resources of the Seminole Tribe, to support financially the tribe's suit. This could be expensive.

This settlement arises out of a 1975 dispute between the Seminole Indians and the Trustees of the Internal Improvement Trust Fund [TIITF], an entity primarily responsible for developing State lands. However, under Florida law, the TIITF is also charged with preserving the Seminole Tribe's use and benefit of the East Big Cypress Reservation lands, "forever". (The Department of Interior holds three Seminole reservations, Brighton, West Big Cypress, and Hollywood, in trust for the Seminoles.) The conflicting duties assigned the TIITF came to a head when the trustees conveyed a water flowage easement over Seminole lands in the East Big Cypress Reservation to the South Florida Water Management District. The trustees conveyed the easement without compensating the Seminole Tribe nor obtaining Seminole approval.

The Water Management District uses the easement for water flowage and storage, as part of a flood control project in Central and Southern Florida. The easement has become essential to the district in providing water and regulating water supplies to South Florida coastal cities and agricultural areas.

The District subsequently flooded the lands within the easement, including those within the East Big Cypress Reservation, denying the Seminoles any use of the lands.

The Seminole Tribe sued the State and the Water Management District in 1978, and the case continued through years of litigation. In early 1985, negotiations for a settlement began, culminating in this agreement.

I would like to summarize the primary components of the agreement. First, the lawsuit and claims it presents against the State of Florida and the South Florida Water Management District would be settled. Of course, the settlement is subject to Federal court approval following congressional action.

Second, the Seminole Tribe will convey some 14,470 acres within the water conservation area to the State of Florida, thereby surrendering its rights to this property.

Third, the Tribe will sell to the State, at a mutually agreed upon price representing its present fair market value, the part of the East Big Cypress State Reservation which is in Palm Beach County, FL, and not subject to the flowage easement. The State wants this land for the Rosenberger Tract Everglades restoration program, and agrees as part of the settlement to maintain this land in its natural state in perpetuity.

Fourth, the tribe will waive its asserted but never filed claim to a 5 million acre reservation set-up by Presidential Executive order in 1839, and to any other claims to Florida land resulting from unextinguished aboriginal title—with one specified exception.

Without the settlement, the unresolved claims and pending lawsuit

could cloud many Florida land titles, including land not involved in the present suit, thereby causing economic hardship for present landowners.

Fifth, the Tribe would receive approximately $7 million from the State of Florida and another $500,000 from the Water Management District, the latter in the form of in-kind technical services for waste development on the West Big Cypress and/or Brighton Reservation, to help the tribe develop an agricultural base.

Sixth, the remaining approximately 16 sections of the East Big Cypress State Reservation, including three sections now subject to the disputed water flowage easement, but not necessary to the flood control project, would be transferred by the State into Federal trust for the continued benefit of the Seminole Tribe. The district would release any rights it may have obtained under the disputed flowage easement to these three sections. This land transfer is subject to the restrictions that bingo operations and tax exempt cigarette sales may not be conducted on them. State liquor laws would also continue to apply on these lands.

Seventh, an integral part of the settlement is a separate water rights compact, which probably completely avoids otherwise inevitable, imminent, large scale litigation involving the nature of Seminole tribal water rights and their relationship to Florida water law.

Mr. President, this litigation alone would probably have cost the United States millions of dollars, and have delayed any coordinated water use, conservation or quality improvement plans for the area, which has frequent critical water shortages. And, it would have tied up the restoration of the Everglades.

Upon congressional approval, the compact will have the force of Federal law. Under it, the tribe will regulate its own water use through a newly created Tribal Water Office. The tribe will not need permits nor be subject to district processes, but it must follow the essential aspects of Florida's ground water management plans, and, of course, Federal environmental laws, which would apply in any case. The Tribal Water Office must seek advance approval for its water development and use plans, and must use processes equivalent to those of the district's for plan approval and for dispute resolution.

Attached to the compact is a criteria manual detailing the required processes along with technical provisions. The parties may amend the manual any time by agreement, but any compact amendment requires the consent of both Congress and the Florida Legislature.

Under the compact, the tribe will get an immediate preference for development of its ground water, and, in the future, the highest priority permissible under Florida law. The Seminole water rights defined in the compact will be perpetual, not subject to renewal by State authorities.

The district guarantees the tribe 15 percent of the available surface water in the Brighton area and a comparable percentage on the Big Cypress Reservation. And the tribe gives up its claim to any other water rights except those defined in the compact. The compact requires the district to conduct an investigation of recent tribal water shortages in the Brighton area by year's end and produce a proposal to cure those shortages a month later.

Congress is required to approve this settlement because of the provisions involving purchase of tribal lands by the State, and those which entail extinguishing various land claims.

I urge my colleagues to put this legislation on the fast track. If it is not approved by the end of this session, it may begin to unravel, costing the tribe, the people of Florida, and taxpayers of the United States.●

By Mr. GRASSLEY (for himself, Mr. DOLE, and Mr. KARNES):

S. 1686. A bill to amend the Internal Revenue Code of 1986 to defer the tax consequences of the repayment of a Commodity Credit Corporation loan with a generic commodity certificate; to the Committee on Finance.

TAX TREATMENT OF PIK TREATMENT

Mr. GRASSLEY. Mr. President, joining with my colleagues Senator DOLE and Senator KARNES, I would like to introduce a bill today amending the Internal Revenue Code to eliminate an inequity thrust upon American farmers.

In March of this year, the Internal Revenue Service published revenue ruling 87-17 regarding the tax treatment of generic commodity certificates. The regulation stated that upon reduction of a CCC loan with commodity, or, as more commonly called, PIK certificates, the producer is required "to redeem and sell to the CCC a quantity of the commodity pledged as collateral for the CCC loan."

The redemption of CCC loans with PIK certificates, a procedure called PIK and roll, is a standard practice in agriculture. The purpose of the PIK and roll procedure is to enable farmers to utilize the advantage of the Government farm programs and to also free up available on-farm storage. The program benefits farmers, grain merchandisers, and the CCC by allowing held grain stocks to move toward terminal markets.

The IRS ruling, however, could virtually eliminate the use of the PIK and roll as farmers learn of the devastating consequences involved.

The most severe of the consequences concerns farmers who have redeemed a commodity loan and also utilized the PIK and roll procedure within the same year. Consider an example. A farmer places his grain under Government loan in 1985 and receives payment. According to the law, he can defer treating this as taxable income until the end of the 9-month loan period—for purposes of our example—the next year. If a farmer utilizes this option and then uses the PIK and roll procedure on the 1986 crop, the harmful tax consequences of 87-17 are triggered. By deferring payment until 1986, the farmer has made a sale within 1986. In addition, according to 87-17, the redemption of the CCC loan is another sale the farmer must record for 1986. Although the farmer has only received one payment for the crop, the IRS has recorded the transaction as two sales instead of one. The bottom line is that although the farmer's actual income stays the same, his IRS income is reported as being doubled, and as a result his tax bill skyrockets.

If people utilizing the PIK and roll procedure had been notified by the ASCS that the redemption of their CCC loan would be treated as a sale for tax purposes, it is possible alternate plans could have been made. Until recent publicity, however, State and county ASCS personnel had not clarified to farmers the true nature of the loan redemption.

This should be a simple matter to correct. It is evident that when a farmer is repaying a Government commodity loan, the procedure does not involve a sale of the grain which had been under loan. I urge my colleagues to join me in amending the Internal Revenue Code so people utilizing the PIK and roll procedure will not be subject to this unfair double taxation.

Mr. DOLE. Mr. President, today Senators GRASSLEY, KARNES, and I are introducing legislation to prevent unfair tax treatment for farmers who use the so-called PIK and roll procedure.

BACKGROUND

Last spring, after most farmers had completed their tax returns, the IRS issued a ruling on the tax treatment of commodity certificates. The ruling, based on USDA regulations, effectively results in treating PIK and roll transactions as a sale of grain to the Commodity Credit Corporation [CCC] and repurchase of that grain from the CCC. This means that farmers who redeem their loans could find the redemption of the loan treated as a sale for tax purposes.

If the IRS ruling considers PIK and roll as a sale of grain to the Government rather than a redemption or paying off of the loan, then farmers could face a tax liability at the time the farmer uses PIK and roll, rather than at the time a farmer actually

markets the grain, which in many cases is the following calendar year.

Many ASCS offices had not been apprised of this interpretation of PIK and roll tax treatment. We need to ensure that farmers do not face a surprise tax as a result of using PIK and roll. PIK and roll has been a valuable marketing tool, allowing grain to flow through market channels and opening storage space in many Midwestern States. We need to be sure we do not cause any unintended disruptions, especially when we are preparing for this fall's harvest.

CONCLUSION

Mr. President, the farmer who redeems his loan using PIK and roll is simply trying to pay off his loan and acquire the grain which he had pledged as collateral for the loan. The legislation we are introducing would give him an option as to when he would face a tax liability—either the earlier of when the commodity securing the loan is sold or when the loan would normally have matured.

By Mr. SARBANES (for himself, Mr. ADAMS, Mr. CHILES, Mr. COCHRAN, Mr. EVANS, Mr. GRAHAM, Mr. HEFLIN, Mr. INOUYE, Mr. JOHNSTON, Mr. KERRY, Mr. LEVIN, Ms. MIKULSKI, Mr. MURKOWSKI, Mr. NUNN, Mr. SANFORD, Mr. STENNIS, Mr. TRIBLE, and Mr. WARNER):

S.J. Res. 188. Joint resolution designating the week of November 1 through November 7, 1987, as "National Watermen's Recognition Week"; to the Committee on the Judiciary.

NATIONAL WATERMEN'S RECOGNITION WEEK

● Mr. SARBANES. Mr. President, today I am introducing a joint resolution which would designate the week of November 1 through November 7, 1987, as "National Watermen's Recognition Week."

The American watermen, a group consisting of commercial fishermen, crabbers, oystermen, lobstermen, and all other persons who earn a living on the waters, contribute significantly to the Nation's economy and our traditions through their expertise and skill.

In 1986, the United States ranked fifth among world producers of fishery products, with a product value of $5.2 billion. Furthermore, in 1986, the consumption of edible fish and shellfish meat in the United States reached a high of 14.7 pounds per capita, the national supply of edible fishery products reached a record high of 9.6 billion pounds, and the total export value of domestic fishery products increased 25 percent from 1985 to $1.4 billion.

In Maryland, the watermen and women have from colonial times contributed to the economic foundation of the State. The harvesting of fish, crabs, oysters, and clams, each in its season of abundance in the pristine waters of early America became both a way of life and an important industry which has grown in importance ever since. Through backbreaking work in often dangerous waters under all weather conditions, America's watermen and women have built the multibillion-dollar fisheries which bring high quality protein to America and the world.

Today, the waters are no longer pristine. Often the watermen are the first to notice changes in water quality, for it means lighter nets and empty bushel baskets. In Maryland, the entire striped bass fishery had been closed in the hope of reversing the dramatic decline in numbers of this important commercial species. The watermen who depended on the striped bass were called upon to give up their livelihood and find another.

Under the leadership of Larry Simns, president of the Maryland Watermen's Association, those who make their livings on the water continue to meet the demand for high quality seafood. The Chesapeake Bay is resilient and is responding to efforts directed at improving water quality. It will require a sustained and comprehensive cleanup program to restore the full vitality and abundance of the Chesapeake Bay.

"National Watermen's Recognition Week" will symbolize the maintenance and husbandry of the natural resources on which watermen depend for their future well-being. The resolution will urge and empower the President to issue a proclamation requesting that the people of the United States observe that week with suitable ceremonies and festivities.●

● Ms. MIKULSKI. Mr. President, I am very pleased to join my colleague, the senior Senator from Maryland, Senator SARBANES, in introducing a resolution to honor our Nation's commercial watermen. Designating the week of November 1 through November 7, 1987, as "National Watermen's Recognition Week" will bring to the attention of all the work done by the many American men and women who earn a living on oceans, bays, and rivers.

The resolution highlights the importance of watermen to our Nation's economy. Due to their efforts, the United States ranks fifth among all the world producers of fishery products. Seafood and fishery products were valued at $5.2 billion in 1986.

Fish consumption has reached a record high in the United States. In 1986, per capita consumption was 14.7 pounds of fish and shellfish.

Watermen play an especially important role in Maryland since the Chesapeake Bay cuts across our State. The Chesapeake Bay is the largest estuary in North America, bordered by some 8,000 miles of shoreline. Generations of Chesapeake Bay watermen have reaped rich harvests of finfish, oysters, clams, and crabs.

Mr. President, we in Maryland are proud of our bay and our watermen. The bay and the watermen are part of our history and our heritage. We have the bluest crabs, the finest oysters, and the best watermen to be found anywhere. That is the legacy we want to pass on to our children and our grandchildren.

Watermen work long hours in difficult and hazardous conditions. Many learned to be crabbers, clammers, shrimpers, oyster and lobstermen from their fathers, who learned from their fathers. I hope that the watermen of today will teach their sons and daughters the ways of the commercial fishermen.

This resolution not only acknowledges and pays tribute to these fine American workers but also reminds the American people of the importance of saving our waterways threatened by pollution. We need to secure to future generations of watermen and the industries they support a livelihood and a way of life.●

ADDITIONAL COSPONSORS

S. 2

At the request of Mr. BYRD, the names of the Senator from Connection [Mr. DODD] and the Senator from Louisiana [Mr. BREAUX] were added as cosponsors of S. 2, a bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes.

S. 9

At the request of Mr. CRANSTON, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 9, a bill to amend title 38, United States Code, to increase the rates of disability compensation and dependency and indemnity compensation for veterans and survivors; to provide additional eligibility for certain educational or rehabilitation assistance to veterans and other eligible individuals with drug or alcohol abuse disabilities; to increase the maximum amount of a home loan which is guaranteed by the Veterans' Administration; to improve housing, automobile, and burial assistance programs for service-disabled veterans; and to extend and establish certain exemptions from sequestration for certain veterans' benefits; and for other purposes.

S. 39

At the request of Mr. MOYNIHAN, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 39, a bill to amend the Internal Revenue Code of 1986 to make the exclu-

sion from gross income of amounts paid for employee educational assistance permanent.

S. 129

At the request of Mr. DOMENICI, his name was added as a cosponsor of S. 129, a bill to authorize and amend the Indian Health Care Improvement Act, and for other purposes.

S. 303

At the request of Mr. BRADLEY, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 303, a bill to establish a Federal program to strengthen and improve the capability of State and local educational agencies and private nonprofit schools to identify gifted and talented children and youth and to provide those children and youth with appropriate educational opportunities, and for other purposes.

S. 889

At the request of Mr. KARNES, his name was added as a cosponsor of S. 889, a bill to amend the Communications Act of 1934 to provide for fair marketing practices for certain encrypted satellite communications.

S. 998

At the request of Mr. DECONCINI, the names of the Senator from Mississippi [Mr. COCHRAN] and the Senator from New York [Mr. D'AMATO] were added as cosponsors of S. 998, a bill entitled the "Micro Enterprise Loans for the Poor Act."

S. 1260

At the request of Mr. BUMPERS, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 1260, a bill entitled the "Federal Land Exchange Facilitation Act of 1987."

S. 1346

At the request of Mr. MATSUNAGA, the names of the Senator from Michigan [Mr. RIEGLE] and the Senator from New York [Mr. MOYNIHAN] were added as cosponors of S. 1346, a bill to amend the National Labor Relations Act to give employers and performers in the performing arts rights given by section 8(e) of such act to employers and employees in similarly situated industries, to give employers and performers in the performing arts the same rights given by section 8(f) of such act to employers and employees in the construction industry, and for other purposes.

S. 1370

At the request of Mr. BUMPERS, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 1370, a bill to provide special rules for health insurance costs of self-employed individuals.

S. 1397

At the request of Mr. CRANSTON, the names of the Senator from Tennessee [Mr. GORE] the Senator from Kentucky [Mr. FORD], and the Senator from Montana [Mr. BAUCUS] were added to cosponsors of S. 1397, a bill to recognize the organization known as the Non Commissioned Officers Association of the United States of America.

S. 1437

At the request of Mr. NICKLES, his name was added as a cosponsor of S. 1437, a bill to make certain members of foreign diplomatic missions and consular posts in the United States subject to the criminal jurisdiction of the United States with respect to crimes of violence.

S. 1490

At the request of Mr. SARBANES, the name of the Senator from Washington [Mr. ADAMS] was added as a cosponsor of S. 1490, a bill to designate certain employees of the Librarian of Congress as police, and for other purposes.

S. 1554

At the request of Mr. FOWLER, the names of the Senator from Mississippi [Mr. COCHRAN] and the Senator from Arkansas [Mr. PRYOR] were added as cosponsors of S. 1554, a bill to provide Federal assistance and leadership to a program of research, development and demonstration of renewable energy and energy conservation, and for other purposes.

S. 1561

At the request of Mr. BOND, the names of the Senator from Georgia [Mr. FOWLER], the Senator from Alabama [Mr. HEFLIN], and the Senator from Minnesota [Mr. BOSCHWITZ] were added as cosponsors of S. 1561, a bill to provide for a research program for the development and implementation of new technologies in food safety and animal health, and for other purposes.

S. 1562

At the request of Mr. STEVENS, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of S. 1562, a bill to implement the provisions of annex V to the International Convention for the Prevention of Pollution from Ships.

S. 1575

At the request of Mr. KENNEDY, the name of the Senator from Washington [Mr. EVANS] was added as a cosponsor of S. 1575, a bill to amend the Public Health Service Act to establish a grant program to provide for counseling and testing services relating to acquired immune deficiency syndrome and to establish certain prohibitions for the purpose of protecting individuals with acquired immune deficiency syndrome or releated conditions.

S. 1578

At the request of Mr. STEVENS, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 1578, a bill to amend chapter 83 of title 5, United States Code, to provide civil service retirement credit for service performed under the Railroad Retirement Act, and for other purposes.

S. 1673

At the request of Mr. CHAFEE, the names of the Senator from Hawaii [Mr. MATSUNAGA], and the Senator from New Hampshire [Mr. HUMPHREY] were added as cosponsors of S. 1673, a bill to amend title XIX of the Social Security Act to assist individuals with a severe disability in attaining or maintaining their maximum potential for independence and capacity to participate in community and family life, and for other purposes.

SENATE JOINT RESOLUTION 26

At the request of Mr. PELL, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of Senate Joint Resolution 26, a joint resolution to authorize and request the President to call a White House Conference on Library and Information Services to be held not later than 1989, and for other purposes.

SENATE JOINT RESOLUTION 76

At the request of Mr. NICKLES, his name was added as a cosponsor of Senate Joint Resolution 76, a joint resolution to designate the week of October 4, 1987, through October 10, 1987, as "Mental Illness Awareness Week."

SENATE JOINT RESOLUTION 111

At the request of Mr. HEINZ, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of Senate Joint Resolution 111, a joint resolution to designate each of the months of November 1987, and November 1988, as "National Hospice Month."

SENATE JOINT RESOLUTION 134

At the request of Mr. NICKLES, his name was added as a cosponsor of Senate Joint Resolution 134, a joint resolution to designate the week commencing on the third Sunday in May 1988, as "National Tourism Week."

SENATE JOINT RESOLUTION 147

At the request of Mr. LEVIN, the names of the Senator from Missouri [Mr. DANFORTH], the Senator from Nebraska [Mr. EXON], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from Wisconsin [Mr. KASTEN], the Senator from Alabama [Mr. SHELBY], and the Senator from Vermont [Mr. STAFFORD] were added as cosponsors of Senate Joint Resolution 147, a joint resolution designating the week beginning on the third Sunday of September in 1987 and 1988, as "National Adult Day Care Center Week."

SENATE JOINT RESOLUTION 148

At the request of Mr. D'AMATO, the names of the Senator from Texas [Mr. GRAMM], the Senator from Colorado [Mr. ARMSTRONG], the Senator from Delaware [Mr. BIDEN], and the Senator from Montana [Mr. BAUCUS] were added as cosponsors of Senate Joint Resolution 148, a joint resolution designating the week of September 20,

1987, through September 26, 1987, as "Emergency Medical Services Week."

SENATE JOINT RESOLUTION 168

At the request of Mr. MELCHER, the names of the Senator from Wyoming [Mr. SIMPSON], and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of Senate Joint Resolution 168, a joint resolution designating the week beginning October 25, 1987, as "National Adult Immunization Awareness Week."

SENATE JOINT RESOLUTION 172

At the request of Mr. BRADLEY, the names of the Senator from Nebraska [Mr. EXON], the Senator from Missouri [Mr. DANFORTH], the Senator from Georgia [Mr. NUNN], and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of Senate Joint Resolution 172, a joint resolution to designate the period commencing February 21, 1988, and ending February 27, 1988, as "National Visiting Nurse Association Week."

SENATE JOINT RESOLUTION 174

At the request of Mr. SIMON, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of Senate Joint Resolution 174, a joint resolution designating the week beginning November 15, 1987, as "African American Education Week."

SENATE CONCURRENT RESOLUTION 23

At the request of Mr. CRANSTON, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of Senate Concurrent Resolution 23, a concurrent resolution designating jazz as a American national treasure.

SENATE CONCURRENT RESOLUTION 43

At the request of Mr. STEVENS, the names of the Senator from West Virginia [Mr. ROCKEFELLER], and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of Senate Concurrent Resolution 43, a concurrent resolution to encourage State and local governments and local educational agencies to provide quality daily physical education programs for all children from kindergarten through grade 12.

SENATE RESOLUTION 219

At the request of Mr. DASCHLE, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of Senate Resolution 219, a resolution expressing the sense of the Senate with respect to the use of ethanol, methanol, and other oxygenated fuels as an accepted air pollution control strategy in nonattainment areas designed by the Environmental Protection Agency.

SENATE CONCURRENT RESOLUTION 72—AUTHORIZING A BUST OR STATUE OF JAMES MADISON TO BE PLACED IN THE CAPITOL

Mr. HEFLIN submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 72

Resolved by the Senate (the House of Representatives concurring), That the Joint Committee on the Library is authorized and directed to procure a bust or statue of James Madison and to cause such sculpture to be placed in a suitable location in the Capitol as determined by the Joint Committee on the Library.

SEC. 2. Expenses incurred by the Joint Committee on the Library in carrying out this concurrent resolution, which shall not exceed $25,000, shall be paid out of the contingent fund of the Senate on vouchers approved by the chairman of the joint committee.

Mr. HEFLIN. Mr. President, I rise today to submit a concurrent resolution which would commission and erect a statue or bust of James Madison in the U.S. Capitol.

On September 17, we will celebrate the signing of our Nation's Constitution—a miracle that happened in Philadelphia 200 years ago. Many powerful statesmen of the day objected to changing the Articles of Confederation, a form of government that for 6 years had loosely united the Thirteen Colonies. But fortunately, in the end, several brilliant young theorists emerged—including James Madison, who without question is the Father of the Constitution—to bridge the divisions and create a new form of government.

In giving thought to the Constitution and Madison's role in its creation, I have walked the halls and corridors of the U.S. Capitol in search of a statue, bust, or portrait of James Madison but discovered there were none.

I, then, turned to the Senate Curator's office which confirmed my findings. According to the Curator's Office, the only remnants of this great man's service to our country, a portrait and medallion, were burned in an 1851 fire of the U.S. Capitol. In light of the upcoming celebration of our Nation's Constitution, I would deem it an appropriate time to erect a statue or bust of James Madison in the Capitol.

James Madison has made an extraordinary impact on this Nation's history. During his distinguished career, he served in both the Virginia and national legislatures, supervised the construction of the United States Constitution and the Bill of Rights, coauthored the famous Federalist Papers, served as Secretary of State to President Thomas Jefferson, and completed two terms as President of the United States. His lifelong friend and colleague, Thomas Jefferson, once called Madison "the greatest man in the world."

As we all take time to reflect on the bicentennial of the Constitution, we should remember those Founding Fathers, who created a document that has wisely guided us for 200 years through the crises of wars, social unrest, and economic depression and the productive, stable years of peace and economic prosperity.

Mr. President, I would like to share with my colleagues the life history of James Madison, one of our greatest Founding Fathers.

A scion to the planter aristocracy, James Madison was born the eldest of 10 children in 1751 at Port Conway, King George County, VA. In his youth, Madison received his early education from his mother, private tutors, and at a private school. An avid scholar and diligent student, Madison received his BA degree from the College of New Jersey (Princeton University) in 1771. There, Madison became intrigued by British philosophers, including John Locke. In Locke's writings, then about 100 years old, Madison found confirmation of many of his beliefs: Property holding as means to ensure liberty, insistence on religious tolerance, and the right of men to rebel against an oppressive government. Madison stayed an additional year to study Hebrew and ethics, which many believe an indication that he considered the ministry as a career.

However, Madison abandoned a career in the ministry and returned to his lifelong home, Montpelier, where he contemplated his future. Embracing the patriot cause, Madison became interested in the political struggle of the day and immersed himself for the next several years in State and local politics, serving on the Orange County Committee of Safety, as a delegate to the Virginia Constitutional Convention, in the Virginia House of Delegates, and on the Council of State.

From 1780 to 1783 Madison served in the Continental Congress and again from 1786–88. He later took a prominent role in bringing about the series of conventions which led to the Annapolis Convention of 1786 and was also instrumental in the convening of the Constitutional Convention in 1787.

It was perhaps at the Constitutional Convention that James Madison was most influential in his political career. During that long, hot summer in Philadelphia in 1787, James Madison, who was no doubt a preeminent figure at the Constitutional Convention, and the other 55 delegates struggled to create a more perfect Union.

The framers of the Constitution engaged in the arduous task to create a union that embraced the thought of the 18th century "Age of Enlightenment"—that the government comes from below, not from above; that power comes from the consent of the governed, of the people; that men are born equal before the law and have certain inalienable rights; and that it is insightful and practical to distribute and balance the powers between local and national governments.

Since 1781, the Articles of Confederation had governed the Thirteen Colonies. This form of government left the colonies weak and inefficient; therefore, a change in governmental structure was essential.

Determined to achieve a revision in the government and prevent the establishment of a monarchy or breakup of the Confederation into "three more practicable and energetic Governments," Madison busily prepared himself for the convention.

His years of study of the history of ancient and modern forms of government prepared him for the difficult task that lay before him and his colleagues. Madison's eventual suggestions, drawn up by the Virginia delegates and submitted to the Convention in its early days, were embodied in what is known as the Virginia or Randolph Plan. Madison was not the actual author of this plan, but the influence of his ideas are evident.

Early on, Madison emerged as the leader of the group advocating a strong central government. One delegate wrote of Madison: "Every person seems to acknowledge his greatness. He blends together the profound politician with the Scholar. In the management of every great question he evidently took the lead in the Convention, and tho' he cannot be called an Orator, he is a most agreeable, eloquent and convincing Speaker * * * (of) The affairs of the United States, he perhaps, has the most correct knowledge of any Man in the Union."

Though many of his proposals were rejected, his effect on the Convention's work was so astronomical that he was described as the "master-builder of the Constitution." Madison was quite practical in his approach to forming the Constitution: He sought solutions based on past experience rather than on untried theory. One of his greatest contributions to American history is the daily journal that he kept describing the Convention's work. To this day, it is the best single record of the event. The result of these deliberative writings, the "Journal of the Federal Convention," was published in 1840.

One of the most clearly written explanations of the Constitution can be found among the notes from Madison's diary:

> It may be a reflection on human nature, that such devices should be necessary to control the abuses of government. But what is government itself, but the greatest of all reflections on human nature. If men were angels, no government would be necessary. If angels were to govern men, neither external or internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed: and in the next place oblige it to control itself. A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions.

Madison also played a key role in the adoption of the Constitution by the Continental Congress and was instrumental in overcoming powerful opponents such as Patrick Henry, George Mason, and Richard Henry Lee. In 1787 and 1778 Madison collaborated with Alexander Hamilton and John Jay in a series of essays later published in a book as "The Federalist Papers," which brought the discussions of the Constitutional Convention before the public and resulted in one of the most important contributions to American political theory.

In 1789 Madison was elected to the House of Representatives where in the ensuing years he played a key role in passing certain revenue legislation, establishing the executive branch, and framing the Bill of Rights. During the second session, Madison became critical of Hamilton's financial policies and soon became a leader of the opposition—the Jeffersonians or the Democratic-Republican Party.

Over the course of his congressional term, Madison remained at odds with Hamilton and even criticized President Washington for his subservient relationship with Great Britain. However, until the end of his term, he maintained a cordial relationship with Washington, who spoke of Madison as a possible successor.

In 1794, Madison entered one of the happiest periods of his life, marrying Dolly Payne Todd of Philadelphia. After 2 more years in Congress, he retired from public office, and he and Dolly moved to Montpelier where Madison expected to engage in the study of agricultural science and enjoy the pleasures of rural Virginia lifestyle.

However during this period of semi-retirement, the Nation called upon his legislative skills once again. Madison authored the Virginia resolutions in response to congressional approval of the Alien and Sedition Acts which discriminated against aliens and even those who were critical of the Federalist administration then in full control of the Federal Government.

In the Virginia resolutions, Madison argued that both acts were unconstitutional and that the States had the right to judge the constitutionality of such acts "in case of a deliberate, palpable, and dangerous exercise of other powers not granted by the said compact, the States * * *"

With the defeat of the Federalists in the election of 1800 and the inauguration of Jefferson as President, Madison was once again thrust in politics full time. His long-time association with Jefferson both personally and professionally naturally afforded Madison the opportunity to serve as the new President's chief advisor and Secretary of State. Although he lacked experience in diplomacy, he cultivated good relationships with foreign diplomats in Washington primarily because of his intellect, good humor, and knowledge of man and human nature.

Since both the President and Vice-President were widowers, Madison's wife, Dolly, assumed the duties of hostess, giving lavish parties at the White House that charmed Washington society for many years.

During his stint as Secretary of State, Madison encountered the hostilities of a faction within the Republican Party which would later cause bitter defeats during his own Presidency.

Secretary Madison also faced serious foreign policy problems, most notably the country's relation to the war between Great Britain and Napoleonic France. Madison believed that the prospects for peace with both countries were good in part because of each country's dependence upon the service of the United States. The Peace of Amiens put a brief stop to the European war, and during this relief, the United States purchased the Louisiana Territory from France in 1803.

The European war resumed in 1803, and American commerce and seamen were once again subjected to losses and aggression by both countries. American seamen—many of whom were deserters of British ships, naturalized American citizens still considered British subjects by the Crown, or native Americans—were captured and forced to serve in the Royal Navy. Britain and France invoked several orders which continued to disrupt American trade and commercial shipping. As Secretary of State, Madison responded by drafting several legal arguments against the Governments of Britain and France—which eventually failed—and finally, in 1807 in conjunction with President Jefferson, Madison formulated the Embargo Act of 1807, closing American ports and forbidding American ships to go to sea.

In 1809, Jefferson chose Madison as his successor. Madison faced little opposition, but James Monroe, indignant by what he regarded as the administration's failure to recognize his diplomatic service to the United States, was supported by a minority of Virginians for President. Monroe's support was weak, and Madison took office in 1809.

Like his three predecessors, Madison contended with European wars. When he took office, the United States had no trade relationship with either Britian or France, but did engage in unlimited trade with the rest of the world. Diplomacy failed to prevent the further seizure of U.S. ships, goods, and men on the seas; and even worse, the country was in the throes of an economic depression. Madison continued to negotiate and invoke economic

sanctions, but to no avail. Britain's continued interference with American ships created strong congressional support for war. A group of young Democratic-Republican Congressmen from the South and West, who were known as favoring territorial expansion as much as nationalism, endorsed naval action to penalize the British, the conquest of Canada, and military measures to stop the British encroachment of the Indians in the West. Finally, after recognizing that the national interest was in peril, President Madison in 1812 asked the Congress to declare war on Great Britain.

The United States could not have been more unprepared for war, and President Madison encountered much adversity during the next 2 years. The Federalists of the Northeast alienated themselves from the war effort, paralyzing the Nation's energies, and incompetent military leaders weakened the Nation's Armed Forces. Poor troop strength and supply and transportation problems further contributed to the United States' failure, specifically in its conquest of Canada.

The United States was just as weak at sea. The American Navy found itself unable to take on the Royal Navy which blockaded the east coast.

In the next 2 years, the British captured Washington, burned the White House and Capitol, and forced President Madison and his family to flee to the woods in Virginia. In 1814, the war finally stalemated and the Treaty of Ghent was signed, restoring prewar conditions.

During the final 3 years of his administration, Madison focused on domestic issues. Congress, concurring three of Madison's proposals, strengthened land and naval forces to avoid the repetition of raids previously made on the Capital City and generally to protect the country and its economic interests. He approved a new Bank of the United States and signed the Tariff Act of 1816 which protected American "infant industries" from British competition.

Madison retired from the Presidency in 1817, leaving the office to James Monroe. This brought to an end his political career, but Madison remained active in public affairs, serving as co-chairman of the Virginia Constitutional Convention of 1829-30 and as rector of the University of Virginia after 1826. He also acted as a foreign policy advisor to President Monroe.

Aside from these public service activities, Madison led a very quiet life at Montpelier, entertaining guests in the traditional Virginia style. Social occasions at Montpelier were just as eventful as those held at the White House during Madison's Presidency. Since the beginning of their marriage, James had entrusted the daily regulation of the household to Dolly. One visitor noted in 1828 that Madison's friends, who came to visit experienced warm hospitality and described his conversation as "a stream of history * * * so rich in sentiments and facts, so enlivened by anecdotes and epigramatic remarks, so frank and confidential as to opinions on men and measures, that it had an interest and charm, which the conversation of few men now living, could have * * *. His little blue eyes sparkled like stars from under his bushy grey eyebrows and amidst the deep wrinkles of his poor thin face."

In the years prior to his death in 1836, Madison arranged and prepared his notes from the Constitution for publication. In a note found amongst his papers following his death, Madison left advice for his Nation; The Nation whose government he worked so tirelessly to create and serve: "The advice nearest to my heart and deepest in my conviction is, that the Union of the states be cherished and perpetuated. Let the open enemy of it be regarded as a Pandora with her box opened, and the disguised one as the serpent creeping with his deadly wiles into paradise."

Mr. President, as we look back on the outstanding career of this great statesman, the absence of a statue of James Madison is a disservice to this distinguished statesman's memory. Despite the historical impact, Madison still is not as familiar to the American people as George Washington or his friend and colleague, Thomas Jefferson. He remains the least popular and the least understood of all the Founding Fathers of America. President John F. Kennedy once said that Madison was the most underrated of all the Presidents.

We have long had a Washington Monument, a Jefferson Memorial, and a Lincoln Memorial in our Nation's Capital, and it was only in 1980 that the annex to the Library of Congress was built commemorating James Madison. I have attended the annual Jefferson-Jackson day dinner in my home State of Alabama and have always thought it an omission not to have Madison's name linked to those Democrats.

Madison was a meek, fragile, quiet man not known for his oratory skills, and he often refused to be identified with one, simple idea. This no doubt contributes to his lack of notoriety in American history. Other statesmen, unlike Madison, have gone down in history as folk heroes and are usually associated with one specific event or idea: George Washington, the Father of our Country; Thomas Jefferson, the author of the Declaration of Independence; or Abraham Lincoln, great emancipator and savior of the Union.

We cannot continue to perpetuate this critical failure to recognize and appreciate Madison's major contributions to our Nation. He served his country with dedication and commitment even through years of war and economic hardships demonstrating courage, wisdom, and tenacity. His political beliefs and theories have cast him as one of the greatest political scientists our country has even known, and it is those theories—still relevant to modern America—that have made and will continue to make a lasting impression on America.

As the historian Irving Brant wrote:

The verdict of James Madison depends in part upon the future of the American people—upon their continued devotion to liberty, self-government, and personal honor. But, granted this fidelity, I have no doubt of the final verdict. Madison the diplomatist, Madison the President, will be found to measure up to the father of the Constitution. Washington, Jefferson, Jackson, Lincoln, Roosevelt. Move over a little, gentlemen.

AMENDMENTS SUBMITTED

DEPARTMENT OF DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1988 AND 1989

GLENN (AND OTHERS) AMENDMENT NO. 680

Mr. GLENN (for himself, Mr. EXON, Mr. BINGAMAN, Mr. BUMPERS, and Mr. MITCHELL) proposed an amendment to the bill (S. 1174) to authorize appropriations for fiscal years 1988 and 1989 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal years for the Armed Forces, and for other purposes; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . PROHIBITION AGAINST CERTAIN CONTRACTS

(a) GENERAL.—Funds appropriated to or for the use of the Department of Defense for any fiscal year pursuant to an authorization contained in this or any other Act may not be used for the purpose of entering into or carrying out any contract with a foreign government or a foreign firm if the contract provides for the conduct of research, development, test, or evaluation in connection with the Strategic Defense Initiative program.

(b) TEMPORARY SUSPENSION OF PROHIBITION UPON CERTIFICATION OF THE SECRETARY OF DEFENSE.—The prohibition in subsection (a) shall not apply to a contract in any fiscal year if the Secretary of Defense certifies to Congress in writing at any time during such fiscal year that the research, development, testing, or evaluation to be performed under such contract cannot be competently performed by a United States firm at a price equal to or less than the price at which the research, development, testing, or evaluation would be performed by a foreign firm.

(c) EXCEPTIONS FOR CERTAIN CONTRACTS.—The prohibition in subsection (a) shall not apply to a contract awarded to a foreign government or foreign firm if—

(1) the contract was entered into before the date of the enactment of this Act;

(2) the contract is to be performed within the United States; or

(3) the contract is exclusively for research, development, test, or evaluation in connection with antitactical ballistic missile systems.

(d) In this section:

(1) The term "foreign firm" means a business entity owned or controlled by one or more foreign nationals or a business entity in which more than 50 percent of the stock is owned or controlled by one of more foreign nationals.

(2) The term "United States firm" means a business entity other than a foreign firm.

BYRD (AND NUNN) AMENDMENT NO. 680

Mr. BYRD (for himself and Mr. NUNN) proposed an amendment to amendment No. 680 proposed by Mr. Glenn (and others) to the bill S. 1174, supra; as follows:

In the amendment by Mr. GLENN strike the word "firm" in the last line of subsection (d), and insert in lieu thereof the following: "firm.

"(e) Since the United States and the Soviet Union are currently engaged in negotiations to conclude a Treaty on Intermediate Nuclear Forces (INF) and are continuing serious negotiations on other issues of vital importance to our national security;

"Since the current discussions are a culmination of years of detailed and complex negotiations, pursuing an American policy objective consistently advocated over the past two Administrations regarding nuclear arms control in the European theater, and which reflect delicate compromises on both sides;

"Since the Senate recognizes fully, as provided in clause 2, Section 2, Article II of the Constitution, that the President has the "power, by and with the advice and consent of the Senate, to make treaties."

"Since the Senate also recognizes the special responsibility conferred on it by the founding fathers to give its advice and consent to the President prior to the ratification of a treaty, that it is accountable to the people of the United States and has a duty to ensure that no treaty is concluded which will be detrimental to the welfare and security of the United States.

"Since in recognition of this responsibility, the Senate established a special continuing oversight body, the Arms Control Observer Group which has functioned over the last 2½ years to provide advice and counsel, when appropriate, on a continuing basis during the course of the negotiations;

"Since the Senate and the President both have a constitutional role in making treaties and since the Congress has a constitutional role in regulating expenditures, including expenditures on weapons systems that may be the subject of treaty negotiations;

"Since the Senate will reserve judgment on approval of any arms control Treaty until it has conducted a thorough examination of the provisions of the treaty, has assured itself that they are effectively verifiable, and that they serve to enhance the strength and security of the United States and its allies and friends;

"Therefore the Senate hereby—

"(1) Declares that the Senate of the United States fully supports the efforts of the President to negotiate stabilizing, equitable and verifiable arms reduction treaties whith the Soviet Union;

"(2) Endorses the principle of mutuality and reciprocity in our arms control negotiations with the Soviet Union and cautions that neither the Congress nor the President should take actions which are unilateral concessions to the Soviet Union;

"(3) Urges the President to take care that no provisions are agreed to which would be harmful to the security of the United States or its allies and friends."

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BUMPERS. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Public Lands, National Parks and Forests.

The hearing will take place September 29, 1987, 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on measures currently pending before the subcommittee—

H.R. 2121, a bill to authorize and direct the National Park Service to assist the State of Georgia in relocating a highway affecting the Chickamauga and Chattanooga National Military Park in Georgia;

H.R. 1983, a bill authorizing the Secretary of the Interior to preserve certain wetlands and historic and prehistoric sites in the St. Johns River Valley, FL and for other purposes; and

S. 858, a bill to establish the title of States in certain abandoned shipwrecks, and for other purposes.

Those wishing information about testifying at the hearing or submitting written statements should write to the Subcommittee on Public Lands, National Parks and Forests, U.S. Senate, room SD-364, Dirksen Senate Office Building, Washington, DC 20510. For further information, please contact Tom Williams at 224-7145 or Beth Norcross at 224-7933.

SUBCOMMITTEE ON GOVERNMENT CONTRACTING AND PAPERWORK REDUCTION

Mr. BUMPERS. Mr. President, I would like to announce that the hearing scheduled for Tuesday, September 15, 1987, by the Subcommittee on Government Contracting and Paperwork Reduction, has been rescheduled for Monday, September 21, 1987. The purpose of the hearing is to receive testimony concerning the expected impact of a series of amendments to the Small Business Act contained in Public Law 99-661, the fiscal year 1987 Department of Defense Authorization Act. The hearing will commence at 9:30 a.m. and will be held in room 428A of the Russell Senate Office Building. For further information, please call William B. Montalto, procurement policy counsel for the committee at 224-5175, or Christine Lundregan of Senator DIXON's staff at 224-5334.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary, be authorized to meet during the session of the Senate on September 15, 1987, to hold an executive meeting on the nomination of Judge Sessions to be FBI Director.

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

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary, be authorized to hold a hearing during the session of the Senate on September 15, 1987, on the nomination of Robert H. Bork to be Associate Supreme Court Justice.

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

SUBCOMMITTEE ON RESEARCH AND DEVELOPMENT

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Energy and Natural Resources Subcommittee on Research and Development be authorized to meet during the session of the Senate on Tuesday, September 15, 1987, to receive testimony concerning S. 1480, the Department of Energy National Laboratory Cooperative Research Initiatives Act.

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

ADDITIONAL STATEMENTS

FLORIDA SHERIFFS' YOUTH RANCHES

● Mr. GRAHAM. Mr. President, the Florida Sheriffs' Youth Ranches are 30 years old this year. The Youth Ranches were conceived to prevent juvenile delinquency and to provide residential programs, summer camping, and a statewide family counseling service.

Over the years, Boys' Ranches and Youth Villas have helped more than 3,500 troubled and homeless boys and girls to dream of and work toward healthy, productive lives. During their association with the law enforcement officers who sponsor the program, these young people learn to cooperate with, trust and respect law officers. Many of the Boys' Ranch residents have gone on to become outstanding citizens of Florida.

I am pleased to have this opportunity to salute the Florida Sheriffs for their initiative and enduring commitment to the Boys' Ranch project. It is an extraordinarily successful example of an entirely voluntary effort contributing immeasurably to a better society.●

CERTIFIED PROFESSIONAL SECRETARIES

● Mr. STAFFORD. Mr. President, I would like to call to the attention of my colleagues the new 1987 CPS who received their certification by successfully completing the certified professional secretaries' examination administered under the sponsorship of the Institute for Certifying Secretaries, a department of Professional Secretaries International.

The District of Columbia chapter of PSI has been actively engaged in providing classes to prepare candidates for this exam. Certificates will be presented to the newly certified CPS at a D.C. chapter dinner meeting this evening, Tuesday, September 15, 1987. The attendees will be fortunate to have as guest speaker, Shirley Englund, editor of the Secretary magazine, published monthly by PSI.

I commend the following secretaries who have been certified by the institute: First, my special congratulations to Maureen Hill, CPS, a valued member of my personal staff for the last 12 years, on having attained her CPS rating. I also extend congratulations to Gladys Elaine Atkinson, CPS, Howard University College of Allied Health Sciences; Janice Dupper, CPS, General Conference of Seventh-day Adventists; and Bunny Gwiazda, CPS, Dewey, Ballantine, Bushby, Palmer & Wood.

The CPS examination was instituted in 1951. To attain the CPS rating, a secretary must meet certain education and work experience requirements and pass the 2-day, six-part examination on behavioral science in business, business law, economics and management, accounting, office administration and communication, and office technology.

In bringing the CPS rating to the attention of my colleagues today, perhaps my remarks will help to open the door through which we here in the Congress, as well as members of management throughout the business world, will come to recognize the merits of the certified professional secretary.

I hope you will join me in congratulating the new CPS recipients.●

CRACK ABUSE

● Mr. DECONCINI. Mr. President, I would like to insert into the RECORD an article written by Dr. Mark S. Gold, titled "Crack Abuse: Its Implications and Outcomes." The article, given to me by my daughter, a doctor herself, appeared in the July edition of Resident & Staff Physican. Dr. Gold is director of research, Fair Oaks Hospital, Summit, NJ, and Delray Beach, FL. This excellent article outlines the critical mental and physical health problems that can result from the use of crack, a form of cocaine, that has become popular among young people in the United States during the past 2 years. I ask that the text of the article appear in the RECORD.

The article follows:

CRACK ABUSE: ITS IMPLICATIONS AND OUTCOMES

Crack, the most deadly form of cocaine, has exploded onto the American drug scene adding a new dimension to the problems of diagnosing and treating cocaine addiction. After explaining what makes crack more addicting than cocaine powder, the author discusses the physiological effects of smoking crack and the importance of treatment through prevention.)

Over the past few decades, illicit drug use, especially cocaine abuse, has climbed steadily. The number of people hospitalized for full-blown addictions has outstripped the number of available beds, and the number of the "walking-impaired" entering outpatient treatment has spiraled upward. From data collected by our 800-COCAINE national helpline, we know that over 25 million Americans have tried cocaine and that perhaps five to six million of these are regular users. We have given help and referral information to over 1.75 million callers since May 1983. In this period, we have published reports of death, disability, accidents, addiction, and a wide variety of medical, psychiatric, and social repercussions stemming from this epidemic. We also have reported on the neurochemical basis of cocaine addiction (the so-called dopamine depletion hypothesis), which, as a result, has led to newly proposed detoxification treatments.

Until this past year, however, cocaine abuse was never the economic and social issue that it is now. In 1987, crack, the most deadly form of the drug, seemingly has exploded onto the American drug scene. This low-priced form of freebase cocaine, sold in tiny "rocks" for $10 to $20, has swept into both urban and rural drug marketplaces. It has brought with it new and frightening dimensions to the ongoing cocaine epidemic that we've been fighting in our clinics and treatment centers.

Before crack, most adults believed that while the cocaine epidemic was important to them, it could not affect their children. Crack has sent the average age of the user spiraling downward rapidly and has caused addiction to cocaine to develop as rapidly as that previously associated with intravenous cocaine use. Worse, crack has increased the severity of medical effects that previously were seen only in long-term intranasal users.

Unique among drugs, it is instantly compelling and captivating, only to be followed by addiction. Crack's relative purity and its route of administration increase its potency to many times that of cocaine hydrochloride, its popular powdered form. For the first time, people who have never before been affected by drug abuse have seen their families jeopardized, their careers damaged, and their loved ones virtually devoured by this drug.

One result has been an overwhelming amount of publicity and media coverage. Crack has been a front-page story in virtually every newspaper and magazine and, spurred by the publicity surrounding the death of college basketball player Len Bias, has become a true source of national concern. Is this concern justified? What are the implications for the general practitioner? This is what doctors must know about identifying and treating the crack user.

WHAT IS CRACK?

Crack is cocaine that is sold in the form of small, creamy-colored chunks resembling rock salt. Crack is different from cocaine hydrochloride in only three ways:

It is smoked, rather than sniffed. This leads to a reaction (a high) in less than ten seconds, rather than one to two minutes. The crack high lasts from 5 to 15 minutes.

Because it is smoked, the effect is far more powerful than that created by powder. The drug is absorbed rapidly from the lungs to the heart and then to the brain, rather than passing incompletely and slowly through the nose on the long route to the brain.

Crack seems to be less expensive because it is sold in small quantities at a low price. A vial sometimes will contain three to four small rocks and costs from $10 to $20.

No one is quite sure how or why crack developed. Cocaine smoking has been prevalent in the drug culture for several years, but the extraction process was both dangerous and time-consuming. Shortly after comedian Richard Pryor's well-publicized, ether-related freebase explosion, freebase users discovered that the cocaine base could be extracted by a safe process using simple baking powder. Once this process spread (probably by word of mouth), crack was born. The name, by the way, derives from the crackling sound the rocks make as they burn in the user's water pipe.

WHY DO PEOPLE USE CRACK?

Crack users take the drug for many of the same reasons that intranasal cocaine users take cocaine. The widespread use of cocaine is a result of the intense, but fleeting, feelings of competency that it temporarily affords the user. This so-called "rush" is what the user seeks from repeated use. Along with the physiological response, the drug itself is associated with power and wealth and is still widely believed to be nonaddicting.

A decade ago, cocaine was an expensive drug, used ony by the wealthy, glamour set. This fact provided the status necessary to market the drug to other groups. Today, the drug in all its forms, has increased in supply and purity while the price has fallen dramatically. Cocaine in powdered form is available in virtually every city, town, and rural area in America.

The widespread distribution of cocaine geographically has changed the demographics of the user. Even though its use is still glamorized, recent surveys conducted by 800-COCAINE reveal an increased percentage of lower-income and younger users. This is directly attributable to crack. Cocaine use among teenagers doubled from 1975 to 1983, and today 17% of high school seniors say they have used cocaine. Invariably, they say using the drug is "cool," "glamorous," and "safe."

The roots of crack extend back to the mountains of Peru and Bolivia, but it also is found in Central America. Cocaine is the only alkaloid extract from the coca plant (Erythroxylon coca) that has any value. Chemically, cocaine is a tropane related in chemical structure to the psychoactive drugs atropine and scopolamine. The behavioral effects often mimic those of amphetamines, causing it to be misclassified as a sympathetic amine.

Drug smugglers bring the cocaine into this country in a pure form, which is then mixed with adulterants (known as "cuts") such as glucose, inositol, or mannitol. Since cocaine is sold by weight, this increases the bulk, lit-

erally stretching the profits. Frequently, cocaine is adulterated with dangerous ingredients, such as lidocaine, procaine, amphetamine, phencyclidine (PCP), phenylpropanolamine (PPA), ephedrine, heroin, or quinine, which increase the risk of medical complications for the user. There is virtually no cocaine sold on the streets of this country that is uncut. As a result, a profitable business has grown up around the paraphernalia that is used to help coke abusers determine the purity of their purchase.

One of the myths that has grown up around crack is that, unlike cocaine powder, it is pure cocaine. This is not true. If the cocaine used to make crack contains impurities, these will remain in the freed base (the crack), often in a more intense state. This is another reason for the increased danger to crack users who think they finally are getting a "pure" drug. The effect of the cuts combined with the powerful freed cocaine base can threaten heart rhythm, blood pressure, and important central nervous system (CNS) functions.

Other crack myths contribute to its use. The price of crack, which is seemingly less expensive than cocaine hydrochloride, has been the major factor contributing to first time use of the drug. Crack, however, is actually more expensive than cocaine powder in several respects. Even though it is sold in inexpensive quantities, a $10 rock of crack usually weighs about 100 mg, which translates to around $100 per gram. Cocaine powder usually costs between $60 and $100 per gram. However, because the drug encourages its own taking, use patterns are extreme. Crack users generally binge on the drug for days at a time, stopping only when their entire bankroll is gone or they are too exhausted to continue.

Crack also is not a "fun" drug. Cocaine's initial spread was spurred by reports that it was a "great party drug," which gave rise to its glamour image. Crack's rush is so intense that most users report to us that they only want to use it when alone. This has given rise to "crack houses," 1980s versions of opium dens.

WHAT HAPPENS WHEN CRACK IS SMOKED?

Crack is smoked in a water pipe, and the effect is felt even faster than if the drug were injected. When the crack smoke enters the body, it is absorbed through the highly vascularized lung surface. The effect is ten times greater than that achieved by absorption through the nasal mucous membranes.

When crack is smoked, the user experiences an intense rush, which lasts for a few minutes and is followed by a state of lesser excitement. Within 5 to 15 minutes, however, the feeling is gone, replaced by an irritable, restless, and depressed state. Although cocaine powder users often can glide through this period, the downside is so intense for crack users that they almost immediately will try to repeat the experience. Both infrequent and long-term users will turn to other substances, such as marijuana, alcohol, or even heroin, to extend the high period or to cushion the resulting crash.

Crack use rapidly becomes a cycle of chasing the high through continued repeated use despite the obvious adverse consequences. The euphoric well-being that the user feels results from a general CNS sympathetic discharge that is similar to the well-known "flight or fight" response. The user is alert, full of self-confidence, and seemingly immune to external reality. However, the CNS activity is short-lived. The cocaine remains in the blood, increasing in toxicity as more is used. The increased intoxication leads to decreased sleep, anorexia, increased sex drives, and hyperactivity. Among the other common side effects of increased crack use are aggressiveness, feelings of grandeur, poor social judgment, and malnutrition.

Physiologic signs of cocaine intoxication include increased cardiovascular arousal, profuse perspiration, dilated pupils, and elevated body temperatures. This often is accompanied by lethargy, insomnia, irritability, depression, fatigue, impotence, and reduced memory or concentration abilities.

The patterns of use among cocaine abusers can lead swiftly to crack intake, since the tolerance and drive for more and more just to feel normal are rapid. In general, the cocaine user begins with sniffing, which may lead to smoking or even injecting the drug to recreate the high. The increasing dose combined with the more powerful form increases the risk of neurological seizures. Crack smoking has been linked to heart palpitations, angina, arrhythmia, and heart attack. Other risks are route-related and include nasal-tissue destruction, sinus and lung damage, AIDS, and hepatitis.

Until recently, cocaine overdose was thought to be rare. This is not the case and, in fact, is far more common than believed. The increased potency of crack has created an even greater risk of sudden cardiovascular or respiratory collapse. It is now clear, however, that cocaine overdose can result from any form of use. In fact, as illustrated by several recent notable public cases, cocaine overdose need not even follow long-term use but may result at any time. Furthermore, crack use is at the root of many other deaths not directly related to the drug, such as suicide, automobile- and work-related accidents, domestic arguments, and violence. Pregnant mothers and nursing mothers can do great damage to their fetus or newborn infants through cocaine use, since the drug seems to pass through the placenta and/or breast milk.

Although the dangers of crack use are obvious, many still believe it is not addicting. Yet, even at low doses, cocaine causes dependence. Furthermore, cocaine's cravings lead to compulsive and repeated use despite obvious and ongoing adverse effects. Further evidence of cocaine's power in all its forms comes from 800-COCAINE data that clearly show that victims will sacrifice their friends, families, jobs, and health before giving up the drug. Classic studies have shown that laboratory monkeys will self-administer the drug before food or sex and until death. No other drug has this effect on animals or humans.

The actual mechanism of addiction to cocaine in any form appears to occur through dopaminergic transmission within the reward or pleasure centers of the brain. Continued use of cocaine causes unusual activation of the dopamine (DA) systems and blocks reuptake. This traps the DA in the synapse, where it is metabolized rather than reused. An efficient dopamine system will replenish itself, but one disturbed by cocaine introduction quickly becomes and remains severely depleted. The result is that normal, basic instinctive drives, such as hunger, thirst, sexual drives, and other everyday needs, cannot be met without cocaine. The brain is literally dopamine-deficient, and a short period of cocaine abstinence results in a very real withdrawal state. The ultimate effect is exactly the opposite of that produced by the cocaine itself. Instead of euphoria, there is depression, irritability, sleep and appetite changes, sexual dysfunction, and, worst of all, a craving for more.

The crack addict uses cocaine not to feel good, since without it, he finds it almost impossible to live. Use stimulates use. Further use only helps the user to not feel bad. The cycle begins very quickly with crack abusers, usually after the first few uses. That first experience may be so powerful, and the downside so depressing, that only more can reverse the depression.

Being addicted to crack is like riding a bike downhill without any brakes. You pick up speed, careen out of control, and then ultimately crash. The process is slower among cocaine powder users, but for crack users, the process of addiction can develop so quickly that it's like riding an ever-rapidly spinning merry-go-round. Soon, you'll be hurled off no matter how hard you hang on.

Patients who do experience withdrawal because they cannot obtain more of the drug, often present with such symptoms as decreased energy, excessive sleeping, irritability, depression, nausea, vomiting, and decreased motor or mental abilities.

HOW CAN A CRACK USER BE HELPED?

Helping someone with a cocaine or crack addition, which is developed so much more rapidly, is a difficult task for several reasons:

Drug abusers rarely seek help early on. Crack use is a special problem because the "early on" period is often so brief. Our data show that the majority of users visited an emergency room or physician at least once for symptomatic relief of cocaine-caused complications without revealing the cause of their problem. A physician attuned to the outward complications of abuse could make an early diagnosis, which would lead to immediate treatment. Early detection of cocaine abuse allows for treatment of an individual who still has his family and job support systems intact. This makes treatment potentially more successful. Another method of early detection is through urine testing of certain individuals, even if they do not present outward evidence of drug use.

Crack and cocaine addicts tend to deny their addictions or rationalize their need for the drug as long as possible. They will do anything to hide their addiction, but it must be remembered that this is a normal part of the addiction. It is up to the physician to identify those groups of people who are most at risk and link the symptoms to potential addictions. These symptoms include attempted suicides, headaches, seizures, panic attacks, wide mood swings, sexual impotence of unknown etiology, major personality changes, unusual job problems, marital stress, and unexplained financial problems. Often, it is important to look at symptoms such as these in the context of other events, such as a car accident, nasal damage requiring surgery, or repeated requests for tranquilizers or sleeping pills. Too often, the diagnosis of cocaine addiction is made after the fact or after the victim has died. Frequently, complaints like arrhythmias, hypertension, angina, or nosebleeds with no apparent etiology are drug-related but are overlooked as evidence of cocaine use.

Diagnosis in younger patients is more difficult. Too frequently, diagnosis is made by the police or school teachers after a major disaster in the life of the patient. Today, with crack use increasing among the young, early intervention is even more critical. Often, the less clinical symptoms are the most telling. Changes in friends, extracur-

ricular activities, grades, dress, mood, and other subtle behavior alterations are the best indicators that some drug use is ongoing. In addition, since young people rarely use only a single drug, it is important to act immediately on anecdotal information, such as an overheard conversation or the discovery of drug-related paraphernalia in a child's room or among his belongings. Physicians who suspect that their young patients are involved with drugs should not hesitate to order a urine or blood test for evidence of drug use. In fact, parents should be encouraged to ask their children to take drug tests at an early age, so that the tests become a deterrent when regularly administered as they grow up.

CAN THE CRACK USER BE SAVED?

Cocaine is much like a parasite that first inhabits its host and then kills it. Frequently, crack users describe themselves as nothing more than a vessel for the drug. Stopping this parasite without killing the host is not easy, but it can be done successfully. The sooner a patient is in treatment, the more effective the treatment is. The greater the patient's family support system and motivation, the greater the chance for success.

Treatment is indicated in any person using drugs who cannot stop without physiologic, psychological, or social problems. Although most individuals can be treated on an outpatient basis, hospitalization is indicated in cases of chronic crack or freebase use, intravenous use, severe psychosocial impairment, medical complications, severe polydrug abuse, or an inability to stop through outpatient use.

The goal of all treatment is total abstinence from all mood-altering chemicals, including crack, marijuana, alcohol, and prescription drugs. Total abstinence can be achieved only through an outpatient program that includes regular urine testing. The most successful outpatient programs involve both individual and group therapies over a specified period of time. These sessions involve discussions about drug urges, addictive thinking, and methods of avoiding relapses. The group sessions provide positive role models, a ready-made support network, and a forum for discussing critical problems.

Some success has been achieved with pharmacologic approaches to treatment during the early stages when the cravings and urges are at their most intense and often lead to continued use. Recent trials using bromocriptine (Parlodel®), adopamine agonist, have indicated that this drug can be of use in eliminating urges and cravings during the immediate postdrug abstinence period.

CONCLUSION

In general, drug abuse, especially with a rapidly addicting drug such as crack, is best treated through prevention. We know that young adults and especially teenagers are at greatest risk for crack abuse. We spend millions of dollars educating the people who smoke cigarettes about the dangers of smoking. We continually educate the public about the importance of diet in preventing cardiovascular disease and offer programs to help reduce the risks. However, in comparison, we do little for drug users before they reach the crisis stage. We must begin helping the potential drug users by identifying them and educating them about the true dangers of drugs like crack.

Physicians who understand the effects of crack can play a role in their own communities. They should participate in community organizations and school programs to prevent and reduce drug abuse. Community groups are always receptive to physicians who wish to help prevent drug abuse.●

THE 250TH ANNIVERSARY OF THE BIRTH OF CHARLES CARROLL OF CARROLLTON

● Mr. SARBANES. Mr. President, as all Americans celebrate this week the signing of the U.S. Constitution 200 years ago on September 17, 1787, we in Maryland will mark an additional milestone in our State and Nation's history. A week long series of events beginning today will commemorate the birth 250 years ago on September 19 of a very important Marylander and national figure, Charles Carroll III of Carrollton.

The people of Maryland are very fortunate to call as our own many great Americans who participated in the independence of the country and in the founding of the Republic. Among them, Charles Carroll of Carrollton was an extraordinary leader and dedicated patriot as well as a remarkably successful planter and businessman. One of four Marylanders to sign the Declaration of Independence, this Charles Carroll—one must distinguish as there were several—was the only Roman Catholic signer, the last of the 56 signers to survive, and the longest lived. Charles Carroll holds a distinguished place in the history of the body in which I stand, having served as one of Maryland's two U.S. Senators in the First Congress. His selection by Maryland as one of two Maryland citizens to be memorialized in Statuary Hall is eloquent testimony to his eminence and his stature in Maryland history.

Born of Irish descent September 19, 1737, in Annapolis into one of the wealthiest families in colonial America, Charles Carroll III began living during a time—1718–74—when Roman Catholics were penalized financially and did not enjoy the rights to vote, hold public office, practice law, worship publicly, or be educated in their religion. A number of Maryland's Catholic families became Protestants but the Carrolls would never desert Catholicism. Hence, Charles left Maryland at the age of 10 to begin a rigorous 16-year education abroad including 11 years in France where under the Jesuits he studied humanities, philosophy, and Roman law, and 5 years in London where he studied the common law.

Charles Carroll III became a scholar of some of the world's greatest thinkers—Hume, Locke, Voltaire, and particularly Baron Charles Montesquieu, the father of the separation of powers principle which is so firmly embedded in our Constitution. Above all, Carroll, a devout Catholic steadfast in his own religious beliefs, was a strong believer in religious freedom.

Having completed his education, Charles returned home in 1765 to his father's house in Annapolis, settling into the life of a wealthy planter at the age of 28. Although Charles III never lived at "Carrollton," a 10,000-acre land tract in Frederick County, his father gave him rental income from the property and Charles added the words "of Carrollton" to his name to distinguish himself from his father and other relatives. Three years after his return to Maryland, Carroll married his cousin Mary Darnall and together had seven children of whom only three lived to adulthood.

Carroll's political career of 27 years did not begin until 1773 as his religion barred him from public life. His strong loyalties to family and to religion and his vigorous scholarship based upon a classical education were qualities which he used brilliantly in support of the American Revolution.

Although already prominent and influential, Carroll won public acclaim and established himself as a popular leader as the result of his successful 6-month debate in the Maryland Gazette regarding the pay of Lord Baltimore's government appointees. Carroll's role in public affairs became increasingly important as the dispute between Great Britain and the Colonies worsened in 1774. As one of the wealthiest men in America, he risked his fortune as well as his life when he joined the Revolutionaries.

In the years 1774–76, Carroll was appointed to the Annapolis Committee of Correspondence, acted as unofficial observer at the First Continental Congress, was elected as delegate to the Maryland Convention of 1776, and became a member of the Maryland Committee of Correspondence and the Council of Safety. Early in 1776 Charles and his cousin John Carroll, a Jesuit priest who later became the first Catholic bishop in the United States and Baltimore's first archbishop, traveled to Canada with Benjamin Franklin and Samuel Chase on a congressionally appointed committee which sought but failed to obtain a union of Canada with the Colonies. Following his return, Carroll used his growing influence to help persuade the Maryland Convention to instruct its delegates to Congress to vote in favor of independence from Great Britain.

Elected a delegate to the Continental Congress on July 4, 1776, Carroll journeyed to Philadelphia and took his seat on July 18. He joined his colleagues in signing the Declaration of Independence on August 2, an action of such immense danger that the names of the signers where kept secret for an entire year. His signature on this instrument as a Roman Catholic can be viewed as a victory for religious liberty and freedom of conscience.

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From this time on, Carroll took a prominent part in the assembly of his State and the Continental Congress. He helped to prepare the first draft of the Maryland Declaration of Rights and Constitution in the fall of 1776 and was a member of the Maryland Senate from the beginning of State government in 1777 until 1800. He served as president of that body during the last year of the American Revolution 1783-84 and as councilman and alderman of Annapolis that same year.

Although selected as a delegate to the Constitutional Convention in 1787, he declined the appointment because of pressing issues in Maryland. A Federalist, he supported a strong Federal constitution and Central Government. Although he did not win his bid the following year for a seat in Maryland's ratifying convention, he worked privately for the adoption of the Constitution, a document he believed capable of "curbing the excesses of an uncontrolled democracy" and of producing "respectability abroad and stability at home."

In 1789 Carroll and John Henry, Jr., became Maryland's first U.S. Senators, a role Carroll served in from March 4, 1789, to November 30, 1792. In 1792 the Maryland assembly passed a law making it illegal to serve simultaneously in the State and Federal Government. Carroll demonstrated his affection for his native State when he chose to remain in the Maryland Senate:

> Despite years on the national stage, Charles Carroll of Carrollton remained first, last, and always a Marylander. . . . The Senate was an essential element in Carroll's philosophy of government for he saw it as a counterweight to the popularly elected House of Delegates and to the democratic aspirations that the Revolution encouraged among the common folk. Carroll, it should be emphasized, was not a democrat, but he did manage to guide an enormously difficult revolution to a successful conclusion. (Remarks prepared for the senate of the State of Maryland on March 11, 1987, by Prof. Ronald Hoffman, editor, the Charles Carroll of Carrollton Papers.)

By 1801 Carroll retired from politics to concentrate on his business affairs which included agricultural pursuits and investing. An astute businessman, Carroll held shares in the Susquehanna and Potomac Canal Cos., the Georgetown Bridge Co., and the Baltimore Water Co. He purchased securities that helped build the Baltimore & Ohio Railroad, was on its first board of directors, and helped lay the cornerstone in 1828. With the almost simultaneous deaths of John Adams and Thomas Jefferson on July 4, 1826, Charles Carroll of Carrollton became the only surviving signer of the Declaration of Independence and one of the Nation's most revered citizens. On November 14, 1832, at the age of 95, he died at the home of his daughter Mary Carroll Caton at 800 East Lombard Street in Baltimore, where he had lived since 1821. This house is a museum open to the public today. After a splendid ceremonial funeral attended by foreign, State, and local dignitaries, Charles was buried in the chapel of his family's ancestral plantation, Doughoregan Manor, near Ellicott City in Howard County, MD.

Mr. President, I would like to take this opportunity to show my appreciation to the Charles Carroll of Carrollton 250th Anniversary Committee which has worked so hard to focus our attention on this occasion. The able leadership of committee chairman, Dr. Robert Worden; vice chairman, Dr. Ronald Hoffman; and secretary treasurer, Mr. Leslie M. Adams has garnered my support and participation for this observance as well as that of the following individuals: Hon. William Donald Schaefer, Governor of Maryland; Hon. BARBARA A. MIKULSKI, U.S. Senator; Hon. TOM MCMILLEN, U.S. Congressman, Maryland's Fourth District; Hon. Thomas V. "Mike" Miller, president, Senate of Maryland; Hon. Gerald W. Winegrad, State senator, Anne Arundel County; Hon. John C. Astle, State delegate, Annapolis; Hon. O. James Lightizer, county executive, Anne Arundel County; Hon. Maureen Lamb, county council member, Annapolis; Hon. Dennis Callahan, mayor of Annapolis; and Hon. John R. Hammond, alderman, ward 1, Annapolis. I would like to acknowledge here the efforts of Dr. Hoffman and his associate, Sally Mason, toward making public available Carroll's rich literary treasure, the Charles Carroll of Carrollton Papers.

I also wish to express my thanks to Dr. R. Cresap Davis and the Maryland Humanities Council that he chairs for awarding the 250th Anniversary Committee outright and matching funds for the project entitled, "Archaeology and the Political Meaning of Charles Carroll of Carrollton." This includes a comprehensive archeological survey and excavation at the Charles Carroll House in Annapolis, work that is currently being conducted by Archaeology in Annapolis, a group sponsored by the University of Maryland School of Urban Archaeology. The school has been excavating at several sites in the capital city during the past 6 years in cooperation with Historic Annapolis, Inc. The house is situated on the largest archeologically intact 18th century property in Annapolis' historic district.

The Charles Carroll House, a stately 35-room Georgian mansion dating back to the 1720's located off the Duke of Gloucester Street, was Charles Carroll III's birthplace and primary home until 1821. The property was owned by the Carroll family from 1701 until 1852 when it was conveyed to the Congregation of the Most Holy Redeemer, an order of Roman Catholic priests and brothers better known as the Redemptorists who still own the property. The house is historically significant not only because of the important role it played in the lives of the Catholic Carrolls of Annapolis and in Charles Carroll's political and social life, its is also the site of the first Roman Catholic chapel in Annapolis and Anne Arundel County. My gratitude extends to the Maryland General Assembly and the Maryland Historical Trust who have been responsible for recently restoring the mansion's exterior; St. Mary's Parish and Anne Arundel County deserve thanks for their contribution to the ongoing fundraising effort for interior restoration.

Mr. President, I want to close simply by saying that it is heartwarming and inspiring to see once again the dedication of so many Maryland citizens too numerous to list here, whether in the private, public, or nonprofit sector, to the preservation of a part of Maryland's heritage. Due to the efforts and commitment to history by so many individuals we are able centuries later to pause, reflect, and learn of how our Nation was born and has survived.●

POW/MIA "RUN FOR FREEDOM"

● Mr. LAUTENBERG. Mr. President, September 19 marks a special day in my State. The Elizabeth Police and Fire Departments are sponsoring a "Run for Freedom" in honor of Douglas L. O'Niell, of Bayonne, NJ.

Mr. O'Niell has been missing in action since April 3, 1972. The Elizabeth Police and Fire Departments have made a personal commitment each year to hold this event to honor a different POW/MIA until not only the 63 men from New Jersey are accounted for, but all 2,413 American service personnel still listed as POW/MIA's.

Mr. President, the Senate shows the concerns of the Elizabeth Fire and Police Departments and of all Americans concerned about our POW/MIA's. On July 28, I joined my colleagues in unanimously adopting a resolution in support of Gen. John Vessey's trip to Vietnam to resolve the fate of Americans missing in Southeast Asia. It is our strongest hope that negotiations by General Vessey will lead to some progress in this most difficult area. The families and friends of the missing have waited too long.

On Saturday, the police and firemen of Elizabeth will sponsor a 2K and 5K race at the Warinanco Park Stadium in Elizabeth. I would like to take this opportunity to commend the police and fire departments for undertaking this endeavor. We are a nation committed to finding those who were dedicated in defending our country.

I would like to encourage and congratulate everyone participating in the run. The runners are supporting an excellent cause of which we are all concerned. September 19 will be a day to remember those who are missing and a renewal of our dedication in finding these fine men.●

FANNIE MAE'S REMICS

● Mr. CRANSTON. Mr. President, on August 17 Fannie Mae issued $500 million of REMICs—a multiple class mortgage security created by the Tax Reform Act of 1986. Fannie Mae's authority to issue REMICs was extensively considered both in Congress and by HUD and this is the first REMIC Fannie Mae issued under specific authorization granted by HUD last April.

As the author of Recovery Act for Mortgage-Backed Obligations, precursor of the REMICs legislation, I have long believed that this kind of multiple class mortgage-backed security can provide benefits to lenders, investors, and, most importantly, home buyers.

It is interesting to note that the Fannie Mae REMICs was sold out almost immediately. The first tranche to sell out was a piece designed primarily for thrift institutions. This response is further proof of the value of REMICs as an investment for thrift institutions. In addition, REMICs provide all mortgage lenders with an efficient instrument for selling mortgages. Finally, REMIC efficiencies accrue ultimately to the home buyer reducing the cost of mortgage financing.

Fannie Mae's REMICs included several innovative twists and the response has been overwhelmingly favorable. This is the kind of leadership that the secondary market agencies have brought to mortgage finance in the past. I am pleased to see this kind of creativity brought to the mortgage market by REMICs and the positive response from the market to the new activity. This will only help REMICs to serve the purpose for which it was created.●

HISPANIC HERITAGE WEEK

● Mr. RIEGLE. Mr. President, on September 16, Mexico will commemorate the 177th anniversary of its independence. That date will also mark the beginning of National Hispanic Heritage Week.

Throughout the country, Hispanic Americans will celebrate this anniversary of Mexico's independence and will honor the special contributions which members of their community have made to the growth and development of the United States. The large community of Hispanic Americans residing in my own State of Michigan deserves special mention. As the fastest-growing minority group in our country today, we must pay special attention to the challenges facing Hispanic Americans.

A recent editorial in the Washington Post, notes the growth of the Hispanic population in the United States and points out some of the problems they face. In 1970, 9.4 million Americans were Hispanic. Today 18.8 million—or 1 in every 12 Americans—considers himself Hispanic. To quote the editorial:

> Overall, Hispanics in the United States have relatively low education levels; only a bare majority have 4 years of high school. But their incomes have increased, and their poverty level has decreased since the 1981-82 recession despite the arrival of hundreds of thousands of newcomers. Unemployment among Hispanics is not vastly higher (9.5 percent in March 1987) than among non-Hispanics (7 percent): families are larger and only a bit less likely to be headed by a married couple. Family incomes of Hispanics have risen in pace with those of other Americans but are still about one-third lower; about one-quarter of Hispanics live below the poverty line.

It is clear that Hispanic Americans can have a real impact in shaping this country's destiny. As the Washington Post editorial goes on to point out:

> One way of looking at these numbers is to say that * * * [Hispanic Americans] are moving up rapidly, especially when you consider that many started off living elsewhere, in circumstances you will not find statistically replicated anywhere in the United States. Hispanics are moving up the many ladders of success in America.

As a nation we must continue our efforts to address the many problems which threaten to prevent Hispanic Americans from participating fully in our society. We must work to ensure that linguistic and cultural barriers do not block movement toward greater prosperity, and that Hispanic Americans are afforded equal opportunities in the areas of employment, housing, and education.

As we take time this week to celebrate the achievement of Mexican independence and to acknowledge the important contributions of Hispanic Americans, let us also reaffirm our commitment to ensuring that equality of justice and opportunity are enjoyed by all Americans.●

SMALL TOWNS

● Mr. SIMON. Mr. President, a former colleague in the House of Representatives, Bob Krueger, writes a column that appears in several Texas newspapers.

Recently he had a column on small communities that is important for us to consider if we are serious about preserving small town life in America.

I am also inserting in the RECORD a column I wrote on the same subject.

I ask that Bob Krueger's column and my column be inserted in the RECORD, and I urge my colleagues to read these columns.

[From the Dallas Morning News, July 3, 1987]

MUTUAL TRUST STILL THRIVES IN SMALL TOWNS

(By Bob Krueger)

A few weeks ago, CBS television gave an hourlong retrospect of correspondent Charles Kuralt's *On the Road* programs. A paean to small-town America, it celebrated the simple values and pleasures to be enjoyed in places where the word "community" still has its root meaning, and where the flash of electronic media is balanced by the gentle rhythms of life near the soil and near one's neighbors.

I reflected on that program yesterday as I parked in front of Naegelin's Bakery, located for the past century by the main plaza in my hometown of New Braunfels. Its sign, "100 Years of Service," conveys a simple truth that reminded me of a daily routine in my boyhood. At noon, my sister and I walked from school to my father's business, from where the three of us drove home for lunch. On the way, dad always stopped across from the bakery, bolted from the car and strode across the street. If Mrs. Naegelin saw him coming, she would meet him at the door to hand him a fresh loaf of bread, with occasionally a few cookies for the children, before we proceeded home for our noon meal.

In those days, she and Mr. Naegelin lived over the bakery, and rose at 3 a.m. to begin their day. Their only son assisted in the baking and delivery, but, being a small family endeavor, the Naegelins could bake only enough for their regular customers. Thus, if you were a stranger to the town, or to Mrs. Naegelin, and entered the store, chances were you'd be quizzed extensively by this sharp-minded, sharp-tongued woman in her 70s before she decided whether or not to sell you a loaf of German pumpernickel or French white. "Well, who told you to come here to buy bread, then?" I've heard her ask. After all, she had to keep enough on hand for the customers who had relied on her for years.

They trusted her, and she trusted them—in many ways. Once a year, before Christmas, she gave dad a bill for the entire year's purchases. She claimed she liked to do that because she used the money to buy her Christmas gifts. But I suspect she really did it to save time for my father, a businessman in a hurry. She was more thoughtful than she let people know.

With thoughts of Kuralt and Naegelin in my head, I drove home to find a message from Mr. Kraft, the repairman, on my recorder. I had called him two days earlier when a window air conditioner went out—because we had always called Mr. Kraft with such problems. Now in semi-retirement, he had nonetheless come the same day to remove and check it. The message now was that it could be repaired; I wouldn't have to buy a new one. Our family had trusted Mr. Kraft for 30 years: If he said it could be fixed, he'd fix it; if he said it needed replacement, it did.

With Mr. Kraft, as with the Schuberts who are putting new wallpaper in our bedroom, there is no need to ask the price in advance. Harvey Schubert and his son are repapering the same room that his father had papered for my parents when they lived here. The Schuberts and Mr. Kraft would no more overcharge us today than Mrs. Naegelin would have overcharged my father on the yearly bread account. And I would no more need to oversee their work than to

watch the Naegelins bake bread. They respect their craft and their customers; their pride is in their work, their community and their relationship to it.

And it's the same with Mrs. Ott. One of my wife's happiest phone calls this year was when Mrs. Ott called to say that she could add Kathleen to the group of people for whom she ironed. The rules were simple: "If I'm not here, just come in the kitchen. Leave the clothes to be ironed, and pick up your clothes from last week. You'll find them hanging in the back room." The ironing, of course, is faultless.

It all seems so simple on the surface. Just come in the kitchen if I'm not there; just pay the bakery bill once a year; just leave it to Mr. Kraft or Mr. Schubert to do the repairs right. What makes it different from so many of our day-to-day business dealings is that bond of simple trust exists—often it has existed over generations.

My work sends me to Washington, Dallas, Houston and San Antonio regularly. I would not want to see America without the vigor and energy of their business, legal, political and academic lives. One senses that important things are happening there, and that, being involved, one's life there can make a difference for many people.

But I would equally be reluctant to see America lose what the Naegelins, Schuberts, Otts and Krafts offer in New Braunfels: not just their craftmanship and pride in their work, but more importantly, that their craftsmanship is conveyed in an atmosphere of mutual trust. One is not just "doing business," but is exchanging values.

The reason, of course, that one can trust them to charge fairly, and to perform excellently, without either written contracts or advance price agreements, is because one intuitively knows, and has found by long experience, that they would never cheat because they value some things more than money. Their pride is as much in their work as in what they are paid for it, and is more in who they are and how they live with their neighbors than in their dollars.

One can't put a definite monetary value on what it means to live in a community with people like that, because their lives remind us that living well in a real "community" has non-monetary values. Charles Kuralt was right when he said that our small towns are just as important as our major cities to the greatness of America, and to creating an environment that makes life well worth living.

THE SHRINKING OF SMALL TOWN AMERICA

(By U.S. Senator Paul Simon of Illinois)

Travel across Illinois and the rest of the Midwest and one painful sight you will see over and over is the shrinking of small towns. A few are thriving, many more are barely surviving, and many are gradually dying.

It is not good news for America.

I speak with prejudice because most of my life has been spent in small-town America. My address is Route 1, Makanda, Illinois—population 400.

Small towns are not paradise. You will find in them the same prejudices and fears and shortsightedness that exist in larger communities, and because they are small towns, sometimes those warts are more visible.

But in these small towns you will usually find more concern for one another. The economic segregation of urban and suburban America has not hit these small towns. The son and daughter of the wealthiest person in the community go to school with the son and daughter of the school custodian and the son and daughter of the person who is unemployed. We learn from each other.

When these small towns shrink, where do people go? They head for the big cities, hoping for opportunity, often ill-equipped to cope with the sudden new environment of the urban area, compounding the problems of urban America.

What can be done?

First, the problems of rural communities cannot be separated from the problems of American agriculture. So long as we continue policies that do not encourage better prices through greater use of our agricultural producing capacities, farm families and the small towns they surround will not prosper.

Second, we need federal policies that encourage the development of a small and varied industrial base in rural communities so that young people who grow up there will have more of a chance for working and staying in those communities.

Are both of these goals idle illusions that have no chance to become reality?

Not at all.

Let me give you just one example of what can be done for each of these goals.

Sen. Tom Daschle of South Dakota has joined me in introducing a bill that calls for a gradual increase of ethanol in our gasoline. Right now 7 percent of the gasoline sold in the nation has 10 percent ethanol. Just that 7 percent has raised the price of corn about 11 cents a bushel. Our proposal would require that by 1992, 50 percent of the gasoline sold in the nation would be 10 percent ethanol.

One estimate shows that would raise the price of corn about $1 a bushel—still leaving it lower than a few years ago but a substantial improvement over the present price—and it would make us less dependent on Middle Eastern oil, save the federal treasury billions of dollars, and make our air cleaner.

That one step would be a substantial help to this nation's farms and small communities.

To encourage small companies that manufacture products in these smaller communities, we could—and should—take steps to stimulate more export sales. Today a handful of corporations do about 60 percent of our nation's export sales. A major reason is that smaller corporations, particularly those in rural communities, have a difficult time getting bank credit for export expansion.

If the federal government were to provide a partially guaranteed loan for companies that expand exports, we would create more American jobs, particularly jobs in the smaller communities where exports seem like a distant dream because of the credit hurdles.

That is one example of what can be done for each goal. Many other examples could be given. If we have leadership that is concerned and creative we can do much, much better.

Small town America is not thriving.

But the present shrinking of small town America can be reversed.

And the nation will be much better off when it happens.●

BELLARMINE OKTOBERFEST DRIES UP

● Mr. ADAMS. Mr. President, I want to take this opportunity to call to the attention of my colleagues a principled stance taken by the administrators at Bellarmine Preparatory School in Tacoma, WA.

For a number of years, Bellarmine has staged an Oktoberfest event to help raise funds for the school year. Last year, beer gardens at the event accounted for over one-half of the proceeds.

Despite the fact that beer sales raised over $30,000 for the school last year, Bellarmine administrators have banned alcohol at this year's Oktoberfest. School leaders concluded that they were sending students a mixed message when they taught them about the dangers of drug and alcohol abuse during the week and sold alcohol over the weekend to raise money.

I applaud the decision made by Bellarmine Prep. All too often, we parents tell our children to "do as I say, not as I do." I hope that people throughout the country will hear the message sent by the faculty and parents at Bellarmine Prep. They are doing more than teaching their students that principles are more important than profits; they are acting in ways which demonstrate that motives matter more than money.

I ask that several articles about this decision be made a part of the RECORD.

The articles follow:

[From the News Tribune, July 14, 1987]

BELLARMINE OKTOBERFEST DRIES UP

(By Kim Severson)

The Rev. Daniel Weber calls Bellarmine Preparatory School's annual Oktoberfest one of the best parties around. The three-day event also has remained a steady and lucrative source of income for the parochial high school.

But come this fall, the event will be less of a fund-raiser, and some might consider it less of a party.

The 1987 Oktoberfest will be dry.

Nary a drop of alcohol will be available at the annual fall bash because school administrators think plying patrons with beer sends the wrong message to students and parents battling drug and alcohol abuse.

The decision to ban alcohol was a tough one, administrators said. Last year, just more than half of the $70,000 made during Oktoberfest came from the sale of alcohol and admission to the event's two beer gardens.

"When I started this (10 years ago), the time was right for a beer garden. Believe me, this has been one of the best parties you've been to in your life," said Weber, who as school president found himself in the middle of the beer-garden dilemma.

"In our own efforts to ask kids to say no, adults had to say no in a dramatic way," said Weber. "I guess we're starting to realize we've got an excess in this society and it's time to say that this excess has gone too far."

Over the past few years, parents and students both told the Bellarmine administration that the beer gardens were causing problems. There were a few minor fights, and stories surfaced about students who had to go into the gardens to retrieve drunken adults.

Concerns over the beer gardens have arisen every year of Jack Peterson's six-year tenure with the school. As vice president for development, Peterson is in charge of ef-

forts that last year amounted to $1.27 million raised or donated.

"I had the most to lose with this decision," he said. "But what it boils down to is we spend a lot of time teaching (students) about drug and alcohol abuse. The beer gardens were sending them a mixed message."

The beer-garden ban comes with a big price tag. In the 10 years the sales have occurred, about a quarter of a million dollars has been raised on alcohol and alcohol-related sales. The school uses the money to help subsidize about $1,000 in annual tuition per student. Next year, more than 900 students will pay $2,890 to attend the school.

With the exception of a handful of people, most seem to be glad the event is changing, said Carol Colleran, the mother of six children, all of whom have or will graduate from Bellarmine.

"As far as raising money, it was a good idea, but it got to be a problem," she said.

Colleran believes the Oktoberfest may not make a lot of money this year, but eventually will be restored to its former level.

Peterson believes offering other activities including dances and other entertainment can help make up the money lost with the beer-garden ban. The increasing popularity of the school's rummage sale held during Oktoberfest also may make a difference, he said.

[From the Progress, July 16, 1987]

BELLARMINE PREP BANS SALE OF ALCOHOL AT ANNUAL FUND-RAISING OKTOBERFEST

TACOMA—Does no beer in the garden mean no fest in October? Tacoma's Bellarmine Preparatory School hopes not.

Despite the fact that the sale of alcoholic beverages at the school's annual Oktoberfest has raised a quarter of a million dollars over the past decade, the school has decided to stop selling alcohol at the event.

"It was an educational decision," said Jesuit Father Daniel Weber, school president. He said the policy was made to support Bellarmine's alcohol and drug abuse programs.

Without fund-raising events such as Oktoberfest, annual tuition would be about $1,000 more than its current $2,890, Father Weber said.

"Because we are committed to keeping people of average and medium income here," he said, "we have made this commitment to raise money on the side."

Father Weber hopes that other Oktoberfest attractions, such as the international food booths, dances and all-family events such as volksmarch will make up the difference.

The 11th annual Oktoberfest will be held Oct. 2-4.

He said the proposed addition of cultural events, such as an arts show, will more properly reflect the school's academic achievements.

"My original idea of an Oktoberfest was to have family fun and to pull people together," Father Weber explained. Along with the fun, money was raised for the school and for church groups which sponsored booths or events.

Last year 51 percent of the $70,000 gross income of the feast was related to alcohol sales and admission to the beer gardens. During the 10 years of Oktoberfest, $267,880 of the $535,760 gross was alcohol-related.

The decision to ban alcohol was not an easy one, Father Weber said. The church has no ban on alcohol use, so long as it is in moderation, he said. Alcohol is sometimes brought onto school grounds when school facilities are used for wedding receptions and is sometimes served at post-game gatherings and at Booster Club meetings. Those practices are unaffected by the Oktoberfest alcohol ban, he said.

There have been a few alcohol-related incidents at the fest, in part because its popularity led to overcrowding inside and out of the beer gardens.

A fight in the gardens last year caused Father Weber "to assess what we were sponsoring," he said. "I began to reflect: What are we trying to do at this school? We realize that the Oktoberfest was in a certain sense giving permission for something we were trying to curtail in other areas."

At the same time, some parents were expressing misgivings about the excesses involving alcohol at Oktoberfest.

Father Weber met with a parents' committee to consider the impact of the alcohol presence on the educational values of the school.

The problem of drug and alcohol abuse among Bellarmine students is "like any other school," Father Weber said. He felt, however, that Bellarmine had a better handle on it than some other schools because of three programs: "Impact," which is teacher-oriented to intercept abuse; "Natural Helpers," which trains students to help their peers; and a follow-up program to help students return to the mainstream after abuse treatment.

"What we had here was a situation where we're asking kids not to drink at all, because they're not of age, and they're not grown up," Weber said. Then the students see adults getting out of hand while drinking at a school-sponsored event.

"Kids are basically scandalized by us drinking," Father Weber said. "I think they're wrong in their assessment. I don't buy the Puritan ethic that you can't drink. I never have . . . but we want people to do it in moderation."

Paul Sherry, a senior who was president of the Bellarmine chapter of Students Against Drunk Driving, wrote Father Weber an open letter in the school newspaper questioning school-sanctioned alcohol use.

Sherry said: "Bellarmine has a problem with too many students drinking too often. You have made an admirable stand against Bellarmine students drinking. For that I commend you." However, he said that in action, "the school's example is still very poor and hypocritical."

Adult drinking at school events shows a "lack of responsibility . . . regarding their moral obligation to be positive models and to use discretion when exercising their right to drink," Sherry said. "Most teen-agers see this lack of discretion as an excellent excuse to ignore the advice or demands from adults."

After the school's decision was announced in a spring newsletter, Sherry said its shows "that trying to stop the abuse of alcohol is more important than the (school's) economic situation. It is too bad that we depended on that so much for money."

Acceptance o `he new policy was not immediate, nor was it unanimous, Father Weber said.

Some students are openly skeptical that Oktoberfest w.'l survive without the beer, and at least one athletic fan told Father Weber he would not help put on the event if beer was banned.

"Some kids said, 'Oh, you can't do that, Father.' You see they were looking forward to coming back here as adults when they could get inside that beer hall and have some fun," Father Weber said.

"It is a fun place. That's why I liked it," he said. "I had a heck of a good time down there."

Dan Wombacher, president of the Booster Club, said he believes the school administration was wrong to ban the alcohol sale at Oktoberfest.

"Sure, there were problems," he said. "Instead of trying to cure the problems, they just threw the whole thing out."

"If people want to come to this thing, they will come," Father Weber believes. "But they won't come here to drink booze, because it won't be here."

"It was a hard decision for me to make because I liked the fun," he added. "But I've never regretted it."●

COERCIVE POPULATION CONTROL IN CHINA

● Mr. HUMPHREY. Mr. President, the Senate Appropriations Committee recently heard compelling testimony from Mr. Steven W. Mosher of the Asian studies center at the Claremont Institute. His testimony centered around the current state of China's population control program which, according to Mr. Mosher and a number of other sources, still employs coercive methods such as mandatory sterilization and forced abortion.

Thankfully, the committee voted to continue the U.S. funding boycott of China's population control program; nevertheless, I believe that Mr. Mosher's testimony is worthy of a much wider audience, and therefore I ask that it be entered into the RECORD.

The testimony follows:

STATEMENT OF CHINA'S POPULATION CONTROL PROGRAM

(By Steven W. Mosher)

China's basic population control policy, what it calls its "technical policy of birth control," was promulgated in 1983 and is still in effect today. It is contained in a directive of the Central Committee of the Chinese Communist Party, whose pronouncements have the force of law in China. Its principal content is: "Those women who have already given birth to one child must be fitted with IUDs, couples who already have two children must undergo sterilization of either the husband or the wife, and women pregnant outside of the plan must adopt remedial measures [i.e., abortion] as soon as possible." (NANFANG RIBAU, May 15, 1983, p. 3)

This directive, the operant passages of which have appeared repeatedly in the Chinese press, makes a bow in the direction of "voluntarism," by which is meant that the formal consent of the person involved must be obtained prior to any operation. But the directive is written in the imperative, and is in fact a prescription for mandatory IUD insertion, for mandatory sterilization and, when the policy on childbirth is violated, for mandatory abortion.

What is called "the policy on childbirth" is in reality two policies, one for officials and workers, and one for peasants. Like the policy on birth control, the policy on childbirth for officials and workers, who comprise perhaps 20 percent of the population, has remained unchanged for the past five

years. It reads: "All state cadres, workers and employees, and urban residents, except for special cases which must be approved, may have only one child per couple." (NAN-FANG RIBAU, May 15, 1983, p. 3; for a recent restatement of the same policy by Henan party leader Yang Xizong see Foreign Broadcast Information Service (FBIS), CHI-87-133, July 13, 1987, p. P4) In the cities, second children are simply not allowed, and tremendous pressures (about which more below) are brought on pregnant women to submit to "remedial measures."

The rural policy on childbirth has, from the beginning, been less strict than this. Instead of being strictly enforced, the one-child policy is merely to be "vigorously advocated." In practice, however, the "vigorous advocacy" of undereducated, overzealous rural officials often resulted in forced abortions and sterilizations.

To combat growing rural discontent a major exception to the policy of promoting one child in the countryside was made in 1984. Couples facing "real difficulties," it was announced, could apply for permission to have a second child. The "real difficulties" in question were never spelled out clearly in documents, perhaps because the Central Committee recoiled at putting a clearly sexist policy in writing, but were widely understood to be those caused by the birth of a girl, namely, that she could neither carry on the family name nor support her peasant parents in their old age. (See, for example, FBIS-CHI-87-133, July 13, 1987, p. P4)

It was stressed that that exemptions to the one-child rule were not to be made indiscriminately to all rural couples with first-born girls. The quotas on births handed down to each province were to be respected, and second-child exemptions were to be contingent upon a wait of four to seven years after the first child. The "technical policy on birth control" was also not to be violated, so that the prior agreement of the couple, usually the women, to accept sterilization following the birth of their second child was required. Women who met these conditions would, at the appropriate time, be allowed to have their IUDs removed. (Personal Communication)

This policy put local officials in the difficult position of having to grant second-child exemptions to some but denying others. Although perfectly ready to impose uniform rules concerning the spacing of births and the timing of sterilization, some refused to interpret a deliberately ambiguous Central Committee policy in the expected manner. Rather, they chose to consider that all of the one-child couples in their communities had "real difficulties" and licensed them to conceive and bear a second child. As a result the 1986 birth rate is the highest in four years, although at 1.4 percent it remains extremely low by the standards of the Third World. Recent remarks by government officials indicate that the number of exemptions to the one-child policy allowed in the countryside will be reduced. (FBIS-CHI-87-135, July 15, 1987, p. T1; FBIS-CHI-87-133, July 13, 1987, p. P4) This will necessarily mean an increase in the level of coercion as peasants attempt to bear second children without permission.

Overall, the key to understanding the degree of coercion in China is not the "policy on childbirth," but in the technical policy on population control." Both urban and rural women with one child are required to have IUDs inserted, the removal of which is a crime. (FBIS-CHI-87-133, July 13, 1987, p. Q1) Both urban and rural women who bring a second child to term continue to be sterilized, sometimes involuntarily. Both urban and rural women pregnant with second children for which they have not been given exemptions are pressured to get abortions, and sometimes force is used. Even if the one-child policy were abandoned tomorrow in favor of a "two-child," policy, the program would remain painfully coercive as IUDs insertions, sterilizations, and abortions continued.

Unapproved births do occur, mainly by a means called "childbirth on the run." Women who are pregnant with "illegal" children go to live with relatives in distant villages or towns. Away from their native place, they are often able to escape detection by the local authorities. Only after they have actually given birth do they dare return home. This is because abortions are performed in China up to the very time of parturition. As the child descends headfirst in the birth canal, it is given an injection of formaldehyde or alcohol into the fontanel, or soft spot, causing instantaneous death.

Couples who succeed in bringing such "illegal" children into the world are subject to heavy fines. Typically, a family will have to pay a fine equivalent to a year's income, and face monthly penalties as well, for having a second child without permission. Such fines are intended to deter, not merely dissuade, young couples from having children outside the plan.

In Guangdong, women who refuse the operations they are ordered to undergo are arrested and taken in police vans directly to clinics. These vans have become popularly known as "pig basket" vans, after the large wicker baskets in which pigs are taken to the slaughterhouse.

To bring together these disparate parts of China's population control program into a coherent whole and illustrate how the program actually functions, I have chosen one of the numerous interviews I conducted while in China in later May of this year. The case of the Wangs, a young couple living in Zhuhai, China, follows:

Like most women in rural China, Chen Suxiang wasn't content with the one child she was allowed under the state's birth quota system. With her husband, a truck driver, on the road much of the time, and her only child, a boy, set to enter primary school the following year, she wanted another baby.

Sitting in the living room of his modest house in Zhuhai, a Special Economic Zone in Guangdong Province designated for foreign investment, her husband recalled that he at first tried to dissuade her, pointing out the pressures they would be subjected to—fines, meetings, and even heavier penalties. "As a permanent employee in a state factory, there are no exceptions allowed to the one-child quota," Chen said. "I told her I could be fired from my job, but she wouldn't listen."

Chen's wife found a midwife who, for a fee of $20, was willing to perform an illegal procedure: remove the steel IUD that had been inserted following the birth of her first child. After several months, in September 1986, she became pregnant.

By staying home most of the time, Suxiang was able to hide her pregnancy from the population control workers for several months. Her growing reclusiveness eventually made them suspicious, however, and they finally ordered her to go in for a pelvic examination.

Chen explained what that meant. "If they discovered that my wife was pregnant, they would order her to have an abortion." By this time, fully supportive of his wife's plan, he decided that she would go to live with a cousin in a neighboring county until she gave birth. Called "childbirth on the run," her response was a common last resort of couples under government pressure. Though his wife was safely out of reach, Chen was not, and was taken aback at the onslaught that followed. His superiors at the factory missed no opportunity to pressure him to end his wife's pregnancy. Each day the vice director of his factory sought him out and lectured him. Each evening he would be visited by a birth control delegation. And each week at political meetings he was singled out as a bad example to the rest of the workers, and even his friends felt obligated to criticize him in public. The message was always the same: "For the sake of the nation, the community, the factory, and the Four Modernizations, he and his wife must give in."

Chen, an angular-faced man with a shock of unruly black hair, refused to buckle under this pressure. She has left me, he protested, because I would not allow her to keep the child. I do not know her whereabouts. He was not believed, and the pressure continued.

The factory director, seeing that Chen could not be budged, resolved to find his absent wife by other means. He ordered the factory's dozen purchasing agents and sales representatives to make inquiries, promising a bonus to the one who located Chen's wife. It was one of their number who, discovering that Chen frequently detoured to the neighboring county on his runs, began making inquiries there. Chen's wife was found and brought back in February, seven months pregnant.

Afraid that she would escape again if she were allowed to go home, the factory director ordered the runaway confined to a factory dormitory, under the supervision of birth control workers, who missed no opportunity to badger her to accept an abortion. Separated from her husband, so distraught that she was unable to eat and sleep, she was no match for the "thought work committee" that was assigned to reeducate her into accepting an abortion. Going into the ninth month of pregnancy, she bowed to the pressure.

She was immediately taken to the local medical clinic and given an injection of an abortifacient drug. Her child was born dead 48 hours later. "They didn't even tell me she was in the clinic until they had already given her the shot," Chen said. She was four weeks from term.

Despite the stringent controls, however, there are still couples who manage to bring a second child to term, like Wang Guohan and his wife, both of whom worked in a state-run retail store. The Wang's story begins like the Chen's. Like Mrs. Chen, Wang's wife paid a midwife to illegally remove her IUD and conceived a child. Again like Mrs. Chen, when she was discovered by the authorities she decided upon "childbirth on the run."

Here the similarity ends, however. Unlike Chen's wife, Mrs. Wang shuttled between the homes of several relatives, making it impossible for her unit to find her. A midwife helped with the birth, so she was able to avoid the fate that her "illegal" child would have met in the hospital. She returned home with a strong, healthy boy in her arms, and was of course allowed to keep him. Her "little treasure" did not come free of charge, however.

The party committee of the department store fined the Wang's 3,000 renminbi, or $500, an amount equivalent to two years income. His monthly income was also slashed from $30 a month to $9, as his bonus, cost-of-living allowance, expense allowance, and overtime were cut off. They had family members in Hong Kong willing to help with the bills, Mr. Wang said, otherwise they would starve.

There is a final note to their story. Mrs. Wang, having borne a second child, was ordered to report to the hospital for sterilization. She refused. Several times she was warned. Still she refused. One day a police van pulled up in front of her house. She was taken against her will in this "pig basket" van to the hospital and given a tubal ligation. She was still in the hospital recovering from this unwanted operation on the day I interviewed her husband.

Peking is continuing a population control program which, despite its advertised "voluntarism," relies heavily on coercive abortion and coercive sterlization and the threat of same. The United Nations Fund for Population Activities, for its part, continues to support this program in word and deed.

For example, the UNFPA representative in Peking recently praised China's program. "China is actively working to set up a model of how social and economic factors can be harnessed in a harmonious way," he was quoted as saying. "The government has shown its full commitment to a family planning program that has been internationally acknowledged as one of the most successful efforts in the world today." (Peking, New China News Agency, July 11, 1987, FBIS-CHI-87-133, July 13, 1987, p. A1) Such comments call into serious doubt whether the UNFPA is capable of distinguishing between legitimate family planning, as defined by its charter, and coercive population control.

It is not consonant with America's commitment to human rights to support, directly or indirectly, a Chinese program that violates the right of couples to decide for themselves the number and spacing of their children.

To resume AID funding to the UNFPA at a time when that organization has not shown the slightest intention to distance itself from the coercive abortion and sterilization practices of what is one of its largest grant recipients would be a mistake. It would send the message to the world that America care little about violations of human rights in population control programs.●

INFORMED CONSENT: KENTUCKY

● Mr. HUMPHREY. Mr. President, informed consent is the name for a general principle of law that a physician has a duty to disclose to his patient all of the facts needed to make an intelligent decision as to whether consent should be given or withheld. According to Black's Law Dictionary, this includes giving the patient information about the risks as well as alternatives to the proposed procedure.

The purpose of informed consent is clear: to give a patient the ability to reasonably balance the probable risks against the probable benefits of a procedure.

I urge my distinguished colleagues to support my informed consent bills S. 272 and S. 273.

I ask that a letter from the State of Kentucky be inserted in the RECORD.

The letter follows:

JUNE 3, 1987.

DEAR SENATOR HUMPHREY, I am writing in support of "The Informed Consent Bill" which you are presenting on behalf of those of us who had abortions without being adequately informed.

My abortion was 8½ years ago. I was alone and frightened. I had nowhere else to turn for help. I trusted the clinic staff to help me, after all they are supposed to be trained medical personnel—aren't they? But they did not help. The abortion procedure was not explained to me in terms that I could understand. I was not informed what harmful effects the abortion could have on my body. I was not informed about the possible emotional problems that could result. I was not offered any other alternative except abortion. And I was too scared to say no. Abortion is the choice of a frightened woman who is reaching out for help, why is there no one to help her? Abortion is irreversible—it can't be undone.

No one prepared me for the sudden personality change that took place. I hated myself and everyone else. My relationship with my baby's father ended within 3 months of the abortion. Full of bitterness and resentment, depression was my constant companion. I cried a lot and slept little, although I spent a great deal of time in bed. I suffered intense migraine headaches. I could not cope with everyday living. I lost interest in men and sex, and gained over 60 lbs. Nobody would ever hurt me that bad again.

If I had really known what was going to happen in my life as a result of my abortion, I doubt that I could have gone through with it. I lost my only child. And I have to live with that knowledge the rest of my life.

Thank you for caring. God bless you.

Sincerely,

CARLA J. SMITH,
Kentucky.●

PARENT-TEACHER ASSOCIATIONS

● Mr. McCONNELL. Mr. President, today I want to commend the important activities of parent-teacher associations throughout our great country. In particular, I want to recognize the Kentucky Congress of Parents and Teachers, Inc., for their membership drive that is currently taking place and will run throughout October. Since school has just started, it seems timely to discuss the significant role the PTA plays in the education of our children and to encourage membership in the PTA. The PTA is a cooperative venture between parents and teachers. It gives parents and teachers a chance to share information and expertise on children. Membership in the PTA is open to anyone, you don't even have to have children to be a member.

It is interesting to note that there are over 6 million members of the PTA across the United States and that the PTA has been in existence since 1897. This organization has been working toward better conditions for America's youth by securing child labor laws; supporting compulsory public education; developing health and nutrition programs; promoting education for handicapped children and children with special needs; establishing a juvenile justice system; raising minimum drinking ages in the States; and enacting State seat belt safety laws. In brief, they have been an advocate for children in a variety of ways. The PTA is one of the leaders in the preservation and enhancement of public education.

I have had the honor of being asked to serve as the honorary cochairman of the membership drive for the Kentucky Congress of Parents and Teachers, Inc. I am looking forward to working with the president, Mrs. Jane Boyer and Mrs. Karen Jones, membership chairman, on increasing their membership. Last year the Kentucky Congress won the Region 3 Traveling Silver Bowl Award for a 13-percent increase in membership, and a national award for having 47 percent of their local units recruiting 25 or more additional members over their previous year's total. In the spirit of competition, Georgia has challenged Kentucky to a membership race with the winner receiving the coveted silver bowl. I plan to help the PTA in Kentucky achieve their membership goal and keep the silver bowl in the Bluegrass State. I hope that all Senators will work along with me to promote the PTA and encourage people to become involved in their local parent-teacher association.●

INDIAN HEALTH CARE AMENDMENTS OF 1987

● Mr. DOMENICI. Mr. President, during the 98th Congress, and again in the 99th Congress, I cosponsored legislation to improve the delivery of Indian health services.

The 98th Congress passed our bill. But after the Congress adjourned, the President vetoed our bill. The Senate did not pass a second version of this bill during the 99th Congress.

Despite this inaction, the need to improve the Indian Health Service remains. I am pleased to cosponsor the Indian Health Care Amendments of 1987, S. 129. This bill is essentially the same as the one we tried to pass before the 99th Congress adjourned. It is responsive to the administration's concerns, and it makes important improvements in the Indian Health Service.

The major objectives of S. 129 are:

First. To raise the health status of American Indians and Alaska Natives to the highest possible level by eliminating existing IHS backlogs and augmenting the ability of IHS to meet

vital service needs, such as preventive health, clinical care, dental care, mental health, emergency medical services, alcohol and drug treatment, and home health care;

Second. Establish an "Indian Catastrophic Health Emergency Fund" to meet the extraordinary medical costs for victims of disasters or catastrophic illnesses;

Third. Improve the IHS health facilities construction program by requiring tribal consultation concerning size, location, type, and other characteristics of any newly planned facility;

Fourth. Reauthorize the Indian Health Professions Scholarship Program;

Fifth. Implement a 10-year plan to provide safe water supply, sanitary sewers, and solid waste disposal facilities to existing Indian homes and communities;

Sixth. Establish the Community Health Representative [CHR] Program and urban Indian health programs as permanent components of the Indian health system. The CHR Program provides for the training of Indians as health paraprofessionals, and employs such paraprofessionals in the provision of health care to Indians;

Seventh. Authorize comprehensive health promotion/disease prevention and diabetes control programs; and

Eighth. Expand the types of service facilities that may receive reimbursement from Medicare for providing health services to eligible Indian people.

The bill authorizes these activities for fiscal years 1988 through 1991, at annual authorizations of $39,750,000; $38,576,300; $39,003,800; and $41,966,500, respectively.

Mr. President, I believe that these and the other changes provided by this legislation are essential to improve the health care status of Indian people. I am proud to be a cosponsor of S. 129, and I urge my colleagues to support this important improvement to the health care system that is now in place for American Indians and Alaska Natives.●

THE GREATEST THREAT TO PEACE AND FREEDOM

● Mr. SYMMS. Mr. President, Notwithstanding the detente-at-any-cost mentality of the U.S. State Department, communism is still the greatest threat to peace and freedom in the world.

And while we are in the midst of negotiating with the Communists for reductions in nuclear weapons in Western Europe and for a so-called peace plan in Central America, we would do well to remember just what we are dealing with.

Mr. President, communism is more than a political system, more than an economic system. It is a system of belief that has been imposed on millions of people since Karl Marx and Frederick Engels formalized the doctrine more than a century ago.

That system is build upon the idea that the state should have absolute power over the individual, and the mechanism by which it is spread throughout the world is brute force—exactly what is happening in Afghanistan, Angola, Mozambique, Nicaragua and elsewhere.

What follows is the misery that exists in the Soviet Union and its satellites today.

I have here an article written by Doug Wilson, a columnist in Moscow, ID, and published in the Lewiston (Idaho) Morning Tribune earlier this month. It describes the type of life that naturally follows the imposition of communism and asks some important questions about U.S support for movements resisting communism today.

I ask that it be printed in the RECORD, and I encourage my colleagues and all others to read it, consider its implications, and take a stand for freedom.

The article follows:

WHERE WILL THE LIBERALS DRAW THE DEFENSE LINE?

(By Doug Wilson)

What happens when a nation falls to communism? What does it mean for the people of that nation, and what does it mean in the rest of the world?

Communism purports to stand for social justice, and promises to establish a state where capitalism will no longer be able to take advantage of the poor.

For the sake of this discussion, never mind the fact that free market capitalism has raised more people out of poverty than any other economic system in history. The purpose here is not to examine communism's claims about freedom, but rather the immense gap between what communism promises to deliver and what actually shows up on the doorstep.

Because of economic incompetence, an immediate result of communism is an explosion of poverty. For example, more cars are owned by blacks in South Africa than are owned by whites in the Soviet Union. And the Marxists want to liberate the blacks in South Africa from economic oppression? It is sort of like Typhoid Mary trying to get into med school.

Another result of communist control is that the affected nation turns into one great big concentration camp. Walls go up, barbed wire goes up and the guards are posted and it is certainly not to keep all the envious foreigners out.

Still another result is the systematic imprisonment and/or slaughter of political dissenters. This bloodshed is done on a scale that makes Attila the Hun look like a Quaker. It is hard to keep your eyes on the Marxist vision for a peaceful future when the bodies keep piling up. They obstruct the view.

All of the above indicate that a country overrun by the communist horror is indeed miserable. But what does this have to do with the rest of the world? How does it concern us?

For some reason the fanatical followers of the communist ayatollahs seem unable to learn from history. No sooner is one disastrous revolution in place than their eyes turn to the next unhappy victim.

And for some stranger reason, the liberals among us are baffled by the whole thing. The closer the communist threat gets to our southern border, the more we hear liberals calling for negotiations, balance, justice, international understanding and peace in our time. The typical liberal sentence addressing the communist problem in Central America looks like a string of wet sponges.

If the communist revolution came as far north as San Antonio, no doubt some liberal congressman would rise to the occasion and solemnly warn us about the lessons of Vietnam.

So my questions for the liberals in the Democratic Party are these:

At what latitude do you believe American troops should be deployed to deal with the communist threat? Is this latitude south or north of the Rio Grande?

Your arguments for tolerating the communists in Nicaragua are similar to your arguments for tolerating communism in Cuba. Will you use these same arguments when the fighting breaks out in Costa Rica? Honduras? Mexico?

Do you believe that communist expansion should ever be resisted with military force? If so, under what circumstances? Please give specifics. If not, why not?

The answers to these questions should not be difficult. The fact that liberals struggle with them indicates that they are in the grip of an ideology which cannot recognize any threat to the left. They resolutely turn away, and they are going to be blindsided.

The conclusion? The Contras in Nicaragua need our help. Those who refuse the help are, at best, naive. At worst, they are fellow-travelers with the communists.●

NAUM MEIMAN

● Mr. SIMON. Mr. President, once again, I turn to an issue that affects us all and appeals to our ideals of freedom. I bring to your attention the plight of Naum Meiman and the thousands of refuseniks like him who remain in the Soviet Union against their will.

The persecution thousands of people suffer as a result of their desire to speak out and be heard is a reminder to us all. Their relentless pursuit of a better life is an inspiration for us all. We, who live in freedom, able to practice our respective faiths, able to live under a government that was based upon a doctrine of tolerance, can only begin to imagine a life of daily persecution and repression.

It is our duty to remain vigilant on behalf of the hundreds of thousands of Jews and people of other religions that remain in the Soviet Union. We must also continue to fight for the freedom of those hundreds of thousands of people, whether they have spoken out and been refused or have chosen to remain silent to preserve their few remaining privileges. Our silence in the face of such obvious injustices is intolerable. When we stop

speaking out for those who cannot and when we feel unable to fight for what we know is right, we are defeated.

In this spirit and on behalf of Naum Meiman, I strongly urge us all to do whatever is in our power to help the Soviet refuseniks who are in such desperate need. Perhaps our collective efforts can accomplish what our individual efforts have not yet been able to achieve.●

ORDERS FOR WEDNESDAY

ADJOURNMENT UNTIL 8:30 A.M.

Mr. BYRD. Mr. President, the motion was entered earlier that when the Senate convenes on tomorrow, it would convene at 8:30 a.m., I believe.

Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment under the order to 8:30 a.m. tomorrow.

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

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I ask unanimous consent that on tomorrow the call of the calendar be waived and all motions and resolutions over under the rule not come over.

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

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that after the two leaders are recognized under the standing order, there then be a period for the transaction of morning business not to extend beyond the hour of 9 a.m., that Senators may speak therein for not to exceed 3 minutes each.

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

UNFINISHED BUSINESS

Mr. BYRD. Mr. President, at the hour of 9 a.m., I ask unanimous consent that the Chair lay before the Senate the then unfinished business.

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

BICENTENNIAL CELEBRATION

Mr. BYRD. Mr. President, tomorrow on the west front of the Capitol, there will be a celebration of the Bicentennial of the Constitution which will be attended by the President, Cabinet, members of the Supreme Court, and the Congress. At 12:40 p.m., the Senate will have a short quorum call and at 12:45 p.m., the Senate will depart as a body for the west front.

Now, Mr. President, I think I had better strike that about a short quorum call because there is no way that I can guarantee that a quorum call can be called off in 5 minutes; it can be objected to.

So I would suggest that Senators come to the Senate at 12:40 p.m., that they be ready to leave the Senate no later than 12:45 p.m. to depart as a body for the west front. Senate wives will be welcomed to join the Senate delegation. Those wives wishing to accompany the Senate delegation should be in the Senate Reception Room at 12:30 p.m. The main portion of that program will occur between 1 p.m. and 2 p.m. And I plan to reconvene the Senate at 2:15 p.m. tomorrow.

PROGRAM

Mr. BYRD. Mr. President, this will mean then that the Senate will come in at 8:30 tomorrow morning. The two leaders will speak as usual under the standing order. There will be a period for the transaction of morning business during which Senators may introduce bills and resolutions and, under the order, may speak for not to exceed 3 minutes each. That period will end at 9 a.m., at which time the Chair will lay before the Senate the unfinished business, the DOD authorization bill. At that time, as I have indicated to all Senators, I will suggest the absence of a quorum. That will be a live quorum, and there will be a rollcall vote on instructing the Sergeant at Arms to request the attendance of absent Senators.

Following the establishment of a quorum, the Senate then will proceed to debate the amendment by Mr. WARNER and others to strike the Nunn-Levin language in the bill and no amendment to the underlying language will be in order. There is no time agreement on the motion to strike. That motion or amendment will be subject to a tabling motion. There is no agreement that waives any Senator's right to table the amendment.

ADJOURNMENT UNTIL 8:30 A.M. TOMORROW

Mr. BYRD. Mr. President, I thank the Chair. I thank all Senators and officers of the Senate for their patience and indulgence. I thank all Senators, and if there be no further business to come before the Senate, I move in accordance with the order previously entered that the Senate stand in adjournment until the hour of 8:30 tomorrow morning.

The motion was agreed to; and, at 11:19 p.m., the Senate adjourned until tomorrow, Wednesday, September 16, 1987, at 8:30 a.m.

NOMINATIONS

Executive nominations received by the Secretary of the Senate September 14, 1987, under authority of the order of the Senate of February 3, 1987:

DEPARTMENT OF STATE

RICHARD NOYES VIETS, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF PORTUGAL.

THE JUDICIARY

DEAN WHIPPLE, OF MISSOURI, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MISSOURI VICE ROSS T. ROBERTS, DECEASED.

ALFRED M. WOLIN, OF NEW JERSEY, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY VICE ROBERT E. COWEN, ELEVATED.

Executive nominations received by the Senate September 15, 1987:

UNITED NATIONS

VERNON A. WALTERS, OF FLORIDA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 42ND SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

PATRICIA MARY BYRNE, OF OHIO, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 42ND SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

HUGH MONTGOMERY, OF VIRGINIA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 42ND SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

LESTER B. KORN, OF CALIFORNIA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 42ND SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

THE JUDICIARY

ARTHUR L. BURNETT, SR., OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR A TERM OF 15 YEARS, VICE LUKE C. MOORE, RETIRED.

OFFICE OF PERSONNEL MANAGEMENT

FRANK Q. NEBEKER, OF VIRGINIA, TO BE DIRECTOR OF THE OFFICE OF GOVERNMENT ETHICS FOR A TERM OF 5 YEARS VICE DAVID H. MARTIN, RESIGNED.

FEDERAL EMERGENCY MANAGEMENT AGENCY

GRANT C. PETERSON, OF WASHINGTON, TO BE AN ASSOCIATE DIRECTOR OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY, VICE SAMUEL W. SPECK, JR., RESIGNED.

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE OF LIEUTENANT GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

ERNEST C. CHEATHAM, JR., xxx-xx-xxxx U.S. MARINE CORPS.

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE OF LIEUTENANT GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

JOHN PHILLIPS, xxx-xx-xxxx U.S. MARINE CORPS.