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PROCEEDINGS AND DEBATES OF THE 100th CONGRESS, SECOND SESSION

SENATE—*Wednesday, May 11, 1988*

(Legislative day of Monday, May 9, 1988)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable ALAN J. DIXON, a Senator from the State of Illinois.

PRAYER

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

Let us pray:

Almighty God, Father of us all, we honor Thee today in the profound words of Israel's greatest King, David: "* * * Blessed be Thou, Lord God of Israel our Father, for ever and ever. Thine, O Lord, is the greatness, and the power, and the glory, and the victory, and the majesty: for all that is in the heaven and in the Earth is Thine; Thine is the Kingdom, O Lord, and Thou art exalted as head above all. Both riches and honour come of Thee, and Thou reignest over all and in Thine hand is power and might; and in Thine hand it is to make great, and to give strength unto all. Now, therefore, our God, we thank Thee, and praise Thy glorious name." Amen.

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 legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 11, 1988.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ALAN J. DIXON, a Senator from the State of Illinois, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order the majority leader is recognized.

THE CHAPLAIN'S PRAYER

Mr. BYRD. Mr. President, I thank the Chaplain for his beautiful scriptural readings. They are refreshing. They are like a breath of fresh air through an open window, opening the day. It is a beautiful day in many ways, and these great passages from the Scriptures certainly make it a splendid one.

I hope that we all can take advantage of it, and I know we will profit by the prayer.

RESERVATION OF LEADER TIME

Mr. BYRD. Mr. President, I ask unanimous consent that the time of the Republican leader be reserved and that my own time be reserved.

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

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 extend beyond the hour of 10 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from Wisconsin.

THE ROADBLOCK TO ENDING THE CONVENTIONAL WEAPONS ARMS RACE

Mr. PROXMIRE. Mr. President, the Federation of American Scientists have contributed greatly to public and congressional understanding of the possibilities and limitations of arms control. Earlier this year they published a monograph on "the Future of Conventional Arms Control in Europe." There can be no doubt about where these scientists for peace are coming from. Here is a preeminent peace advocacy organization. They have been right out in front in supporting every realistic arms control proposal since virtually the dawn of the nuclear age. But in this latest 10,000-word analysis of the outlook for conventional arms control in Europe, they come up with what this Senator regards as a painfully pessimistic conclusion. Pessimistic but realistic. Oh, the monograph concludes with:

> With time and patience, the logjam can be broken and a new era of stability in Europe achieved.

But a close reading of this analysis by such preeminent arms control advocates suggests that the time of achievement could be decades and the necessary patience infinite. It is not hard to understand the mutual intransigence. Gorbachev speaks of asymetrical reductions. Sounds very promising doesn't it? Obviously with Warsaw Pact forces armed with at least three times as many tanks as the NATO forces, at least twice as much artillery, far more planes and a massive advantage in the number of troops, one would logically assume that the pact is ready to make a significantly disproportionate reduction in weapons and military personnel. Unfortunately there is no evidence that the pact has really changed at all its assertion in the Budapest Appeal of June 1986 that land forces and air forces of both military alliances in Europe should be reduced by some 25 percent as compared with present levels. Such a reduction would obviously be completely unacceptable for NATO.

A year ago—April 10, 1987, in Prague, Gorbachev said the pact favored reaching a balance of forces on both sides "not through a buildup of those who are behind but through reduction on the part of those who are ahead." Hooray. This sounds like hats-in-the-air time. But in the year that has elapsed what have the Soviet

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

Union and the Warsaw Pact done? It seems those who were so excited by Gorbachev's Prague assertion overlooked the spin he was putting on this sentence: "We see the process of reducing military confrontation in Europe as a phased process, observing balance at each stage at the level of reasonable sufficiency." So the Soviets will reduce their military forces but only to a level of "reasonable sufficiency." The American Federation of Scientists article contends that the Soviet military substitutes "defense sufficiency" for "reasonable sufficiency." To the military that, of course, means higher defense requirements. And in July 1987, Soviet Defense Minister Yazov said, "It is not we who set the limits of sufficiency, it is the actions of the United States and NATO."

Mr. President, let's face it we are dealing with a power in the Soviet Union that Secretary Gorbachev whether he likes it or not almost certainly cannot control. Mr. Gorbachev is having serious trouble right now with a Soviet economy that is stumbling and staggering. His Perestroika has alienated many of the powerful Politburo bureaucrats as he attempts to decentralize control over pricing and production in 80 percent of the Soviet economy. He can't afford to kick his military around at the same time. Now what happens to the power of that military if and when arms control negotiations mean they lose half their artillery, two-thirds of their tanks, and a massive share of their troops to command? Obviously, their world collapses around them. So the Soviet military bureaucracy becomes alienated at the same time Gorbachev is running smack into very similar civilian bureaucratic resistance. Civilian bureaucrats are stalling Gorbachev's efforts to decentralize its dinosaur of a centralized economy. For Gorbachev to take on his military and his civilian bureaucracy at one and the same time with a double reorganization that could seriously damage both may very well mean that he will lose on both fronts.

Here is why the United States and NATO should push the Kremlin loud and long for conventional arms control reductions and big ones. So why don't we do exactly that? Here's why: We have our own military industrial complex that will resist cutbacks that will cost our own admirals and generals their jobs and will slash the production and profits from powerful military contractors. So arms control at the conventional level where it will bear far and away its biggest economic fruits goes little farther than the rhetorical flourishes and public relations pitches calcaluated to win approval from the vast majority of the world's people who yearn for peace.

How ironic this is, at a time when the surest and wisest way the United States and the Soviet Union can overcome each of their serious economic problems is through a negotiated, mutual and thoroughly verified agreement to stop the conventional arms race and save billions. How specially ironic this is in a world in which the massive arms both sides are working so feverishly to build can only be used in a superpower war in an act of certain double suicide—that would bring the death—the final end for both nations as organized societies.

IN PRAISE OF BARBER SHOP SINGING

Mr. PROXMIRE. Mr. President, today I want to sing the praises of the Society for the Preservation and Encouragement of Barber Shop Quartet Singing in America, Inc.—S.P.E.B.S.Q.S.A., Inc. This Wisconsin-based organization is celebrating 50 years of spreading goodwill through song.

The S.P.E.B.S.Q.S.A. has more than 800 chapters nationwide, and affiliates in Canada, Great Britain, Sweden, and New Zealand. The Barbershoppers number almost 40,000 men dedicated to the preservation of this American art form. Two women's groups, Sweet Adelines and Harmony, Inc., bring the total number of participants to about 75,000.

S.P.E.B.S.Q.S.A. was formed in 1938 by two Tulsa businessmen, O.C. Cash and Rupert Hall. The name was a takeoff on the "alphabet agencies" of the New Deal era. It is as accurate as it is amusing—the S.P.E.B.S.Q.S.A. has preserved and encouraged a literature and a style of music with a rich tradition of American life. This tradition predates television, the computer age, and the hustle and bustle of much of today's recreational life.

The dedication of the 75,000 men and women in this organization goes far beyond simple fellowship and fun. They contribute to the enrichment of the lives of many in their communities. Through singing they have helped to raise millions of dollars for civic, charitable, and patriotic purposes. The men, for instance, contribute substantially to the Institute of Logopedics, a research and service agency for persons with speech impediments and multiple handicaps.

The Barbershoppers' commitment to quality performance is exemplary. They carry on extensive educational programs to improve their singing. As amateurs, their best quartets are on par with professional groups and university performers anywhere. Last December, the Alexandria Harmonizers from Alexandria, VA, performed in the Kennedy Center Honors Program for the President, Members of Congress, and millions of Americans.

Mr. President, all of America is proud to honor the Barbershoppers on their golden anniversary. They enter upon their 51st year with the warm wishes and congratulations of Americans everywhere. Theirs has been an exceptional historical, social, and creative contribution.

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

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

The bill 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.

THE CURRENT SITUATION IN ISRAEL

Mr. SPECTER. Mr. President, I rise today to bring to my colleagues' attention an editorial that appeared in the Independent and Montgomery Transcript of Collegeville and Trappe, PA, in the edition of March 29, 1988, regarding the current situation in Israel.

I ask unanimous consent that the editorial be printed in the RECORD.

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

ISRAEL—SURROUNDED BY EVIL MEN AND THEIR "FINAL SOLUTIONS"

(By John Stewart)

Israel has been fighting a war of survival for forty years. The United Nations created Israel in 1947. A larger Arab state was also created by the same U.N. mandate. The Jews accepted the United Nations Law. The Arabs rejected it and started a war against Israel. Syria, Jordan and Egypt ganged up on Israel and attempted the total destruction of the Jewish state. The Arabs failed their "final solution" 40 years ago.

In judging Israel on their present actions in dealing with the Palestinians one must review the following past and present facts:

1. The League of Nations, after World War One, allocated an area for the future Jewish National Home.

2. In 1922, Britian took 76% of the League of Nations' Jewish Home Land and gave it to Jordan.

3. The United Nations created Israel and a larger Arab state in 1947, the Jews accepted this mandate and the Arabs rejected it.

4. The Arabs started a war of extinguishment against Israel in 1947.

5. Israel defeated the Arabs and annexed Gaza to their land.

6. The Arabs sued for peace in 1949 and Israel returned Gaza to Egypt.

7. Egypt governed the Gaza for 19 years and did nothing for the Palestinians. Egypt lost Gaza in the 1967 war she started.

8. Egypt refused to take back the Gaza in the Camp David accords of 1978.

9. Jordan, ruled by King Hussein, is 85% Palestinian.

10. King Hussein slaughtered 20,000 Palestinians in 1968.

11. King Hussein and every other living Arab leader has refused direct negotiations with Israel.

12. The only two Arab leaders, Anwar Sadat and Bashir Gemayel, who made peace with Israel, were assassinated.

13. Palestinians both within the PLO and outside of it were murdered for SPEAKING ABOUT SPEAKING with Israeli officials.

14. There are no Arab moderates in the Middle East because to speak out for peace with Israel is to sign your own death warrant by the PLO or other Arab radicals.

15. Israel was involved in four wars in her forty years of existence to sustain her survival—1947, 1956, 1967, 1973.

16. Israel has traded land for peace on two separate occasions in the past.

17. Arab Nationalists continue, to this day, to call for the total destruction of Israel as the final solution to the Middle East's problems.

18. United Nations Resolutions #242 and #338, which would provide secure borders for both Jews and Arabs has been accepted by Israel and rejected by the Arab nations.

19. Arabs have killed thousands of Arab women and children to further their aim of the "final solution"—killing all Jews.

20. There are no trials in Arab countries for assaults on Jews.

21. Israeli soldiers have been criminally charged and will be tried for assault and torture of stone throwing and fire bomb throwing young Arab terrorists.

22. Arabs kill Jews by bombs and guns all over the world. Arabs kill anyone who do not agree with them—Americans, Germans, French or British.

23. Israel kills only those who attack them in their 40 year war of survival.

We must, if we are a friend of Israel, review and remember these facts in order to judge the actions of the Israeli government in quelling the Arab uprising. We Americans have a right to criticize any government, including Israel. We even have a right to suggest a course of action. We cannot, however, suggest that she commit hari-kari or blue print her own self-destruction; that must be Israel's choice.

The Israeli government has for forty years traded land for peace and gotten war in return. The Israeli government has, for forty years, begged for one thing—peace, and gotten terrorist murders, for their pains. The Israeli government has, for forty years, asked but one thing from its Arab neighbors—"recognize our existence as a nation"—the Arab world answers with rocks or rockets, bombs or bullets.

No decent human being can condone either violence or murder. No one can condone brutality or killing. Israel rejects all forms of human brutality to achieve its aims of a secure homeland. We, as Americans, must support our only friend in the Middle East and remember they are surrounded on all sides by men of evil intent who call for the Jews' total destruction as the "final solution" to the Middle East problem.

Think about it.

TENTH ANNIVERSARY OF THE SAN FRANCISCO ETHNIC DANCE FESTIVAL AND CITY CELEBRATION, INC.

Mr. CRANSTON. Mr. President, 10 years ago, the San Francisco Ethnic Dance Festival, one of the Nation's most prestigious ethnic dance events, gave its first performance at the downtown Herbst Theater. Ever since, the festival has consistently offered very talented local dancers and dance troupes representing an unprecedented diversity of ethnic dance traditions—from China's Yunnan Province to the heart of Africa and a spectrum of points in between.

Over the years, the festival has grown dramatically, becoming ever more popular. In this 10th anniversary season, it will attract an audience of nearly 25,000. Seventeen thousand fans are expected to attend the Stern Grove outdoor concert alone.

The festival's success is due largely to the assistance of another terrific performing arts organization: City Celebration, Inc. Also celebrating its 10th anniversary, City Celebration is a leading nonprofit presenter of music and dance. Contracted by the city of San Francisco in 1982 to produce the festival, City Celebration, along with Grants for the Arts of the San Francisco Hotel Tax Fund, created a national model of public/private cosponsorship.

In honor of this unique cooperative venture, City Celebration produced "And We Still Dance," a documentary film on the San Francisco Ethnic Dance Festival. The film offers a behind-the-scenes look into the production process of the festival, highlighting the hard work and determination of individual dancers committed to maintaining the cultural integrity of their respective heritages. "And We Still Dance," I'm delighted to add, is the winner of the CINE Golden Eagle Award and will be shown at international film festivals worldwide.

The San Francisco Ethnic Dance Festival represents the best the bay area has to offer in artistic expression and cultural diversity. Mr. President, nothing pleases me more than to congratulate everyone concerned for a decade of exceptionally fine work. Here is to a superb 10th anniversary season and to a bright future of continued success.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, this is the period that has been set aside for morning business. If Senators have morning business, introduction of bills or resolutions, they should let the floor staffs know so that once we get on the bill, we ought not be interrupted then by morning business speeches. This happens from time to time. The period for morning business goes by and Senators come in, and the Senate gets to the unfinished business or to the major business, the pending business, and they want to make morning business speeches.

The order has been entered to permit Senators to speak up to 5 minutes each during morning business. If the Cloakrooms do not hear of any morning business requests, I will recess until 10 o'clock when the Senate goes on the bill.

I suggest the absence of a quorum.

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

The bill 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.

RECESS UNTIL 10:01 A.M.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 10 minutes.

There being no objection, the Senate, at 9:51 a.m., recessed until 10:01 a.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. DIXON].

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT

The ACTING PRESIDENT pro tempore. The Senate will now resume consideration of S. 2355, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2355) to authorize appropriations for fiscal year 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 year for the Armed Forces, and for other purposes.

The Senate resumed consideration of the bill.

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

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

The bill clerk proceeded to call the roll.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that further proceedings under the quorum call be suspended.

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

AMENDMENT NO. 2015

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

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana (Mr. JOHNSTON), for himself, Mr. EVANS, Mr. LEVIN, and Mr. BUMPERS, proposes an amendment numbered 2015.

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

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

The amendment is as follows:

On page 26 at the end of line 3 delete the period and insert in lieu thereof ", and" and add the following new paragraph:

"(6) $700 million shall be available only to reimburse NASA as DoD's share of the cost to support production including ancillary network communications and data systems necessary to return the Space Transportation System to flight status and sustain near-term launch rates."

Mr. JOHNSTON. Mr. President, I hope my friends on the Armed Services Committee will give me very careful attention. I say that not because they would not ordinarily give careful attention, but because this is a new and important initiative which was not brought up, and I apologize for that, before the Armed Services Committee, because we were trying to solve this problem in another arena, mainly on the Appropriations Committee, but I hope and I think it will have a strong appeal particularly to my dear friend who is the manager of the bill at this point, Senator EXON, from Nebraska.

Mr. President, what the amendment does is to provide that $700 million presently available for the SDI program shall be available only to reimburse NASA as DOD's share of the cost to support production including ancillary network communications and flight data systems to return the space transportation system to flight status and sustain near-term launch rates.

What that means in plain language, Mr. President, is that we take $700 million from SDI and dedicate it to NASA for the shuttle and in effect to make possible the space station.

Now, the first question is, Mr. President, is it necessary to do this?

Mr. President, for the last few weeks in the Appropriations Committee we have been dealing with this terrible number crunch brought on by the economic summit of last year. My colleagues will recall that in the economic summit of last year we provided for ceilings in national defense which essentially provided for a 3-percent growth. We provided that with respect to discretionary nondefense, which are most of the other functions of Government, there was a target of a 2-percent-nominal increase. Because of spendout rates and rescoring, that has been increased to about a 3-percent-nominal rate under the economic summit. However, on the discretionary nondefense, we have less than inflation. To put it another way, there are $4.8 billion of new dollars in discretionary nondefense to cover about $17 billion-plus of new initiatives by the President and others.

Now, the new initiatives by the President and others are very high priority. They are drug interdiction, airport safety, waste water treatment, the space station, the super collider, new initiatives on AIDS research, new initiatives by the National Science Foundation. There are a plethora of new initiatives which simply cannot be provided for with available money.

One of those with which we are having great difficulty—some would say an impossibility of providing money for, although I am dedicated to trying to do it—is the space station.

In effect, this $700 million would give us the money for NASA. This does not specify that it goes for the space station. But it would free up other money in the NASA budget to build a space station. So the question which this amendment poses is, what is the higher priority in our spending, to build a space station or to have a $700 million increase in SDI?

The committee's budget provides a $700 million increase—I think it is $67.5 million, but I will round it to $700 million—to have that $700 million spent within the four corners of space-based kinetic kill vehicles and other things, or whether we should spend that on another Department of Defense initiative, which is NASA and space.

Mr. President, the first question is, Is a space station a high priority? I think this body has answered that question time and time again.

Last year we had an extensive debate here on the question of the space station. That debate, as I recall, lasted about 5 hours, and I was trying to recall what the count was. It seems to me it was in the neighborhood of 4 or 5 to 1. Senators said, yes, let us build a space station.

I will not try to repeat all of those arguments, Mr. President, because the arguments were made and as indicated by that debate are well known by the Senators. I would invite my colleagues' attention to the May 18 issue of U.S. News & World Report entitled "Soviets In Space." That is the lead article. It goes on to point out what we all know to be a fact; that is, that the Soviets are making huge advances in space, more launches, they have a space station. As the article says:

By launching frequently and reliably the Soviet Union has shown it can generate and support a broad range of space programs from highly publicized manned flights to secret spy satellites.

So, Mr. President, I will not dwell on that question of what is the priority of the space station. That question has been answered by the Senate. It is being answered every day by Soviet strides, Soviet excellence in space, Soviet ability to not only launch but to maintain a space station which orbits as we speak in the heavens.

Question No. 2, Mr. President: Is this a legitimate expense of the Department of Defense? I think this is an essential question. First, because under the summit agreement, we set limits on defense spending and discretionary nondefense; second, because, from the standpoint of the Budget Act if it is not a legitimate defense expenditure, it would be a transfer and perhaps subject to a point of order; third, we simply, at least from my standpoint, do not want to turn a defense expenditure into a domestic expenditure if it is not legitimate.

So I think we ought to face up to that question of: Is this a legitimate defense expenditure?

First, from the standpoint of scoring, I am advised that this scores as a defense expenditure. It does not constitute a transfer from defense to nondefense. That is from the technical standpoint because the technical standpoint is quite important. Second, from the standpoint of is it a legitimate defense expenditure, I think the facts support that overwhelmingly. In 1986, for example, the Senate Armed Services Committee supported the payment for the fourth orbiter.

The report accompanying that defense appropriation bill for fiscal 1987 states on page 344 as follows:

The Department of Defense testified * * * the severe impact the shuttle loss has on defense payloads and strongly supported the procurement of a replacement orbiter for national security requirements. The Department noted that, for national security missions, loss of the Challenger meant that only two of the three remaining orbiters were fully capable since the third NASA orbiter is not configured to provide the capacity for heavier defense loads.

And they conclude, continuing the quote:

The committee's recommendation to fund the replacement orbiter in this bill recognizes critical dependence on the space shuttle system to meet national security mission demands and balance launch system requirements.

I could not say it any better, or the committee could not be any more correct. National defense requirements depend upon the shuttle which we fund in this amendment.

Why $700 million, and why do we transfer that figure? Mr. President, that figure is derived from what we see or what has been stated as the Department of Defense percentage of the shuttle cost. It has been noted that there will be 52 flights for the shuttle through 1993. Of those 52 flights, 13 are dedicated to the Department of Defense, and two are partial DOD flights, or 29 percent are dedicated to the DOD. In fiscal year 1989, the DOD use of the shuttle is even more intensive than that 29 percent.

Of the seven shuttle flights, three are DOD dedicated and one is partially DOD dedicated. However, we have used the lower figure, that is, the 29-percent figure. Twenty-nine percent of what? In the budget of NASA present-

ly pending, there is an increase for space shuttle production and operation capability of $1.4 billion, space and ground networks increase of $1.035 billion, for a total of $2.43 billion new initiatives in the NASA budget this year. So if you take 29 percent of that $2.43 billion, it comes out to be $700 million, which is the amount transferred by this bill.

So to repeat, this is a legitimate DOD expenditure. It has been so stated by no lesser authority than the Senate Armed Services Committee. The amount and the percentage are precisely and exactly consistent with the DOD needs.

Question No. 2, I believe, is answered and overwhelmingly so. It is a legitimate DOD expense, so stated by the committee, so scored by the Parliamentarian, by the Budget Committee, and by the Committee on the Budget.

The third question: What is the higher priority between the SDI increases and the space station? That is to say, you have a $700 million increase in the SDI budget, and the 29 percent DOD share of the NASA budget increase would also be $700 million.

What is the higher priority? Can you do them both?

First of all, Mr. President, it would be very difficult to do them both. The NASA budget is contained in the HUD and independent agencies budget, and that is not only one of the most popular budgets in terms of additional spending initiatives, but also, it is, by most any standard, one of the most needed budgets in terms of increases.

If you look at the major program increases in just the President's budget in NASA, you have the $2.6 billion increase in NASA which I just alluded to. You have the EPA Superfund increase—that is the hazardous waste increase—of $472 million. National Science Foundation is $333 million. What is a higher priority today than National Science Foundation, to try to get this country back into the competition for high technology and for excellence in science? What can be a higher priority than that?

Veterans medical care: $230 million. Not only is that greatly needed, but also, it is very popular in the Senate.

So, when you try to balance those new initiatives by the President against a $2.6 billion increase in NASA, it is going to be very difficult to stretch those dollars. The President did it. How did he do it in HUD and independent agencies? By cutting assisted housing $850 million; by cutting waste treatment construction grants by $804 million; by cutting community development programs by $616 million; by cutting elderly housing by $200 million; by cutting homeless programs by $119 million.

Mr. President, we could debate those programs for weeks, as to which have the higher priorities and which do not have the higher priorities.

We have debated homeless for days. Do you know how the Senate comes out for homeless? We are for the homeless. We are not for cutting it. It is almost silly to suggest that not only the Senate but also Congress would cut $119 million from the Homeless Program or is going to cut the Waste Water Treatment Program by $472 million, or assisted housing by $850 million, or elderly housing by $200 million, in order to fund the space station. I think we could agree and stipulate to that. That is true. It is not arguable.

That is what we came up against in the Appropriations Committee. As I say, we have in the broad category of discretionary nondefense $4.8 billion to cover over $17 billion of these new initiatives, and one of the new initiatives is the space station. Another of the new initiatives is a new orbiter. Another is a whole range of new requirements in the NASA budget.

If I may point out some of these things in the NASA budget, in addition to the space station itself—and it appears that the minimum amount for the space station this year, I am advised by Dr. Fletcher, is about $800 million. But, in addition to that, there is a requirement of $313 million for shuttle recovery efforts, $400 million for shuttle operations, $168 million for expendable launch vehicles, $151 million for space and ground communications and data networks. The list goes on.

So, the picture I am trying to paint—and I hope I am not overwhelming my colleagues with numbers—but, if I can lay it out as simply as I can, it is going to be very difficult to find money for the space station or even to keep the rest of the NASA program going unless we can justify money out of this DOD budget.

(Mr. BREAUX assumed the chair.)

Mr. WARNER. Mr. President, will the Senator at some point entertain a question on the budget aspects of this?

Mr. JOHNSTON. Yes.

Mr. WARNER. The Senator is fully aware that in the latter part of last year, December, there was a deadlock between the legislative branch and the executive branch over budget figures. We came to the famous budget summit, and figures were allocated. Defense was given $299.5 million. In our report to the Senate, we stated that the summit between the President and Congress last November resulted in an agreement that national defense spending for fiscal year 1989 would be $299.5 million, and the committee meets the budget authority.

In other words, our committee operated, as my distinguished colleague from Nebraska, I am sure, will confirm, within the confines of that budget summit. This is going to break that apart.

I ask my good friend: What incentive is there for the President and Congress to try again and have a summit and make these tough decisions on budget allocations if we are going to take large sums such as this away from that agreement?

Mr. JOHNSTON. I thank my colleague for his question. I think perhaps he did not hear the early part of my——

Mr. WARNER. I have listened to everything, Mr. President. I may have missed the early part of it, and maybe it ought to be reviewed.

Mr. JOHNSTON. I thank the Senator for his question, and that is the central question, and that is what I started my speech with.

I was a member of that budget summit.

Mr. WARNER. That is my recollection.

Mr. JOHNSTON. And I strongly supported it.

What I am doing is taking 29 percent of the space shuttle expenditures, which happens to be the exact percentage that is a DOD requirement——

Mr. WARNER. For what fiscal year?

Mr. JOHNSTON. Through fiscal year 1993. In other words, there are 52 launches to be done between now and 1993, and 13 are dedicated to DOD and 2 are partially DOD flights, or 29 percent.

Mr. WARNER. Mr. President, I am going to try to refine those facts, because my indication, preliminarily, is that because of the lack of availability, DOD is virtually off the shuttle in 1992.

Mr. JOHNSTON. Except for SDI.

Mr. WARNER. I want to go back to the principle. What is the incentive for us ever to sit down and have another summit if we are going to sit here and take it apart?

Mr. JOHNSTON. Because we are not taking this out of defense.

Mr. WARNER. I understand.

Mr. JOHNSTON. In fiscal year 1987—I ask my colleague to listen to this—the committee said this:

> The committee recommendation to fund the replacement orbiter in this bill recognizes the critical dependence on the space shuttle system to meet national security mission demands and balance launch system requirements.

Will the Senator tell me what was meant by that?

Mr. WARNER. Mr. President, I yield to my distinguished colleague from Nebraska, who is a member of the Budget Committee, to join in this debate, because I think he takes the same position I do.

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

JOHNSTON. Yes. But, first, all one Senator or the other tell me what their committee meant in its report when it said:

The committee's recommendation to fund the replacement orbiter in this bill recognizes the critical dependence on the space shuttle system to meet national security mission demands and balance launch system requirements.

Mr. WARNER. What is the Senator reading from?

Mr. EXON. What is he reading from? I think he is mistaken. I think that is not our bill. That is, I think, the Appropriations Committee bill.

Mr. WARNER. It is not our bill.

Mr. JOHNSTON. It is the Department of Defense appropriation bill.

Mr. WARNER. It is not our bill.

Mr. EXON. The Senator was alluding to the fact time and time again. It is not what we said in the Armed Services Committee, I assure my friend and colleague from Louisiana. That is not the case.

What he is doing is taking material from the committee on which he serves and using it as an argument that it is a position of the Armed Services Committee which is definitely not the case. I think we should get that straight.

Mr. JOHNSTON. I apologize to my colleagues. Frankly, in reading it quickly, it is clearly the Appropriations Committee bill.

Mr. WARNER. I think the Senator is now referring to a document which is not our bill.

Mr. JOHNSTON. Do the floor managers think that that conclusion is nor correct?

Mr. WARNER. Mr. President, I have not had the opportunity to examine the conclusion in some detail. I am not prepared to give an answer to that.

My point in standing up and interrupting my distinguished friend from Louisiana is simply to say what significance does he attach to these summit agreements and what is the incentive in the future for ever trying to reach another? Why should the Secretary of Defense in the future try to take the dramatic cuts he accepted if he felt that in subsequent debate in the Senate and elsewhere the Congress these large cuts would come.

Mr. JOHNSTON. The first conclusion is that 29 percent is the precise amount of payloads which are DOD dedicated. Now, if these are not DOD dedicated, if there is no connection, if the appropriations bill and the Appropriations Committee was incorrect in saying that there is this vital connectivity between the shuttle and the Department of Defense then, of course, the Senator is correct.

If we were sending this out to buy lollipops or pay for food stamps, yes, sure. But this is to pay the Department of Defense's share of shuttle operations, exactly, not a dollar more, exactly $700 million.

Mr. WARNER. Mr. President, I will eventually get this information. My understanding is that DOD has already prepared those bills in the future.

Mr. EXON. To correct the record, we have paid for 9 of the 15 in advance that NASA already owes us, and that is one of the arguments I intend to make.

Mr. WARNER. That goes to the 29 percent that the Senator keeps raising.

Mr. JOHNSTON. I am advised those are user fees that DOD is not paying any of the recovery costs and that is what we are talking about in this question. But you know the rationale of the 29 percent—I mean, I think we have to recognize that the Department of Defense has some payloads, do we not? Is there not an interest in the Department of Defense in the shuttle program? Is that not absolutely true? If it is not true, let us decide that. But it seems to me that that is very clear. It may not have been the Senate Armed Services Committee but it was the Defense Appropriations Subcommittee when Senator STEVENS was the chairman of that, which said that there was a very clear connection and they were going to pay for the fourth orbiter on that account.

I do not understand what the argument about it is. Is the Senator honestly saying that there is not a military DOD interest in the shuttle?

Mr. EXON. Mr. President, if the Senator will yield, I was trying to give the Senator an opportunity to present his case and then I had the rebuttal prepared to answer his question. The Armed Services Committee has held extensive hearings on this matter. We are not prepared in the Armed Services Committee to put all of our eggs in one basket which is essentially being suggested here by the Senator from Louisiana with regard to more and more money on the shuttle.

The facts of the matter are that the Department of Defense has already paid for the equivalent of 9 of the 15 shuttle operations that we felt we needed for national defense, and we have not gotten any of them. We have already paid in advance.

To clarify this situation, I would like to read from the Armed Services Committee report in this regard after several lengthy hearings on the matter, and the report says on page 36:

The Committee supported last year and continues to support the development of redundant space launch capability so that the United States will never again * * *

never again, Mr. President—

be dependent for space access on a single vehicle type.

I think we have learned our lesson.

The space launch recovery efforts will result in a number of expendable launch vehicles ensuring * * *

ensuring—

that the failure of a single booster type will not ground all the satellite programs.

More editorial comment.

Mr. JOHNSTON. Is the Senator answering the question? I want to be sure I retain my right to the floor.

Mr. EXON. I will yield back to my friend. He asked a question and I was trying to answer. I will yield back and save the remainder of my rebuttal until after he finishes.

Mr. JOHNSTON. I did want to have the give and take because I would rather not go into this as a confrontation but as reasonable men thinking together. It seems to me it is so clear that there is a defense DOD Armed Services Committee interest in the shuttle and in the space station.

You can argue about whether it has been paid for and our mathematics excludes the user fees that have already been paid by the Department of Defense. Those have been excluded in our 29 percent calculation.

Mr. EXON. But why?

Mr. JOHNSTON. Because you have already paid for it. This is the part.

Mr. EXON. We have not gotten services rendered that we paid for. That is the point.

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

Mr. JOHNSTON. This is to fix the problems with the shuttle because of *Challenger.* That is where the additional $700 million comes from.

But, look, if the Department of Defense is going to take the attitude that anytime you pay for something and something breaks and you have to pay additional that you are not going to pay the additional because you already paid for it, then there are a whole host of weapons programs, including the B-1 and a lot of others that you never fix when they are broken.

These are what you might call fixing costs; $700 million is the 29-percent share of DOD plus after 1992, as your report says, quoting from page 37, and this is the defense authorization report:

The current shuttle manifest to DOD shows only strategic defense initiative and research and development-related flights with the unique manned requirements after 1992.

So after 1992, there are SDI needs.

So, Mr. President, we have tried to do the mathematics correctly to reflect the DOD percentage of the cost in the shuttle, and I think the mathematics are correct and I think logic is correct.

The next question is what is the higher priority between the SDI increases and the space station. That I think is sort of the ultimate question

here. There are scarce dollars to go around. You cannot do everything, as I pointed out. It is very arguable that when you get to competition and in the HUD and Independent Agencies Subcommittee of the Appropriations Committee there is not going to be enough money to do the space station without this, and I went through the list, assist housing, waste treatment grants, community development block grants, elderly housing, the homeless program, EPA, Superfund, National Science Foundation, veterans medical care.

Mr. President, if you do not get some extra money, I will not say you can kiss the space staton goodbye, because I and Senator CHILES and others are trying to build it, but I can tell you that when you get in those subcommittees—Senator PROXMIRE is chairman of that subcommittee. Ask him whether he thinks there is going to be enough money to stretch around to build the space station or ask Chairman EDDIE BOLAND in the House.

Mr. EXON. Will the Senator yield for just a suggestion?

Mr. JOHNSTON. Yes.

Mr. EXON. I know he is cramped for time today. He has an amendment. But since the question the Senator just posed was one that the Senator from Wisconsin just told me that he evidently did not agree with the Senator on, would the Senator like to have him respond to the question the Senator just asked at this time and, if so, would the Senator yield to the Senator from Wisconsin for that purpose?

Mr. JOHNSTON. Yes, I would ask the Senator from Wisconsin, retaining my right to the floor, of course, that whether in his judgment, without this amendment—we will discuss this amendment later—but without this amendment, whether in his view there is going to be enough money to build the space station.

Mr. PROXMIRE. Mr. President, may I say to my good friend that nobody has worked harder and more effectively and more wisely on SDI than the Senator from Louisiana. He knows more about it and spends more time on it than any of the rest of us.

However, Mr. President, I, unfortunately, have to disagree with him, because what I would like to do is to save $700 million. What this does is simply transfer it from one purpose to another.

I think the most important element of our defense is our economy. We have to have a strong economy. We have been running deficit after deficit. I would like to save the $700 million.

Let me say that what the Senator's amendment does is reduce the SDI by $700 million. I would save that $700 million, much as we would like to have it in our subcommittee of which I am the chairman, the HUD and Independent Agencies Subcommittee; we could use it for a lot of purposes. I can tell you that the space station is not one of the ones I would certainly put it into. The space station is going to cost $30 billion before we are through—$30 billion.

Mr. JOHNSTON. What is the SDI going to cost?

Mr. PROXMIRE. A trillion dollars.

So that is exactly why I think we should save in both these areas. I tried very hard to see if I could work out a division on this and call for a separate vote on the two parts; in other words, cutting it from the SDI on one hand and adding it to the space station on the other. I found I could not do that. The Senator from Louisiana, as usual, is much too clever for me. He is way ahead of me.

But what I can do is offer an amendment in the second degree, which I have here and which I intend to offer, which would simply provide that $700 million shall not be expended as an amendment and strike the section that would transfer it to the space station. It seems to me this will give us an opportunity to vote on whether we want to save $700 million or not and have an increase in spending for SDI, but a modest increase of about 6 percent.

Mr. JOHNSTON. Well, I think that the Senator's answer to the question which I posed to him—which was: Is there enough money in the budget without this to maintain the space station this year? I think that answer is no; is that correct? Probably not, shall we say?

Mr. PROXMIRE. I think, undoubtedly, you would have to slow down that particular operation. But, frankly, I think that the manned space station of the kind we have in Texas offers a far wiser way to proceed.

Mr. JOHNSTON. I think, without question as to what we ought to do, just on the narrow question of in today's budget, keep in mind we have not done our 302(b) allocation. Does the Senator think there would be money to maintain the space station together this year in that budget?

Mr. PROXMIRE. Well, I would agree with the Senator that it is going to be very difficult, very difficult all the way around. But I think that is the problem for all the subcommittees of the Appropriations Committee.

Mr. JOHNSTON. Exactly.

Mr. PROXMIRE. The Senator from Arkansas is a chairman of a subcommittee. The Senator from Louisiana is a chairman of a subcommittee. We have to be very careful in all these areas and hold down spending. That is our job. It is one of the toughest problems the Senate, I am sure, in all its history has ever had to face. We are going to have to do that in my subcommittee. It will not be enough. We will have to limit the funds. That is absolutely right.

It is true in the armed services appropriation. When that comes before the Appropriations Committee, we are going to have to limit that. It is going to be tough, cruel, and mean, but we are going to have to do that. That is why I would save $700 million this year and say let SDI go ahead at a reasonable pace but not a 20-percent increase, but a 6-percent increase, which is what the Senator from Louisiana is asking us to do.

Mr. JOHNSTON. Mr. President, I urge my colleague from Wisconsin not to urge that second-degree amendment on the Senate at this time. First, because I would like to get a vote on this, of course; but, second, because I think an amendment which simply cut down SDI would, in fact, violate the summit agreement, because what the summit agreement provided was both a floor and a ceiling of $299.5 billion in budget authority. The Armed Services Committee treated that mandate of the summit as binding on the authorization committee, so that they have authorized only the $299.5 billion.

So to simply cut down in one category would be to reduce the $299.5 billion and violate the summit.

Mr. PROXMIRE. May I say to my good friend, I admire and respect the members of the Armed Services Committee. They have done a fine job. They are among the ablest people in this body. But I do not think they can make a commitment for the rest of us. I did not make any commitment of $299.5 billion. I think we can cut that by $700 million without betraying our trust. Nobody told me to stand up and say I would go ahead with it. And that is true of the overwhelming majority of Members of this body. I think we have that right.

I have checked with the chairman of the Armed Services Committee, Senator NUNN. He said we have a right to cut this budget below what the Armed Services Committee comes in for. I think we should do that.

The notion that we should come to the floor and say we are bound to provide every dollar that they request does not seem to me to be reasonable.

Mr. JOHNSTON. Well, there is, of course, a constitutional right of this body to not adhere to the summit agreement.

Mr. PROXMIRE. We were never part of it.

Mr. JOHNSTON. Well, we did vote these numbers at $299.5 billion, and I believe it is $294 billion in budget obligations, as part of our budget resolution which has, in fact, passed here. But I would say that there are many Senators here, the Senator from Wisconsin may not be among them, who think we have a commitment to that, to the summit agreement. I certainly feel that way.

There would be other amendments of other Senators which would spend the SDI money on other more important, in their view, defenses.

Mr. PROXMIRE. I would amend those, too.

Mr. JOHNSTON. Excuse me?

Mr. PROXMIRE. I will amend every one of those if I get a chance to do it. I want to save the money, but I do not think we should transfer it anywhere else.

Mr. JOHNSTON. The Senator, of course, may put in a second-degree amendment—obviously, the rules permit that—but I wish he would let us vote on this first, because I think it is a very clear choice between two priorities.

Mr. PROXMIRE. May I say to my good friend, I have no illusions about winning on my amendment. I just think the Senate ought to have a chance to vote on whether or not we should save $700 million or not. I will be gratified if I get a few votes. I am certainly not going to get a majority of votes, but I think the Senate ought to stand up and be counted on a $700 million decision here. I am going to ask the Senate to make that decision. I do not think it will hurt the Senator, and then he can press on with his amendment.

Mr. JOHNSTON. Mr. President, I am also reminded that the numbers from the summit were also enacted into law as part of the budget reconciliation at the latter part of the last calendar year.

Mr. President, to finish my statement in chief, the question is: What is the highest priority, the increase in the NASA budget or the increase in the SDI budget? The increase in the NASA budget, as previously stated, 29 percent of that or $700 million, is to cover DOD launches. So that is the DOD part of the NASA increase. The $700 million or, to be precise, $675 million represents the increase in SDI. Which is the higher priority?

Mr. President, each year we debate the SDI budget. There are various justifications for the increases in SDI. Usually that argument goes something like this: well, the House is going to cut more, so, therefore, we have got to be higher so that we can meet them half way. But we never came to grips with the question of what it is we are trying to do with SDI: What are the goals we are trying to achieve? What kind of spending does it take to reach a certain goal? Does it make any sense to be going in certain directions?

We mask all of those arguments and talk more in terms of what does it take to make a compromise about some as yet undefined goal.

Well, Mr. President, I think we have seen enough of SDI now to be able to ascertain and assess that program with some real knowledge. First, we know, Mr. President, that when the so-called star wars program was launched full blown from the ashes of the BAMBI program back in the President's March 1983 speech, we know that that was hatched, more or less, in the President's mind. It did not come from the Joint Chiefs of Staff.

In fact, it was not cleared with the Joint Chiefs of Staff. It was not cleared with the science adviser. As a matter of fact, the science adviser did not know of that at the time. On the very day that the President was making his SDI speech, the Department of Defense was testifying on the Hill, saying that we did not need an increased program.

The Air Force general in charge of direct energy technology research told the Senate Armed Services Committee that the purpose of strategic defense, and offense as well, is to maintain nuclear deterrence. Exotic laser or particle beam technology could defeat a limited nuclear strike.

So that on the very day that the President came out with this program, the Department of Defense, the Air Force, was going in opposite directions. And we know it came from the President.

The President has told us, time and time again, it came from him. Revelations, lately, give us a new insight on why they call it star wars.

But, in any event, it came from the President. Now, what do all the experts say about star wars? Well, we know what the American Physical Society has said, Mr. President. There are 19 out of 20, or a higher percentage, I think, than that, of the American Physical Society people who say that we are going in the wrong direction on star wars and specifically that the space-based kinetic kill vehicle will not work.

More to the point, the Department of Defense itself created a distinguished review board. On that review board are serving Bill Perry and Dr. Everett and a whole panel of distinguished people. Their report just came in last week, Mr. President. I am advised that this is a preliminary report, which I have, dated April 13, 1987.

But what that report states, Mr. President, is that to go to a phase 1 deployment of kinetic kill vehicles, the phase 1 is where you put up a complete system of orbiting rocket pods or space-based kinetic kill vehicles; a BSTS, boosted satellite tracking system; ERIS interceptors, which are the ground-based interceptors—and the battle management system. That system which would cost, according to the contractors, about $150 billion and, according to SDIO, would take $45.5 billion of additional research money before you reached the decision as to whether to develop. And those are their figures. They say that the deployment of that system is very risky.

What they say is that you ought to go into a six-step program. The first step would be to have accidental launch protection. Well, now, Mr. President, it might be nice to have accidental launch protection. Yesterday I asked the Secretary of Defense about that. He said well, you know, if Libya, for example, got intercontinental ballistic missiles, this would protect against Libya. Well, Mr. President, that really is an implausible threat and certainly one that we do not need to spend billions and billions of dollars to defend against. If Libya has the atomic bomb, and we hope and pray that they do not, or North Korea or a host of other—well, maybe not a host, a number of other irresponsible countries, then there are cheaper and better and more effective ways of detonating those weapons here, as terrorist weapons, than by an ICBM. If they use an ICBM, we know where that weapon came from and we can target that spot and blow them off the face of the Earth.

But terrorists do not work like that. They would bring them in in suitcases or, indeed, a briefcase. Thermonuclear weapons today are small enough to put in a briefcase. Not even a suitcase. And, if you know what the pouch that comes in, the diplomatic pouches from around the world, our pouches are not really pouches like a little leather pouch. They are like multiple railroad cars full of things.

So, if somebody wants to shoot an atomic weapon at the United States, they are not going to launch it, intentionally or accidentally, at the United States. They are going to bring it in in a suitcase or in a briefcase.

Mr. NUNN. Would the Senator yield just for an observation and question?

Mr. JOHNSTON. Certainly.

Mr. NUNN. I think it is important we get our terms in the same vein here. The accidental launch system, which I started talking about earlier, is not designed to protect against a terrorist attack by unconventional means. I do not think anyone even predicted that. In fact the very word accidental would denote something other than a deliberate act.

The system that was being talked about—and I have not said that we should deploy such a system, I do not think we have enough evidence yet, we do not know what it is going to cost, we do not know the feasibility, we do not know the coverage—but what I have said is we should explore that. We should devote some of this research money to that more limited purpose, which I think is also a more feasible purpose. But an accidental launch would be a superpower accident. The Soviet Union having a launch of a ballistic missile from a submarine or land-based or some other country having that.

The other word that we had used would be "unauthorized launch." An unauthorized launch would not be an accident, but would be commander, being in charge, taking it on himself to cause a nuclear attack on the United States, limited though it might be, from his command. But it could be a very substantial attack if it was from a submarine.

So, those are the terms we are using. And this question of the threat by terrorism against the United States, I think, has a different dimension to it. I would agree with the Senator from Louisiana that that kind of threat is more likely to come by nonconventional means rather than by ballistic missile.

Although I must add that the developments in the Middle East between Iran and Iraq, where they are firing missiles at each other's key cities and the new deployment, at least planned deployment, of missiles in Saudi Arabia that would have a medium-range capability, gives us the apprehension that that is where the world is heading.

So, down the road it may very well be there will be a threat against the United States from one of those sources, but I think we ought to keep the accidental launch terminology separate from the "threat by terrorists." At some point, we may decide that both of those threats are worthy of our attention, but it would not be by the same defensive mechanism. And I would hope we would keep those distinctions in mind.

Mr. JOHNSTON. I thank my friend for his explanation. The reason I mentioned Libya is when I questioned the Secretary of Defense yesterday on the very subject of the six steps and the accidental launch, that was the example he brought up. I think when the Senator from Georgia first mentioned accidental launch, he did not have Libya in mind at all. But that was being discussed by the Secretary of Defense in the Defense Appropriations Committee hearing yesterday.

Mr. NUNN. I would more nearly call that a third-country attack; a country not major superpower. But I would imagine if Libya started deploying missiles and we woke up one morning and found one heading toward the United States we would not consider that to be an accident.

Mr. JOHNSTON. The Senator and I discussed this accidental launch protection and, as he points out himself, he and his committee are not proposing that. It is in the "pre-preliminary thought stage," as it ought to be.

The point I am making is that this defense science board panel recommends six steps. There is the accidental launch system. The next step is to deploy the BSTS, or boost surveillance and tracking system; and then the third step is ERIS interceptors, the ground-based interceptors, the fourth step is more ground-based interceptors.

It is only in the fifth step that you get the space-based interceptors and in the sixth step, the directed energy weapons. That is some time in the next century.

But the point is, that we proceed with SDI, it was hatched without scientific examination, and it continues on, in spite of the evidence, without real direction.

It seems to me that the evidence is irrefutable that SDI, that is, the space-based kinetic kill vehicles, the orbiting rocket pods previously rejected twice by this country in the BAMBI Program in the 1960's and the high frontier programs in the 1980's, clearly rejected before the President's March 1983 speech, that that kind of technology can never pass the Nitze test of cost effective at the margin.

What does cost effective in the margin in the Nitze test mean? By the way, the Nitze test says, in effect, that we should not deploy a system where it costs us more to build a rocket or to kill a rocket than it costs them to build a substitute for that rocket.

Let us say the other side has 100 rockets which you can shoot down for $100 million. You do not want to build that ballistic missile defense system if they can employ additional rockets at one-tenth that cost.

That is about where we are in the evidence, Mr. President. We know, for example, that the figures are $45 billion. SDI says it takes you $45 billion of additional research money before you can make the decision as to whether to develop the space kinetic kill vehicles, and the so-called phase 1.

Then the cost, according to the contractors, of a phase 1 would be about $150 billion. What percentage of the Soviet rocket force will that shoot down? About 16 percent. That is in the public domain. You can figure that out. It takes you $150 billion, and we will add to that whatever the portion of the $45 billion R&D you want to include, and figure what it costs you to shoot down 16 percent of about 10,000 Soviet ICBM's. That is roughly 1,600 Soviet ICBM's. For the total of $150 billion cost, divide 1,600 warheads into $150 billion and then compare that with what it costs to build additional warheads.

We know that according to the published figures we can build the D-5 missile for about $28 million per missile. If you add in silos and nuclear warheads for that, it would be about $50 million per missile, each with eight warheads.

So the comparison is an additional missile for about $50 million complete with silo, the latest faster-burn technology. Compare that to the cost of intercepting that with phase 1, and you can get a lack of cost effective in the margin of about 2 to 1. I think it exceeds 2 to 1 by a long way if you look at warheads.

So, what we need to do with the SDI Program is to reassess it, reevaluate it, and not mindlessly continue to increase it every year.

I am not talking about gutting the SDI Program. The SDI Program had a big increase last year. What we are talking about doing is maintaining the SDI Program where it is now while we reevaluate it, while we take the advice of the best scientists available in America, and while we put the money on higher priority items.

So to repeat, what this amendment does is to set priorities. It is to compare the space program with the SDI Program and to decide where that $700 million should go. I believe it is much more important to build a space station than to mindlessly continue to put money down this space-based kinetic kill vehicle rathole.

The scientists tell us it is not going to work; it is never going to be cost effective in the margin; time is going to overwhelm that system.

What we ought to be doing on SDI is redirecting our efforts toward the energy beam weapons. That is where the promise of SDI can come for the future, that is where the research ought to be done, and we ought to quit wasting the money on the kinetic kill vehicles.

That $700 million increase in SDI is just what it takes to build a space station.

I yield the floor.

Mr. PROXMIRE addressed the Chair.

The PRESIDING OFFICER (Mr. REID). The Senator from Wisconsin.

AMENDMENT NO. 2017 TO AMENDMENT NO. 2015

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. PROXMIRE] proposes an amendment numbered 2017.

In the amendment strike all after "6)" and insert the following: "$700 million shall not be expended".

Mr. PROXMIRE. Mr. President, the purpose of this amendment I think has been explained in the debate already. What the amendment will do is simply save the $700 million the distinguished Senator from Louisiana has argued should be saved in the SDI Program. It will cut the SDI Program from an increase of 20 percent to an increase of 6 percent. You still have an increase; you still have $3.8 billion expended for SDI, but we would save $700 million.

Seven hundred million dollars in a trillion dollar budget may not be very

much, but $700 million here and there adds up to real money.

I think we ought to keep in mind that we do have a terrific deficit. As has been pointed out in the debate before, I am chairman of the subcommittee that would get this $700 million if the amendment is not changed as I suggest. Of course, we could use it. Of course, it would make it easier for us.

The most important action the Congress can do, in the judgment of this Senator, is to do everything we can to hold down the deficit, and we should do that by cutting spending.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, the Senator from Nebraska has been waiting patiently for 1 hour and 20 minutes after my friend from Louisiana had offered his amendment to give a response and the position of the Armed Services Committee on his amendment.

I have no quarrel with the attitude that the Senator from Louisiana and, indeed, the Senator from Wisconsin have with regard to the SDI Program. I share many of the concerns they have since I have been intricately involved in this matter from the very beginning.

I would simply say, let us try and keep all of this in context. It is true, in my mind, that one of the grave mistakes made with the SDI Program was that from the day the President made the announcement, there has been more false information as to what this program could possibly bring about than any other defense program that I have ever had anything to do with.

The President has certainly fanned much of that himself. I have been one of those who said we are way overboard on what can be done with this program. But I have always thought, in view of the Soviet threat—and what the Soviet Union is doing in this area today experimentationwise—we have an obligation to at least proceed to see what is here.

One of the worst things that happened, Mr. President, in this whole unfortunate, or fortunate, discussion of SDI, depending upon one's point of view, was the series of television advertisings that went out a year and a half or 2 years ago which had a little girl with a crayon drawing an umbrella and then with the very clever audiovisual aids, while she was playing with this umbrella, the next thing you saw was crudely drawn bombs coming out of the air and glancing off of the umbrella in a harmless fashion. I thought that was a very simplistic way to try to describe the SCI Program, not unlike some of the statements that the President of the United States himself has made about it. But I thought that was so simplistic that I hoped it would have had the desired effect on the American people in recognizing that any concept that we can have a perfect shield is nonsense. It is hogwash. It is never going to fly.

Having said that, I think there are some benefits of a research program in the strategic defense initiative area and I have supported that. I will move at an appropriate time—and I hope it will not be too long—to table the amendment offered by the Senator from Wisconsin, and after that I intend to move to table the amendment offered by the Senator from Louisiana. I simply am going to try as briefly as I can to put this in context, Mr. President, so that the Senate will really know what we are doing.

Now, if you are against the SDI Program and think it should be abolished or cut drastically, as the Senator from Wisconsin is suggesting, then you should support that amendment, if you are basically against SDI in the amount the Armed Services Committee feels would be proper funding. Likewise, regardless of how it is presented to the Senate, the amendment of the Senator from Louisiana essentially does the same thing except the Senator from Louisiana is suggesting that we can use this money for defense better over here on the space shuttle.

Now, I think that is not sound logic, and I want to emphasize once again, Mr. President, that the funding level of SDI, if anyone thinks we should have some research and development in that area—and I would suggest that the SDI exercise has done more to bring the Soviets to the bargaining table than probably anything that we have done—is worth continuing at about the level that we funded SDI last year.

Now, a lot of figures are being thrown around, Mr. President. We should remember that last year we had a funding level for the SDI program of $3.9 billion. The President first requested a level of over $6 billion. That was amended down to $4.8 billion in the formal request that came over from the administration. We have reduced that further. The House of Representatives in its actions of last week reduced that program to $3.4 billion, which essentially would have been more than one-half of a billion dollars below last year's figure. If we would accept the amendment offered by the Senator from Wisconsin or the amendment offered by the Senator from Louisiana, we would be down, even splitting the difference with the House of Representatives in conference, to a figure some $300 million to $400 million less than last year. I think that is far below what would be proper and wise at this particular juncture.

There has been a lot of talk about the violation of the summit agreement. I am somewhat like the Senator from Wisconsin in that I was not a part of that agreement, but the facts are we have been proceeding in the Budget Committee, in the Armed Services Committee, and hopefully in the Appropriations Committee to say that this was an agreement made by the President of the United States with the leadership of both the majority and minority in the House of Representatives and in the Senate, and it was necessary, of course, because of the severe budget constraints in which we found ourselves. Regardless of how it is postured, Mr. President, the Senator from Wisconsin has clearly said he is not trying to disguise it. He feels he has this right, which he does and with which I agree. He asked me about it and I said it is entirely appropriate to offer an amendment. The Senator from Louisiana has disguised it somewhat in that he is saying he is not cutting defense: he is cutting defense, but he is putting it over into a separate program that has a relationship to defense.

Now, there has been a lot of talk this morning about how important the shuttle is to the national defense interests of the United States, and to a certain point that is true. That is why, Mr. President, over the years there has been planned there would be 15—15, Mr. President—shuttle flights that would carry some military payload. Indeed, out of the Department of Defense budget over the years we have funded some $4 billion, and so far we have got little or nothing from the investment that the Department of Defense made in the shuttle program.

As a result of the tragic shuttle accident, the payload of the shuttle has been cut down so that it can no longer provide launch into polar orbit from Vandenberg where we need satellites to carry on critical monitoring activities. I would say now that if there is one serious concern which we should all have today, as has been evidenced by the debate which is going on now with regard to verification of the INF Treaty, if there is one place that we have a serious shortfall at the present time it is in the area of surveillance from the satellites that the shuttle was supposed to provide.

What we have done, which I referred to earlier in our give and take with the Senator from Louisiana, what the Armed Services Committee has done and what the Department of Defense is doing and recommending is that we no longer rely on that single vehicle, basically, the shuttle.

I would simply like to read from the report of our committee at page 37,

and I think probably this would help clarify for Members of the Senate why both of these amendments that are now before us would be bad from the national security interests of the United States.

Mr. President, I quote from page 37 of the Armed Services Committee report:

As a result of availability and performance considerations, and the National Aeronautics and Space Administration's (NASA) desire to work off the backlog of non-DOD payloads, the current shuttle manifest for DOD shows only Strategic Defense Initiative (SDI) and Research and Development related flights with unique manned requirements after 1992. In view of the immense DOD investment in the shuttle the committee believes that a very thorough review of the long term prospects for future DOD utilization of the shuttle is required before any actions are taken that would preclude use of the shuttle from either coast after 1995. A reporting requirement to this end is described below. In a related action, the committee recommended a prohibition on the expenditure of any funds for the proposed new Titan IV pad at Vandenberg pending completion of the shuttle utilization study.

Mr. President, I want to also have the U.S. Senate know that the Strategic Subcommittee of the Armed Services Committee went into this whole matter very, very thoroughly. We agreed that with the new constraints that are put on the shuttle—and I want to add that this is a Senator that has supported the shuttle program and all space programs in the future. But I am talking now about the national security interests of the United States. I hope my voice will be heard that it is not in my view in the national security interests of the United States to go ahead with what is being recommended here when we in the Armed Services Committee have gone into this very carefully and in great detail.

I will probably have some more to say on this as we go on. But I know my friend and colleague from Virginia has been very much involved in all of these programs since their inception. If possible, I would like to yield to my friend from Virginia for any remarks that he might have.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. Does the Senator yield the floor?

Mr. EXON. I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Thank you, Mr. President.

Mr. President, I will try to be briefer than usual, considering the feelings that I have about this amendment. But I want to start off by saying as solemnly as I know how, that we are dealing here with a momentous issue. I strongly urge my colleagues to give this issue at least the same scrutiny they would give food stamps, Medicaid, or the new welfare bill which is going to be coming before us

The number of Senators on the floor right now would indicate that this issue is being treated rather capriciously and almost whimsically, and yet we are talking about the fate of the good planet Earth. We are talking about a budget deficit that is absolutely out of control.

So I sincerely hope that the staffs at least who are present will communicate to their Senators however they may feel about this debate. My temptation always on an issue like this about which I feel very strongly is to make a jury argument. As a former trial lawyer I have a tendency to make a jury argument on everything. But I would say this: I would be delighted to go on national television and debate anybody from General Abrahamson to the President or anybody else on this proposition.

Resolved, that most of the money we spend on SDI will weaken this Nation, not strengthen it. And leave that proposition after the debate in the hands of the American people. Can the argument now be made that $23 billion on the 50 MX missiles, about 23 of which we bought still not operational, and the ones that are sitting in vulnerable silos where the Minuteman III formerly resided, and does anybody in this body now think that was a wise expenditure of money? Some will say of course it was. I say it was an utter waste. I said it then and I say it now. I am proud that I voted against it.

Can anyody here now say that the B-1 bomber which was proposed as a low-flying bomber to enter the Soviet Union, penetrate the Soviet Union at low altitude—and all of those arguments which I will not repeat—and will anybody here now make the argument that the $30 billion we spent for that bomber, and we received the 99th and last one just last week, was well spent? That program is over, we have 99 of them. Does anybody here now argue that program was a wise expenditure of $30 billion when the B-1 will hardly fly let alone penetrate?

The reason we have 99 instead of 100 is because a blackbird shot down one of them. I have said if the Soviet Union really wants an air defense system against a 400-feet altitude flying B-1 bomber, just store up millions of blackbirds and release them. You can take down almost every one of them. I see no reason why you could not. That is the way we lost one. Is that not right?

But no, the arguments around here is always suspect. You can be accused of being weak on defense. How many times do you hear in the privacy of the cloakroom right there, "Nobody is going to get to the right of me on defense," and so we keep spending more money for things you and I both know are nonsensical, and never will be completed.

I will say to you right now I do not know whether I will be here for somebody to say you were crazy or not, but I will tell you this: SDI will never be deployed. I am just as certain of that as I am of my name, and when I finish with my arguments, I will tell you how I arrived at that conclusion.

Let us just talk for a moment about the Paul Nitze argument. He said two very sensible things, and incidentally, everybody in this body as far as I know has an immense respect for this man, Paul Nitze, the President's top arms control adviser. He said SDI only makes sense if it is cost effective and survivable. What does he mean when he says cost effective? He says that simply means if we can deploy it and defeat Soviet missiles cheaper than they could overwhelm the system, that would be a good sign for SDI. We now know both through classified and unclassified information—this is in the public domain—that the Soviets can probably defeat the system on a magnitude of 5 to 10 to 1 cheaper than we can build it. If you tell me in the face of overwhelming evidence that the Soviet Union can spend $1 for every $5 to $10 we spend and be just as well off, does this system makes any sense to you? You do not invest your money that way. Incidentally, I will tell you an interesting story about this budget deficit.

There is an old gent in Arkansas, and he is a dyed-in-the-wool Democrat, but I remember in 1981—you just get native intelligence often from people who never went to the eighth grade—when President Reagan was going around the country and on national television saying, "We are going to cut your taxes by 28 percent; we are going to double the defense budget and balance the budget," this old man said, "What a dynamite idea. I wonder why we never thought of that before?"

Nobody argues that under the best case scenario this system is going to be fail safe, and is going to be 100 percent effective. If you ask General Abrahamson today, "General, if you had all the money in the world to build this system, what is the very best kill rate you could possibly anticipate?" the figures I have heard are 90 percent. But nobody believes that. I can tell you the Soviets have about 12,000 warheads. If 1,200 of them got through, that is enough to ruin your whole day. That is enough to destroy the great planet Earth.

I have seen those little television cartoons in 30-seconds spots. I do not know who paid for them. The little girl is saying, "My daddy is so smart. He believes in this system that the President is talking about that will protect our home from Soviet missiles. My daddy is so smart." You all saw that spot on television, did you not? All of a sudden, slowly but surely the

information comes out which all of us knew in the first place, this system is not designed to protect population centers.

It is not designed to protect this little girl. It is designed to protect command and control centers, and military targets.

Nobody has ever made the argument, with the possible exception of the President, who at least led people to believe that somehow or other they were going to live and the Soviets were going to die if we built this system.

Well, it assumes the ultimate technology. This argument is that if we just put this thing up in the sky, nobody will ever be able to improve on it.

I ask you: What technology have you ever known of that was not improved? If we deploy SDI, we'll never be able to rest. We'll have to keep on improving it to keep ahead of the Soviets.

Then there is the burn time issue: can the Soviets shorten their missile burn times so that SDI interceptions won't have enough time to destroy the missiles? The MX has a burn time of 180 seconds. The Trident I missile, which we have on most of our submarines, has a burn time of 158 seconds. The Trident II missile has a burn time of 171 seconds. And we anticipate that we will not pick up the burn of a Soviet missile for 30 to 60 seconds after it is launched.

Bear in mind that nobody in the Soviet Union, when they were building their missiles, was trying to defeat SDI. They were just building a missile. They were just designing missiles that would hit the United States. They were not trying to get the shortest burn time possible. It would not be difficult for either side to shorten their missile burn times.

Here is a study put out by Lawrence Livermore Laboratories that shows that if we deploy the so-called kinetic kill vehicles, the Soviets already have one missile, the SS-25, which is totally invulnerable to a kinetic kill vehicle. $330 million of this $4.7 billion we are talking about is going into research for kinetic kill vehicles; and it is now anticipated that to deploy it in 1995—we will be lucky to get it up by the year 2000—but if we can deploy it, and I do not care if you deploy 3,000 of them or 30,000 of them, the Soviet SS-25 right now is already invulnerable to the technology that we are talking about being the ultimate.

Their other missiles are liquid-propelled missiles, and they will convert them to solid propellant as soon as possible, which burn much faster. They will build a new fleet of missiles that will leave us no time to intercept them.

They can revolve their missiles. They do not do it now, but they can slowly revolve their missiles on liftoff, which means that we have to have two to three times as much power in our lasers. They can thicken the hulls on their missiles, which will require another doubling. They can put millions of decoys in the noses of these missiles, and we have to figure out which ones are real and which ones are not. They can make their missiles maneuverable.

This is not classified, and I will bet there are not 50 Senators who know this: The Trident II missile, which the Navy calls the D-5, and which I have been a strong supporter of because it is invulnerable, being on submarines, has a very low CEP—that is, the error margin where it hits. That missile is very accurate. It is going to have hard target kill capability, and we are going to deploy those this fall on the Trident submarine.

Another thing the missile will do is maneuver. Do you know something? The Soviets do not have maneuver capability on their missiles yet, but when they do, I can tell you that, based on present plans for SDI, a maneuverable vehicle will defeat SDI.

I can remember that, as a child, I was worried about Hitler. I was a paperboy. Every afternoon when I got my papers to fold, to throw them on the front yards and porches of my customers, I would see the headlines about what Hitler was up to.

As a child, younger than these pages who sit here, I became apprehensive about what this all meant. It later meant 3 years in the Marine Corps for me, 3 years out of my life.

I had that sneaky suspicion even as a child. But I will tell you one thing: I would read about the French having this gigantic Maginot Line, and as a child, I was comforted by that. I thought that no matter how powerful an army Hitler had, the French will be able to stop him because they have this big Maginot Line. I did not know what that meant. I did not know what it was designed to stop.

I am not going to belabor this point, because everybody here remembers just how powerful the Maginot Line was. Hitler went over it, around it. The Maginot Line did not slow up the German Army 24 hours.

Yet, the argument is made here that, somehow or other, we can put a technology in the sky and that is going to be the end of it. You tell me one thing we have ever done technically in this country that we have not improved on. We'll have to keep on adding to it.

I remember the ABM system. I was not here, but the decision to spend $6 billion to deploy the ABM system in North Dakota passed the U.S. Senate by 1 vote.

The argument was made by the losing side at that time that by the time you got it built, it would be obsolete and probably was not going to work, anyway. But, as always, we had a bunch of Senators that did not want to go home and have somebody charge them with being weak on defense, so they voted for it, and we started dismantling that system before the last weapon was installed. I was here when we voted to dismantle it.

Some people say: "Senator, you're a skeptic. You didn't think we could send somebody to the Moon, either; and if you had been here, you wouldn't have thought we would ever develop airplanes."

Well, I was around when the first ABM system was built, and I am sorry I was not here to be the vote to defeat it.

I was not around here when we started talking about nuclear-powered airplanes, which we have not done yet either. But in all those technologies that people around here like to talk about, we did not have the Soviet Union trying to defeat the system. They are light years behind us in technology. Everybody knows that. Even Gorbachev knows they are on their way to becoming a third-rate nation if they continue to spend 15 percent of their gross national product on defense.

Well, back to the kinetic kill vehicles: Our own Office of Technology Assessment had a question: The software is very vulnerable to errors, and the whole system is vulnerable to a host of countermeasures.

Incidentally, one other thing I did not mention is that the Soviets can just fire a few missiles up with nuclear weapons on them, set them off, and blind SDI.

Several years ago, when this whole thing came up, I asked a very respected arms negotiator, whom I consider one of the wisest arms negotiators, something.

I said: "Suppose you were advising Secretary Gorbachev, and he called you in and he said, 'Mr. So-and-So, the United States is getting ready to build this defensive shield against our missiles. What do you advise?' "

He said, "I'll tell you what I would tell him. I would tell him, No. 1, 'Start building bombers as fast as you can build them. No. 2, start building ships that will accommodate anywhere from 30 to 100 cruise missiles. Third, if you really feel that this is a serious problem, you can always consider the clandestine introduction of nuclear weapons into the United States. If they can't keep carloads of marijuana from coming into the country, certainly we can introduce nuclear weapons. We can plant them at the base of the Empire State Building and at the Washington Monument, and have them ready to detonate at a moment's notice.' "

Can you imagine anything more ominous than our reaching that point?

Have you noticed that Gorbachev does not talk about SDI anymore?

He says that is not really a big deterrent. Do you know why? Because his advisers apparently have convinced him that if we want to spend $1 trillion doing this, this is OK, but they could probably defeat it for $100 billion. That is the reason he quit talking about it.

The Senator from New York [Mr. MOYNIHAN] who I heard 3 years ago, in discussing the SDI Program, said we have a fixation somehow that all missiles come in from outer space, but the truth is a lot of them are going to come in under the Brooklyn Bridge. He was talking about the cruise missile.

The interesting thing is, number one, if the Soviets decided to build their own SDI, I can just hear the arguments in this place right now. No. 1, how dare they? No. 2, if they build their own SDI that means that our missiles are then vulnerable to their SDI and we have to start building a whole new generation of ICBM's. And the interesting thing about it is they have already spent hundreds of billions on an air defense system, but it doesn't work against our bombers. If they build an SDI and we start talking about bombers and cruise missiles, you have to bear in mind they have already spent $200 billion or $300 billion to defeat that system.

I just told you what this reputable arms controller told me, and here on May 2 is an article in the Wall Street Journal, and I am going to insert this in the RECORD, Mr. President, and I ask unanimous consent that immediately after I quote from it that it be printed in the RECORD.

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

(See exhibit 1.)

Mr. BUMPERS. It reads in part:

After decades of building up ballistic missiles that vault nuclear warheads through space, the Soviet Union is pouring money into bombers and cruise missiles that carry deadly payloads and fly closer to the Earth.

The shift beclouds the outlook for the Pentagon's most costly and far-reaching weapons project, the Strategic Defense Initiative, designed to intercept ballistic missiles in space. U.S. strategists warn that even if President Reagan some day realizes his dream of deploying a "peace shield" in space, the Soviets will probably be in a position to unleash a force of bombers and cruise missiles that could sneak under the protective umbrella.

EXHIBIT 1

SOVIET LOW-FLYING BOMBERS AND MISSILES RAISE QUESTIONS ABOUT STAR WARS SYSTEM

(By Tim Carrington)

After decades of building up ballistic missiles that vault nuclear warheads through space, the Soviet Union is pouring money into bombers and cruise missiles that carry deadly payloads and fly closer to the Earth.

The shift beclouds the outlook for the Pentagon's most costly and far-reaching weapons project, the Strategic Defense Initiative, designed to intercept ballistic missiles in space. U.S. strategists warn that even if President Reagan some day realizes his dream of deploying a "peace shield" in space, the Soviets will probably be in a position to unleash a force of bombers and cruise missiles that could sneak under the protective umbrella.

Unlike some complex countermeasures the Soviets might use to foil SDI, or Star Wars, the bombers and cruise missiles would simply bypass the defense system.

By focusing on the gap in U.S. defenses, Moscow presents the U.S. with an uncomfortable choice: to admit that even a perfectly functioning Star Wars system would only counter part of the Soviet nuclear threat; or to complement the strategic defense system with a very costly air-defense network to block low-level attacks.

"It makes no sense to deploy SDI as long as there is no defense against the emerging air-breathing threat," weapons powered by jet engines rather than by rockets, says Loren Thompson of Georgetown University's national security studies program.

The Heritage Foundation has singled out the absence of a U.S. air-defense system as one of four big military problems the next administration will have to confront. Kim Holmes, a military analyst at the conservative think tank, calls for the U.S. to deploy more tactical fighter planes, as well as modernized Patriot ground-to-air missiles. But he concedes that budget pressures weigh against such a buildup.

The Soviet planes and cruise missiles, meanwhile, have become harder to track and intercept. The Russian AS-15, a cruise missile that can travel about 3,000 kilometers (1,875 miles), became operational in 1984. The missiles can be mounted on Bear-H bombers, which can fire at a safe distance from their targets. U.S. F-15 pilots in Alaska report a sharp increase in the number of Bear-H bombers conducting exercises. Mr. Thompson estimates that by 1991, the Soviets will have more than 100 Bear-H bombers, along with about 1,000 AS-15 cruise missiles.

The Soviets have deployed cruise missiles that can be launched from any of the three newest classes of submarines. These submarines are significantly quieter than the boats they are replacing, and thus able to travel closer to the U.S. coastlines.

Pentagon officials say that the newest Soviet cruise missiles carry accurate terrain-reading guidance systems similar to those in U.S. cruise missiles. The Soviets are also designing a long-range supersonic cruise missile that would be more difficult to intercept.

The latest edition of "Soviet Military Power," released by the Pentagon Friday, says the Soviets have produced 11 Blackjack bombers, which resemble the U.S. B-1 sweptwing bomber. The publication says that with the Blackjack and the Bear-H bombers, the Soviet "intercontinental bomber force is more flexible than it has ever been." The Pentagon report noted that the two aircraft could be refueled in flight by the Midas tanker plane, fielded in 1987.

U.S. worries about these new weapons may turn out to be unnecessary, like the missile and bomber gaps of past eras. Intelligence assessments have found that the Soviets often hit technological snarls building big supersonic bombers like the Blackjack. Although the Pentagon for several years has been predicting that the Blackjack was about to surge into full production, this hasn't happened. One Defense Department official says, "We think it's in the realm of being deployed."

Though the bombers and cruise missiles still only represent about 10% of the Soviets' total nuclear arsenal, the low-flying systems could mount a decapitating strike on U.S. command and control centers the president would rely on during a crisis.

Thirty years ago, the U.S. maintained a broad network of radars, interceptor planes, and ground-to-air missiles to thwart a feared Soviet bomber attack. But in the 1960s, when both superpowers were building up ballistic missiles that could rain warheads down from space, the U.S. decided against sinking money into what would be only a partial defense. In the 1990s, the Pentagon could be faced with the opposite problem—being able to deflect nuclear attacks in space but not inside the atmosphere.

U.S. AIR DEFENSES

	Early 1960's	Today
Interceptor planes	2,612	252
Air Force surface-to-air missiles	439	0
Army surface-to-air missile batteries	274	0
Air defense control centers	68	7

Source: Georgetown University National Security Studies Program.

U.S. military planners are taking some steps to lessen the disparity. The Pentagon is installing modern radar equipment along the aging Distant Early Warning line in northern Canada. Powerful radar equipment is being designed for the coastlines as well, and the Air Force is buying General Dynamics Corp. F-16s to replace old interceptor planes.

However, strategists say these moves fall far short of providing a comprehensive defense against the Soviet's newest low-flying weapons. Under pressure from Congress, the Pentagon has set up an Air Defense Initiative to study high-tech approaches. However, this project has only attracted a fraction of the funds dedicated to the better-known SDI.

"The Air Force has never been very excited about the air-defense mission," says one Pentagon official. He notes that under budget pressures, the service generally chops air-defense projects to keep money flowing to bombers and fighter jets.

Some analysts argue that building a complex U.S. air-defense system could be a waste of money. The Soviets have spent billions setting up air defenses; but the Pentagon claims its low-flying B-1 bomber, Stealth bomber and advanced cruise missiles can get through the thicket of defenses. Pointing to what may turn out to be wasted expenditures by the Soviets, a House aide says, "We're not going to clamor for a big increase."

Mr. BUMPERS. Mr. President, some money for SDI for research is appropriate and reasonable, and I am not going to debate that. Everybody here agrees with that.

But one of the reasons that I am on my feet here today is I know what is going on. I have been here now almost 14 years, and if you pay attention around here, you learn a few things. One of the things I have learned is that in this program the President keeps asking for more and more and not just because he believes in it, but people in Congress keep voting for

more and more to accommodate the President. What they are trying to do is to build a momentum for this whole cockamamie idea so that we will have to go forward with it after Ronald Regan is no longer in the White House.

I am reluctant to say this, but I heard one of our Republican colleagues about a year ago say, "Yes, Senator, we know that this is a crazy idea. This is what we on our side of the aisle call the 'humor-the-President' program."

I want to tell you that when I read Paul Kennedy's book about the United States being threatened with decline, and I have to look at my children and admit that my generation and yours, colleagues, is going to be the first generation in the history of this country to hand our country over to them at least economically in potentially worse shape than it was when we found it, and one of the reasons is that the herd instinct sweeps through this body on taxes and defense spending and nobody really wants to sit down and talk sense about what is an adequate amount of defense and are taxes really what you pay in order to live in civilized society, as Justice Holmes said.

Paul Kennedy said the United States could be in decline because we are spending 7 percent of our national product to defend countries like Japan that spends 1 percent. If we spent 1 percent of our GNP on defense, we would have a balanced budget and $100 billion to educate our children, provide health care for the 37 million people in this country that do not have any, to repair the 52,000 bridges that are fatally defective in this country, and on and on the list goes.

People act as though SDI is the ultimate defense.

I said many times on this floor, and it bears repeating, we ought to make ourselves sit down and talk about something else that is related to our national security, and that is how well we treat each other, how we feel about our institutions, how well we educate our children, how well we take care of our elderly, what kind of a transportation system do we have. Those things are just as important to our security as how many planes and tanks and guns we have.

Well, Paul Kennedy says, if it will give you any comfort, the Sovet Union is in a faster rate of decline than we are because their GNP is only half as great as ours, so they have to spend 15 percent of their GNP to match us dollar for dollar, but to their eternal credit—Secretary Gorbachev has admitted this publicly and he has said that they can never fullfil the promise of their system. I do not think they will anyway because their system is fatally flawed. He said they certainly cannot do it and spend 15 percent of their wealth on defense.

So, Mr. President, as I said a moment ago, I am not too crazy about transferring $700 million over to space. I am going to vote for that because I think the space station is probably going to be built, but I am going to vote for the amendment of the Senator from Wisconsin because I want to believe that some of these days we are going to come to our senses around here about what we really need to do to become a leaner, more efficient and effective fighting country in our military, and I can tell you the expenditure of $4.5 to $5 billion on SDI year after year, headed for a trillion dollars, weakens America. As I say, I would love to debate the proposition that that weakens this country; it does not strengthen us.

Mr. President, I yield the floor.

Mr. EXON. Mr. President, there are other Senators who want to speak on this subject and we certainly do not want to cut off debate.

I previously indicated that I will move to table at the appropriate time.

I am wondering in the interest of conserving time if we could get a unanimous-consent agreement to allow the speakers who want to speak now, I was thinking if we could agree for 5 minutes from the different speakers that are on hand and then we would have a vote on the tabling motion that I intend to make on the amendment of the Senator from Wisconsin, and then following that maybe 10 minutes equally divided between the Senator from Louisiana and this Senator on his amendment and then we can dispose of this.

Mr. HEFLIN. Mr. President, I hesitate right now to put a limitation of time on this thing. There are some matters that I am looking into that I may want to speak several times. At this stage I cannot agree to a time limitation.

Mr. EXON. Then we made an effort. We will maybe make an effort on that sometime later.

I would just tell all that I do not wish to cut off debate, but a tabling motion is in order any time any Senator gets the floor.

I would hope that we would make our points. We have been on this now for 2 hours, and a lot of good information has flown. I do not know how many minds have been changed.

I would simply advise the Chair that the ranking member on the other side of the aisle I do not believe has yet been recognized for his opening statement during the 2 hours that we have been in debate, which is somewhat unusual, and if possible I would like to appeal to the Chair while I cannot control the Chair from this position, that it would seem that the Senator from Virginia should stand for recognition.

Mr. WARNER. Mr. President, I ask for recognition at this time.

Mr. JOHNSTON. Mr. President, will the Senator yield on the question of time?

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

Mr. WARNER. I thank the Chair, and I am glad to yield for a question.

Mr. JOHNSTON. On the question of a time limitation on the underlying Johnston-Evans-Bumpers-Levin-amendment, we would certainly agree to a time limitation. I think we would need probably 15 minutes on our side.

Mr. NUNN. Let me propose this, if the Senator will yield.

Mr. WARNER. I yield for a question.

Mr. NUNN. I understand the Senator from Wisconsin has presented his case fully and we will be voting on the Proxmire amendment first, as I understand the order.

Could we vote on the Proxmire amendment at, say, 20 after 12, and then move directly to the vote on the Johnston amendment?

Mr. EXON. Mr. President, I advise the Senator that I tried to propose that and the Senator from Alabama objected and I think the junior Senator from Alabama was about ready to object. So, at this juncture, it does not look possible.

Mr. NUNN. If I could further get my colleague to yield, could I inquire approximately how much time the Senators from Alabama would desire if we entered into a time agreement?

Mr. HEFLIN. As I said, I am looking into some aspects of that right now and I am in a stage of uncertainty. Right now, I do not think I would take more than 10 minutes on the Proxmire amendment. What I will do on the Johnston amendment, I am uncertain of right at this stage. I think we probably would be in a better position in a little while. Maybe we should let the Senator from Virginia speak and the two Senators from Alabama speak and then I think we might be able to enter into an agreement. Right now, I just have an uncertainty.

Mr. NUNN. May I further inquire whether the junior Senator from Alabama would like to speak prior to the vote on the Proxmire amendment or is it on the Johnston amendment, or both?

Mr. SHELBY. If the Senator will yield, I would like to speak first on the Proxmire second-degree amendment for about 10 minutes.

Mr. NUNN. I think the Senator from Nebraska has made a right decision to go ahead.

We have six major amendments. We have a function this evening that I am sure is going to require that we not go later than about 6 or 7 o'clock, depending on whether we can line up votes for tomorrow and debate would carry over into the evening and to

hold rollcall votes over until tomorrow.

We have had about 2 hours on this debate. I know it has been a good one. It is an enormously important subject, but I would suggest we are going to have to find a way to accelerate if we are going to keep the schedule for today.

Mr. HEFLIN. Mr. President, if the Senator will yield, I think in just a short time, if we go ahead on this and let us speak on the Proxmire amendment, after that is over I think we will do it. We are not trying to delay. It is just a matter of trying to eliminate some uncertainty.

Mr. NUNN. I understand. I certainly know the Senator from Alabama has a very keen interest in this matter and a lot of expertise.

I thank my colleague for yielding.

Mr. WARNER. Mr. President, I thank the distinguished chairman of the Subcommittee on Strategic Forces for speaking on my behalf. I do not feel I have been denied the opportunity. I have listened.

But it seems to me that I can, in a very short time, set forth an argument which I hope will be persuasive to my colleagues here in the Senate. And that is, sometimes we have short memories.

Last fall, this Congress was in absolute gridlock. It could not move. We had no expectation of going home for Christmas until such time as the President and the leadership of the Congress sat down and fashioned this summit agreement.

I have here a copy of a memorandum issued by the Congressional Budget Office which summarizes the essence of that summit agreement. If my colleagues will bear with me a minute or 2, I would like to acquaint you with these details. Paragraph one:

The elements of this agreement should provide for deficit reduction amounts that exceed the requirements of the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 and thus when fully implemented eliminate the need for sequestration.

And that was an important decision that was made in the fall.

The package outline is approved by the President, the Speaker, and the Majority and Republican Leadership of Congress.

The President and the Leadership of Congress agree to carry out this agreement.

The President's FY 1989 budget shall comply with the appropriations levels in this agreement.

For FY 1988 Congress shall present reconciliation and the continuing resolution (or other appropriations legislation) to the President concurrently.

Congress shall provide sufficient budget authority to achieve full levels of domestic, international affairs, and defense outlays, in both FY 1988 and FY 1989.

Agreed upon discretionary spending levels are as follows:

Then they are set forth right here.

The effect of the amendment of the Senator from Louisiana would be to breach this. It would be a violation of this budget summit in two areas. One, you would bring down the defense cap, and, second, you would jack up the domestic cap.

Mr. JOHNSTON. Will the Senator yield?

Mr. WARNER. For a question.

Mr. JOHNSTON. I think the Senator is speaking of the Proxmire amendment which would have that effect, because the Proxmire amendment reduces that $299.5 billion. The Johnston amendment does not move the money out of defense. The Johnston amendment keeps it in defense.

If you will look back at your bill, the bill, under SDI, has a number of categories, I think some five categories already, that specify as follows. This is on page 25 under section (b) beginning with the words, "Of the amounts available for the Strategic Defense Initiative * * *." It has a subsection (a) and then it specifies "$200 million shall be available only for the advanced launch system."

Mr. WARNER addressed the Chair.

Mr. JOHNSTON. If I may, I am answering the Senator's question.

Then you go down this list and you have the BSTS, you have ERIS, you have HEDI, and you have Gallium Arsenide. What we do is simply add a sixth category, which says that $700 million shall be available only to reimburse NASA as DOD's share of the cost. And, as I pointed out, the 29 percent, the $700 million is DOD's share of the shuttle cost. It is exactly consistent with what you have done in your bill and the $700 million represents DOD's share of the cost.

Mr. WARNER. Mr. President, I think the Senator from Louisiana is technically correct. He has very skillfully stayed within a technical framework. But, in terms of the spirit of the budget agreement and the spirit of the summit, it is gone.

Mr. JOHNSTON. Mr. President, I quoted from the defense appropriation report. I am sorry if I gave the impression that that was the Armed Services Committee. It was not. It was the defense appropriation report.

But the defense appropriation report clearly recognized, before this amendment arose, that NASA has a direct relationship to defense.

Mr. WARNER. Mr. President, I yield on that point. The Senator is correct. There is a direct relationship, as evidenced by the facts being brought forth that after 1992 we will have far less reliance on it. To me, those are subsidiary arguments.

My point is, if we are ever to have an expectation of a budget summit holding up, then we cannot trash this one. And that is the essence of what is going to happen here.

Mr. JOHNSTON. Only, if I might say to the Senator, if NASA does not have a relationship to defense. If you can say that NASA has no relationship to defense, your argument is logically correct. If it does, it is not logicially correct.

You may disagree with it, you may not like a space station, but as far as having a relationship to defense, it has long been recognized. The Appropriations Committee has recognized it. The Senate has recognized it. The 29 percent is mathematically the proper share, considering the 15 launches of the 52 NASA launches.

Mr. WARNER. Mr. President, other Members of the Senate could come in and make the same arguments with respect to housing, medical things, all types of subjects which have a relationship to defense and defense dependence on certain other programs and we slowly begin to bring down the effectiveness of the defense cap.

Mr. JOHNSTON. If we added some money for defense housing or for the CHAMPUS Program, you would clearly say that that is not breaching the cap. But, obviously, if we added it for civilian housing, it would. This 29 percent, the $700 million, is for the DOD share of NASA.

Mr. WARNER. Mr. President, the essence of what the Senator is doing is taking dollars away from the Cabinet officer assigned to this budget, the Secretary of Defense, and effectively putting it in another budget.

We can use the technicalities that you skillfully moved it around, but, in essence, it violates the spirit of the summit agreement. And it was the summit agreement that rescued the Congress from sitting here throughout that period doing nothing. You remember it well. You were on the committee.

Mr. JOHNSTON. Let me tell you. Senator, at the summit agreement we put a cap of $299.5 billion in BA, which was both a cap and a ceiling. I agree with that. That is why I opposed the Proxmire amendment. But we never said how we defined how that $299.5 billion should be made up.

There are those who think we ought to spend more of the $299.5 billion on SDI. There are those who think we ought to spend less. There are those who think we ought to build an advanced launch system for the rocket and all of those kinds of things. But this is entirely consistent with the summit agreement and simply recognizes DOD's share of NASA.

Mr. WARNER. Mr. President, I repeat that the NASA account is not subject to the discretion of the Secretary of Defense and the $299.5 billion was to give the Secretary of Defense a figure over which he would exercise discretion. That is the essence of the summit agreement.

When I read—I understand there is no suggestion that I am in error—that in the package the President and the leadership agree to carry out this agreement: The Congress shall provide sufficient budget authority to the individual Cabinet officers to achieve full levels of international and domestic defense outlays—those are statements which clearly indicate the intent of that summit agreement.

I also bring to the attention of my distinguished colleague that the budget resolution, which as you well know is already out there, assumes a 27-percent increase for NASA for fiscal year 1988 funding. The House-passed resolution includes a 20-percent increase for NASA. And that, of course, is matter still in conference. And the defense spending is capped off at this figure, it represents a −0.7 percent.

So, it seems to me that discretion has been exercised already in favor of NASA. Some substantial increase in their overall spending will emerge from this conference. Whereas defense will remain in the negative growth posture, 0.7 percent.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, maybe we can lay to rest once and for all the argument that is made by the Senator from Louisiana that this is a defense need. I wish that the Senator would understand that the Defense Department has already spent billions of dollars on defense-related issues—and I realize it is a defense-related issue—that they have not got services rendered for.

Therefore, what the Senator from Louisiana is proposing to do is to put some more money down that rathole, without any immediate return with regard to national defense. I think it cannot be legitimately argued, if the amendment offered by the Senator from Louisiana was passed, that it would be for a legitimate national defense purpose.

Which gets back to the argument made by the Senator from Virginia that it is a disguised violation of the agreement that was made. I have got a whole series of figures on this. I just want to say that here are some of the costs that DOD has already paid.

Four billion dollars for the replacement orbiter; $3.5 billion for the now useless shuttle launch facility at Vandenberg; over $2 billion in the development of the now expendable launch vehicle to launch satellite programs; nine prepaid shuttle flights which represents $1 billion in advance payment to NASA already, by DOD.

On and on. So, when the Senator speaks of DOD paying a fair share of the recovery costs, I look at this list, which already adds up to more than $10 billion already advanced to NASA by the Defense Department. So I would simply say that I think that if anything, the amendment offered by the Senator from Wisconsin is more straightforward and I would hope that we would defeat both of these amendments when I make the tabling motion.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. HEFLIN. Mr. President, I rise in strong opposition to the amendment offered by my colleague from Wisconsin Senator PROXMIRE, which is a second degree amendment to the Johnston amendment. I have, from the very beginning, supported SDI for a number of reasons. I hope to outline some of those in a few remarks that I will make.

I, likewise, have supported the space program completely. I believe I was the first Senator to call on the President to initiate a program for a permanently manned space station. And I really think that the space station has tremendous potential, not only in space but for byproducts that it could produce particularly in the area of medical research and materials processing.

However, the Johnston amendment puts me between a rock and a hard place; I will be forced to make a very difficult decision—that is choosing between adequate funding for space or funding for SDI. While the Johnston amendment would put badly needed funds into the Shuttle program and could free funds also badly needed for the space station, the amendment takes the money from SDI, another program which I greatly support. In that regard, the Johnston amendment is a particularly difficult amendment for me since it deals with two programs that I think have great potential.

But let me direct my remarks at this time to the Proxmire amendment. I think you have to look at the Space Program to really give you proper perspective as to one phase of SDI. That is the success of the Space Program in producing valuable spinoffs and byproducts.

I do not think anyone today can challenge the fact that the Space Program has many, many times paid for itself in economic enhancements to this country. Digital watches, for example, came out of the Space Program. Great advancements in the field of computer science have come from the Space Program. The satellites that people are using in rural areas to view television would not be possible if it had not been for the Space Program.

I could go on and list a great many instances where spinoffs and byproducts have provided great benefits to the American people. There is no question that the Space Program has brought economic benefits that no one could have conceived of and predicted at the time that we entered into it.

I think SDI has a similar potential in the future. It involves technologies that can produce tremendous economic benefits to the United States, regardless of whether or not we ever have an SDI defensive program.

I say this because it concentrates resources that are being directed toward certain technologies that have a tremendous scientific and economic potential. One of the first bills that I introduced when I came to the Senate was to create a National Laser Institute, to bring about the coordination of the development of laser technology and the many aspects of that technology, at that time.

We were even thinking about laser-generated fusion.

Today we see laser technology being used as a surgical scalpel to remove cataracts from the human eye. There are those that predict that laser technology will one day produce laser beams to clean out clogged arteries and veins of the circulatory system and the heart and that open heart surgery, bypass surgery, will be obsolete in a few years.

As a result of laser technology, long-range projections have been made by scientists that we can develop a propulsion system by which spacecraft could be launched into space at a tremendous rate of speed far greater than what we could imagine to date. So you can see, lasers have a great potential and the SDI Program is devoting a good deal of resources to this exciting technology.

Computer science, under the SDI Program, must advance tremendously. We now probably are somewhere between the fifth and sixth generation of computers.

There are those who predict that, with the SDI Program, we can go to the 9th and 10th generation of computers. The advancements in the area of computer science, by concentrating on an SDI Program, also have tremendous potential. While I am not a scientist, Mr. President, it just makes a great deal of sense to me to continue this exciting program which could yield many great benefits, both in commercial activities and defense technology.

Then there is the area, which I am told by many scientists, has tremendous opportunities, and that is in the field of optics. These are all essential in the SDI Program and they are being greatly advanced due to the ongoing SDI research.

Mr. President, all of these are just a few areas that can be advanced as a result of our investment in SDI.

Certainly today there is a large group of scientists that says SDI can be successful as a defensive shield, and those arguments have been made. The

Armed Services Committee has carefully considered those and are recommending a good funding level for the SDI Program.

I do not know whether or not it can be a perfect shield as those who have advocated it. I am not a scientist in that regard, I am not sure I can properly evaluate it, but I think we are now at a stage of research where we need to continue to support SDI and support it vigorously.

In my judgment, we are at a research stage today that I think in a few or more years, we will be in a situation to properly evaluate the status and defensive possibilities of the SDI Program. But in the meantime, research into those areas of technology that can mean so much to the American people and to the economy of America ought to go forward to see if a defensive shield could someday, in the near future, be possible. So, Mr. President, I believe that we should not cut back on SDI's research at this time.

However, on the other hand, we see the great potential of space technology. There are so many great things that can come from space technology that benefit our everyday lives that we could not count them all. We ought to build a space station, and we ought to move forward for the next few years certainly in the research area of SDI.

The ALPS Program that Senator NUNN has spoken about also has tremendous potential. As we look to the future, the real danger of a missile being launched against the United States probably, and I have to say probably because I do not know, would more likely come from a nation other than Russia. It would more likely come from a third country or from a mad group of individuals such as terrorists. We will have to consider this. Certainly the ALPS Program as conceived by Senator NUNN deserves considerable attention as we go forward with the evaluation of a strategic defense.

With regard to SDI funding, we are in a situation of where the House has already cut SDI funding. In the floor debate in the House, they were saying that when you get to conference, the Senate will have a high figure and we will end up splitting the difference or coming close to it. That this is what has happened now almost every year in regard to the authorization for SDI funding.

The House passed a SDI funding level for SDI that was about $3.5 billion. The Senate figure, out of committee, is $4.55 billion.

So Mr. President, if we accept the Proxmire amendment, we will cut $700 million from the Senate Armed Services Committee level, and we would then have a situation where we would go to conference with a SDI funding level much closer to the House level, thereby reducing our negotiating room and ending up with a lower total funding for the SDI Program. In my judgment, this would be a serious mistake.

I feel like we ought to defeat the Proxmire amendment at this time. However, the Johnston amendment causes me a great deal of concern. At that stage, I am simply in a degree of uncertainty about my position on it. In that regard, I want to study it further. It involves the issues of allocation of funds that will go to subcommittees of the Appropriations Committee, and there are competing factors there. This is a very complicated matter, but it is one that I want to give further study to.

However, at this time, I urge the defeat of the Proxmire amendment.

Mr. President, I yield the floor.

Mr. SHELBY addressed the Chair.

The PRESIDING OFFICER (Mr. LEVIN). The Senator from Alabama.

Mr. SHELBY. Mr. President, I rise in opposition to the amendment offered first by the Senator from Louisiana and the second degree amendment offered to it by the Senator from Wisconsin.

Let me begin by stating that NASA funding has been and will continue to be a very high priority for this Senator.

I could not imagine a more deserving recipient of additional funding.

However, I do believe a transfer of funds from the Department of Defense to another account should have been attempted during consideration of the budget resolution, not during debate of the defense bill.

The administration's request for $4.84 billion for the program was thoroughly discussed by members of this Committee on Armed Services. Working in a spirit of bipartisanship, the Armed Services Committee reported out a funding level of $4.55 billion for SDI, a cut of about $300 million from the President's request.

I believe that a funding level of $4.55 billion, $4.271 billion for defense, strikes a satisfactory balance between the need for healthy growth in this program and the need to work within current budget constraints.

The Soviets wish to stop us from proceeding with our SDI while they go forward with theirs. At this point in time, however, the United States has absolutely no defense against nuclear attack. Nothing. Zero.

One must remember that for many years now the Soviet Union has been investing huge amounts of money on an extensive strategic defense effort of its own, an effort that appears to include the development, testing and deployment of traditional ABM systems and components that could be expanded quickly for nationwide ABM defense purposes.

The Soviets appear to be working toward the development of directed-energy weapons systems that can be used for strategic missile defense and to attack space targets.

General Secretary Gorbachev, for his part, has good reason to oppose U.S. research into a strategic defense. He has made it clear that his main job is to rescue the Soviet economy. He does not want to have to spend billions of rubles on an even more sophisticated high-technology competition with our country. A competition in which our country already has a decided advantage.

The Soviets are far behind the United States in the computer technology necessary to develop the command, control and communications network necessary to manage a whole system.

All this notwithstanding, significant progress has been made in the SDI Program. Kenetic energy weapons such as ERIS the exoatmospheric reentry vehicle interceptor subsystem and HEDI. The high endoatmospheric defense interceptor show exceptional promise. With this in mind, the Armed Services Committee has put a floor on funding levels for ERIS and hedi as well as the advanced launch system and BSTS.

The House, as has already been said, has reduced funding on SDI to $3.5 billion. The Johnston amendment would put the Senate at $3.85 billion. We would come out of conference at around $3.7 billion, $200 million less than last year.

Mr. President, permit me to quote from a report to Congress on the strategic defense initiative, prepared by the strategic defense initiative organization just last month. The goal of the SDI Program has been and continues to be and I quote:

> To conduct a vigorous research and technology program that could provide the basis for an informed decision regarding the feasibility of eliminating the threat posed by nuclear ballistic missiles of all ranges and increasing the contribution of defensive systems to United States and allied security.

The role of the strategic defense initiative could not be put more succinctly. The $4.55 billion approved by the Armed Services Committee for this program is the absolute minimum amount necessary to sustain progress already made. Anything less will serve only to increase total costs at the risk of national security.

Mr. President, I yield the floor.

Mr. THURMOND. Mr. President, I rise in opposition to the Proxmire and Johnston amendments which would reduce the Armed Services Committee recommended funding level of $4.55 billion for the SDI Program by $700 million. The Johnston amendment transfers these funds to the National Aeronautics and Space Administration. As I understand it, the Proxmire amendment would eliminate the item

altogether, to which I am bitterly opposed.

Mr. President, in proposing that SDI funds be transferred to NASA, the amendment undermines the framework of the budget agreement that was so painstakingly worked out by congressional leaders with the Administration, and which has been honored to the letter by the Senate and House Armed Services Committees in making their recommendations.

As Secretary of Defense Carlucci has recently written, the "SDI is the cornerstone of our overall defense program. It holds the promise of a more stable and effective deterrent posture based on a balance of offense and defense." I believe that the committee recommendation, which enjoyed strong bipartisan support, reflects Secretary Carlucci's characterization of the program.

The Secretary, in putting together the amended fiscal year 1989 budget request, has already reduced the program by $1.7 billion from the original fiscal year 1989 request, and the Armed Services Committee reduced the DOD request by another $285 million. At the recommended level, I believe that the SDI program reflects a balance between security requirements and budgetary constraints, and is a sound technical program.

The SDI Program itself is also a balanced one. The program represents a careful balance between technology base research and validation experiments, between ground and space based systems, and between mature and advanced technologies. The greatest impact of funding at the level proposed by the amendment would be on planned experiments which are essential to demonstrate concept feasibility. The amendment would seriously jeopardize the basis for a full scale development decision which has been the focus of the program since its inception.

Mr. President, the House has authorized only $3.2 billion for the SDI Program, a level supported by Chairman ASPIN "as a negotiating maneuver prior to a conference with the Senate." This amendment would seriously undermine the Senate's ability to achieve a reasonable level of funding for the SDI Program as a result of conference, and I urge my colleagues to reject the amendment.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER (Mr. SHELBY). The Senator from Michigan.

Mr. LEVIN. Mr. President, I hope we will adopt the Johnston amendment. The issue of funding of SDI has become something of a numbers game in Congress and perhaps as a result we have lost sight of the relative priority which is being placed on SDI. The committee recommendations for SDI funding make SDI a very high-spending priority, far higher than can be warranted by that program. The President's request for DOD/SDI funds constituted a 28-percent increase over last year's level. The $4.6 billion recommended by the committee still grants the DOD portion of SDI a 21.7-percent increase over last year's level. Now, this is in very sharp contrast to how other research and development programs are faring in the President's budget. The aggregate R&D programs of the three military services actually are sustaining a cut from last year's level. When you put the R&D programs of the services together, what we find is in this budget there is actually a reduction in research and development at the same time that we have an increase proposed by the President of 28 percent in SDI and by the committee of over 21 percent.

We get national defense return on our research and development investment in the Services. We need that development and we will get national defense return form an investment in the Shuttle Program as proposed in the Johnston amendment. But what do we get for our investment in SDI? Given the numerous technical problems with the program which have been cited by the Office of Technology Assessment in recent studies, the many unanswered questions about how the phased deployment of SDI will affect our security, and the serious question about how the SDI office has handled the relationship with various advisory committees, I do not think we can justify providing the SDI program with a 21-percent increase in their current budget.

First, a word on the technical problems. According to a report in the Washington Post, the OTA study made the following observations about the SDI Program. First, there has been little analysis of any kind of space-based threats to the system survivability; in particular, the SDIO and its contractors have conducted no serious study of the situation in which the United States and the Soviet Union both occupy space with comparable systems.

Second, it appears that direct ascent nuclear antisatellite weapons would pose a significant threat to all three defense systems phases but particularly the first two.

Third, in OTA's judgment, in the Office of Technology Assessment, there would be a significant probability that the first and presumably only time ballistic missile defense systems are used in a real war it would suffer a catastrophic failure. In other words, OTA is reported as saying that the SDIO has not even analyzed whether SDI deployment makes sense if the Soviets also deploy such a system, that the survivability of the first two phases of SDI is placed in serious doubt by a weapons system we first tested in the 1960's, that direct ascent nuclear antisatellite, and that it is significantly probable that this whole system will catastrophically fail if it is ever called upon to perform its mission.

Is that the kind of a system that we should be providing a 21-percent increase in research and development funding for when we cannot even get the space shuttle off the ground, and when we have other higher priority defense programs that are going unfunded in this bill? I do not think so.

Just one word about those advisory committees that the SDI is relying on. They have mishandled the advisory committee that they fund. We have a law in this country that governs Federal advisory committees. It is called FACA. FACA requires balanced advisory committees. It requires a charter for each committee in order to keep track of them and to justify their creation. Our law requires minutes and recordkeeping for those advisory committees. It has salary limits on the people who belong to those advisory committees. It provides for an automatic 2-year termination of the committees. And it requires agencies to protect committees against inappropriate influences by special interests.

There is a pattern of noncompliance with our advisory committee law when it comes to the SDI Office, and the SDI Program. First of all, the very panels that advise the Department of Defense to set up SDI, the Fletcher and the Hoffman panels, were not formed nor did they operate in compliance with our law. The Federal Advisory Committee Act was not complied with by the very panels that recommended the existence and the creation of the SDI Program. And the people who were participating in that were so informed by the DOD general counsel's office, and they were told not to circumvent FACA. They were told it was improper to do so, but they did so anyway. Those panels were set up in noncompliance with FACA despite the recommendation of the general counsel's office of the Department of Defense.

Then, after the SDI Office was created, there as a panel on the lethality and a panel on kinetic energy. These are the very people who are advising the SDI presumably independently and objectively on what they should be doing. Those panels were not formed in compliance with our law.

After our inquiry, the head of the SDI Program acknowledged that they should have been chartered and he terminated them.

Then there is another group called the Eastport group. They are the ones who advise the SDI Office on battle management and on computers. After our inquiry, again the SDI Office decided to stop their funding and they are now reviewing whether or not the

Eastport group should have been chartered under FACA. And may I tell the Chair and my colleagues that the preliminary decision of the DOD staff is that it should have been chartered, and the General Services Administration says it should have been chartered.

How about the SDI Advisory Committee, the only advisory committee that the SDIO has chartered properly under FACA? They in turn are not even following the rules. When you look at the one advisory committee that they have formed in compliance with our advisory law, our advisory committee law, all 12 of the appointees of that committee began to serve prior to filing of their financial disclosure forms, all 12 began their service prior to the review of those forms, all 12 began prior to the filing of their disqualification forms, 3 of the 12 do not even have a current appointment, and 6 of the 12 have not filed the proper disqualification forms. This was despite all of the potential conflicts of interest that exist, conflicts of interest that are so right that some people who have been appointed to these panels have refused to serve.

David Parnas, a professor who was appointed to the Eastport Panel, finally wrote to the head of the SDIO saying that:

> The panel on which you have asked me to serve is not appropriately constituted, clearly chartered, or adequately informed. There are better ways to manage research.

This is what he pointedly told us then back in 1985. "During the first sittings of our panel, I could see the dollar figures dazzling everyone involved. Almost everyone that I know sees in the SDI a new pot of gold just waiting to be tapped," and he decided to resign from that panel.

So put together two facts: First, the technical problems that exist with SDI, and the fact that SDIO has repeatedly been in noncompliance with the Federal Advisory Committee Act, the act which is supposed to give us some kind of confidence that the people that advise us are representing the public interest and not their private interests; that are supposed to give us some assurance that there will not be self-dealing and use of inside information, some guarantees that there will not be conflict of interest.

That act has not been complied with by any of the advisory committees representing the SDI Program. Is this the program that should be given a 21-percent increase in its funding? I think not.

I think there are much better uses of the funds, and that is why I hope that we will support the Johnston amendment.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, in order to move things along I offer the following unanimous consent request.

I ask unanimous consent that there be no further debate or amendments or other actions save a tabling motion on the Proxmire amendment; there be no further debate except for 3 minutes as has been requested by the Senator from South Carolina and 3 minutes to be granted to the Senator from Georgia; following that, since the yeas and nays have been ordered, I will move to table the amendment offered by the Senator from Wisconsin; following that—this is all part and parcel of the unanimous consent request—and if the tabling motion is successful, then I would ask unanimous consent that there follow a half hour evenly divided between the Senator from Louisiana and the Senator from Nebraska to end debate, finish debate, on the underlying amendment of the Senator from Louisiana; and that no amendments or parliamentary moves be made other than tabling and/or a request for the yeas and nays.

Mr. NUNN. Mr. President, reserving the right to object, and I agree with the general proposal that the Senator from Nebraska has outlined with the exception that I think if we could cut down that time, I would prefer to vote, after perhaps 5 minutes of debate on each side of the Johnston amendment.

Mr. JOHNSTON. Up or down.

Mr. EXON. I intended to offer the tabling motion on the amendment.

Mr. JOHNSTON. Is the Senator asking unanimous consent on my amendment?

Mr. EXON. I am asking for unanimous consent as I outlined, and I outlined and clearly stated that in each case the only amendments, or motions, that would be in order would be requests for the yeas and nays and/or a tabling motion.

Mr. JOHNSTON. I would go along with the 5 minutes on an up or down vote.

Mr. EXON. Is the Senator objecting to the rest of it?

Mr. JOHNSTON. Mr. President, reserving the right to object, I suggest we talk a moment about this before we propose the formal motion or at least I would ask the Senator from Nebraska to withhold the formal motion. For one thing, the majority leader has to be consulted, I understand, on any unanimous consent request, and I am sure the minority leader would have to be consulted also. That is taking place right now. I would ask the Senator from Nebraska if he would withhold.

Mr. EXON. I will withhold and maybe in the interest of conservation of time, we could entertain Senators who do wish to speak.

I believe now the Senator from Indiana would also like to talk on the subject. So I ask the Chair to withhold action on the unanimous consent request.

The PRESIDING OFFICER. The request is withheld.

Mr. THURMOND. Mr. President, the distinguished Senator from Michigan referred to the OTA report. I should like to put this matter in proper perspective by reading a letter to Mr. Benjamin C. Bradlee, executive editor of the Washington Post, dated May 2, 1988, signed by James A. Abrahamson, Lieutenant General, USAF, Director, Strategic Defense Initiative Organization, and John H. Gibbons, Director, Office of Technology Assessment, U.S. Congress.

> DEAR MR. BRADLEE: As the Directors of the U.S. Congress' Office of Technology Assessment (OTA) and the Defense Department's Strategic Defense Initiative Organization (SDIO), we take serious issue with the April 24 Washington Post story on the new OTA study of the Strategic Defense Initiative.
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> The Post story offered an inaccurate and incomplete picture of the OTA findings. The OTA study examines very complex issues in considerable detail; any effort to distill its contents into a few newspaper column inches would have to result in oversimplifications which, while regrettable, are understandable. However, in writing about the OTA report before it is publicly available, the Post denied its readers the ability to judge independently the accuracy or fairness of its presentation.
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> The Post story failed to report important areas of agreement between SDIO and OTA, and misrepresented some areas of disagreement. The headline and first paragraph of the Post story offer a particularly telling example of such misrepresentation. SDIO and OTA disagree on the feasibility of reliable, trustworthy software for a future defense against ballistic missiles. SDIO believes that such software can be developed; OTA is much more skeptical, and contends that there would be a "significant probability" of "catastrophic failure" of a ballistic missile defense system resulting from a software error. Nowhere in its study, however, does OTA conclude—as alleged by the Post—that such a failure would be "likely." As any statistician knows, and as the OTA report makes clear, "significant probability" does not equate to likelihood."
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> Technical experts can and will differ on how rapidly we can generate and refine the technologies needed for effective defenses against ballistic missiles. SDIO finds many of OTA's conclusions in this regard to be unduly pessimistic, whereas OTA considers SDIO to be excessively optimistic. Both our organizations, however, are firmly committed to informed, constructive discussion of strategic defense issues. We regret the misleading characterization of our positions in the April 24 Post story, and look forward to a fuller, more accurate, and more productive airing of these issues when the OTA report is published.

As I stated, this letter was signed by General Abrahamson, the Director of the Strategic Defense Initiative Organization, and John H. Gibbons, the Director of the Office of Technology Assessment, U.S. Congress.

I felt, in response to the able Senator from Michigan, that I should

present this letter to set the record straight.

Mr. QUAYLE. Mr. President, what we have before us are two amendments, one by the Senator from Wisconsin and the other by the Senator from Louisiana. I think both amendments are essentially the same. They are going to cut SDI by $700 million.

I think the senior Senator from Wisconsin, whom we will miss in the future, has the direct approach. There is no smoke and mirrors about it. It just says: "We want $700 million less."

With respect to the Senator from Louisiana, there is maybe a sleight of hand, that technically, somehow, this is in the budget summit, but it is not. We are taking from one, Department of Defense, and giving to another department, nondefense.

I think both amendments do one thing. It would reduce SDI below what we spent and what we committed to last year. Last year, we were 3.9. This would take us down to 3.8, the actual reduction, and you might as well consign SDI to the graveyard if these amendments are adopted. I think that is perhaps the intent.

Certainly, many people in this body are very much opposed to SDI. I am very supportive of the strategic defense initiative. It is very interesting, Mr. President, that as we listened to the debate over the years on the strategic defense initiative, it has gone something like this: We do not really want to get into any kind of SDI Program that has this near perfect umbrella, that we have a perfect shield, that that is pie in the sky and way into the next century. I advocated that argument when it first came out. I said the definition ought to be redefined, and we should focus on what we can do in the near term. Many of the critics joined those in support of strategic defense, and we got to looking to what we could do in the near term with respect to research and development and, ultimately, deployment. There have been discussions with respect to all sorts of near-term options we might have.

Now we have the same critics say: "We are not sure we really want to do in the near term anything other than R&D, and let's R&D it forever." If you have research and development forever, you are not going to have any strategic defenses.

We should ask ourselves whether we should pursue the possibility of having strategic defenses or not. I happen to believe, and I think anybody who will step back a moment and observe where we are going in the area of arms control, where we are going in the relationship of how our military security is going to be provided in the near future, will come to the logical conclusion that our objectives are manyfold. But we have one objective, to reduce the number of offensive weapons—that is, the INF agreement, the recent discussion of START, the recent study by Clay and Wolstetter, saying that conventional forces can fullfill some strategic missions, that the handwriting is on the wall, that we are going to look at a reduction in nuclear weapons as an objective and still maintain peace, security, and stability.

Another objective in this kind of equation is that we should be looking at some defensive capabilities. There is nothing wrong with having strategic defenses. There is nothing wrong with saying let us have a proper balance of reduction in offensive weapons and introduction of defensive capabilities that will provide for a more stable world in the future.

I do not know why we want to turn our back on having some defensive options in the future. It is not a matter of catching up with the Soviet Union, which in fact has spent more on strategic defenses than they have on strategic offenses. It is not the idea of catching up with the Soviet Union in trying to have engineers involved in looking for lasers and having 10,000 people working in a program like that. We are simply doing what is in our national security interests, and what is in our national security interests is that we must look at the possibility of deploying strategic defenses.

You can look at the strategic defenses that would be used, whether it be an accidental launch, whether it would be potentially from a Third World country, if they would get some ICBM capability, or you could look at a limited attack from the Soviet Union.

I have never been one of those people who believes in a bolt out of the blue, that the Soviet Union is going to unleash all their weapons. But as to a limited attack, certainly strategic defenses would complicate any military planner in the Soviet Union from contemplating that attack if they had defenses to defend with.

Perhaps, as you try to look forward instead of hanging on to the past, it is time that we really start thinking of some new strategic doctrine and why we want to rely on the doctrine of mutual assured destruction as the only doctrine that is going to provide for peace and stability and deterrence.

Can we not do better? Can we not do better than saying we are going to provide for peace for this generation and future generations by only having offensive nuclear weapons and not having a defensive capability, not having any defensive capability against ballistic missiles, none, zero? We know the Soviets have that.

I think that we ought to go down that road so we can have those options of deploying some defense.

As a matter of fact, I think it would be a far better world and much more stable if we had some defenses rather than just relying on offensive weapons for peace and security.

I can think just about 2 years ago when a *Yankee*-class submarine of the Soviet Union sunk off the coast of Bermuda about 1,200 miles from our shore. There was a fire and the submarine sunk. If you take the hypothetical situation, if that fire had gotten out of control and had gotten in the ballistic missile place and the ballistic missiles had gotten lose, even if Gorbachev had gotten on the hotline and said, "Here are the coordinates; here is where it is going to land. Anything else you want to know," and the President would say, "Thank you," you know what, America, we could not do a darn thing about it, except take the hit even if it was an accidental launching from that submarine that sank off the coast of Bermuda.

We do not have any ballistic missile defense. I can tell you, the Proxmire and the Johnston amendments will make sure we do not even have any strategic defense system.

Now I think it is about time that we get away and try to improve upon the doctrine and the strategy of a mutual assured destruction that says that for peace and security of this country we are only going to have offensive nuclear weapons and it is time that we make an investment in strategic defenses, strategic defenses that will provide for the peace and security of this country.

I submit both of these amendments do essentially the same thing. Although the Johnston amendment is sort of clearly drafted saying it does not breach the summit, both breach the summit. It is a cut of $700 million. It is below what we spent last year. If we start to go below what we spent as I said you may as well confine this to the graveyard.

(The following colloquy occurred earlier and appears in the RECORD at this point by unanimous consent:)

Mr. NUNN. Mr. President, will the Senator from Indiana yield briefly? I am trying to decide how we allot our time.

Mr. QUAYLE. I guess I will yield.

Mr. NUNN. I am assuming the Senator has yielded.

Mr. QUAYLE. I always do what the chairman says.

Mr. NUNN. Will the Senator yield?

Mr. QUAYLE. I am glad to yield.

Mr. NUNN. We asked the Senator from Wisconsin to come up and we will maybe summarize and go to a tabling motion on this amendment. We are going to have about 3 minutes on each side. The Senator from Wisconsin came back up. He might want to speak for 2 or 3 minutes. We hoped to go ahead and vote on the tabling motion and vote on the Johnston amendment after 10 minutes equally divided in ac-

cordance with the unanimous consent agreement.

I ask the Senator from Indiana, on his side of the issue, could we expedite this matter at this point in time? We have been on it now since 10 o'clock. We have six major amendments today. This is only one of them. And we are trying to get through. I would like to expedite it if possible.

Mr. QUAYLE. I would be glad to accommodate the Senator, my chairman, on trying to expedite this. I do not think I will speak any longer than an hour. I will try to curtail those enlightening remarks that I was about to give for 60 minutes into a couple minutes and in summation.

Mr. NUNN. The Senator already persuaded me. If I listen much longer I may be unpersuaded.

Mr. QUAYLE. What I want to do is I want to get the Senator really persuaded and really convinced.

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

Mr. QUAYLE. I am glad to yield.

Mr. BYRD. Will the Senator allow me to propound the following unanimous consent request which would accommodate his interests as well as I understand, if he will yield for that purpose.

Mr. QUAYLE. I am glad to yield.

Mr. BYRD. Mr. President, I ask unanimous consent that on the pending amendment by Mr. PROXMIRE, there be a time limitation of not to exceed 6 minutes, 2 minutes for Mr. QUAYLE, 2 minutes for Mr. NUNN, 2 for Mr. PROXMIRE, and that upon the expiration of this time, the Senate then vote on or in relation to the amendment by Mr. PROXMIRE, following which there be not to exceed 10 minutes on the amendment by Mr. JOHNSTON, the time to be equally divided and controlled between Mr. JOHNSTON and Mr. EXON, and that upon the expiration of that time then the vote occur without any intervening action other than the ordering of the yeas and nays, the vote then occur on or in relation to the amendment by Mr. JOHNSTON.

Mr. WARNER. Mr. President, reserving the right to object.

Mr. BYRD. And that no amendment to the Johnston amendment then be in order upon the disposition of the amendment by Mr. PROXMIRE prior to the vote on or in relation to the amendment.

The PRESIDING OFFICER. The Senator from Indiana has the time.

Mr. JOHNSTON. What was that last?

Mr. BYRD. The last phrase was to allow a tabling motion or vote up or down.

Mr. JOHNSTON. Reserving the right to object, as I told my friend from Nebraska, I would be perfectly willing to agree to a time limitation with the usual stipulation that it be an up or down vote. Otherwise, that is the usual way to do it.

Mr. BYRD. That is the usual way if that is what the Members agree to. I understood it said that all Senators have the right to reserve. I would be very glad to include in the request that it be an up or down vote.

Mr. EXON. Mr. President, I am the one who proposed the unanimous consent, and we touched all bases. Now, we are objecting to my right to table. I object and I will object.

The PRESIDING OFFICER. Objection is heard.

Mr. BYRD. Could we at least get the first part of the request dealing with the amendment by Mr. PROXMIRE? Could we get that part agreed to?

I ask unanimous consent that on the amendment by Mr. PROXMIRE there be 6 minutes to be equally divided among Senator QUAYLE, Senator NUNN, and Senator PROXMIRE; that upon the expiration of that time the vote occur on or in relation to the amendment without further action intervening.

The PRESIDING OFFICER. Is there objection?

Mr. JOHNSTON. Mr. President, will the majority leader yield?

Mr. BYRD. Yes, I yield.

Mr. JOHNSTON. I hope I will get an up or down vote. I think that is the usual way to do it. I do not want to hold up the Senate. If the Senator from Nebraska says it is tabling, the usual situation, I will not object to that. I want to dispatch the matter.

Mr. BYRD. I thank the distinguished Senator. I renew the earlier request.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Reserving the right to object, and I will not object, I ask 5 minutes time on the Johnston amendment to be added under my control.

Mr. BYRD. I include that request on the amendment by Mr. JOHNSTON, 5 minutes for Mr. JOHNSTON, 5 for Mr. EXON, and 5 for Mr. WARNER.

The PRESIDING OFFICER. Is there objection?

Mr. JOHNSTON. Since there are 10 minutes in opposition, I think we should have 10 minutes on this side.

Mr. BYRD. All right; 10 minutes to Mr. JOHNSTON and 5 minutes for Mr. NUNN and 5 minutes for Mr. WARNER.

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

Mr. BYRD. I thank all Senators.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. QUAYLE. I ask unanimous consent that the record show no interruption in my speech that I was about to convey and it had been shortened from 60 minutes down to 2 minutes.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. BYRD. Let me also, without the time coming out of the Senator's time, I thank the Senator for his generosity and courtesy.

(Conclusion of earlier colloquy.)

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

The Senator from Georgia.

Mr. NUNN. Mr. President, I will take less than my 2 minutes. I agree with the arguments that have been made by the Senator from Nebraska, the Senator from Virginia, and the Senator from Indiana. I believe we should table the Proxmire amendment.

The budget summit conference last year did not bind every individual Senator, but I believe that we would have a very difficult time getting another agreement with the President on overall fiscal policy relating to taxes, relating to defense, relating to social programs, if, indeed, we go below the overall agreement on defense that was made last year.

In addition, I also believe that we are in a situation where the House has made major cuts in the SDI Program. If we want to come out of conference with a sensible program, I think it is very important that we preserve the Senate level of funding at this stage which inevitably will have to come down in conference. We all know that. So, I urge the defeat of the amendment.

Mr. PROXMIRE. Mr. President, the distinguished Senator from Indiana said we would consign SDI to the graveyard if we pass my amendment. Well, my amendment is for $3.85 billion. Very few research programs have ever had that for a year. Altogether, we have spent well over $15 billion. It would be something like $18 billion on that one program before we finish.

Mr. President, let us keep in mind that what the Proxmire amendment does is simply change the Johnston amendment. Then we would have a vote, if my amendment should succeed, on whether or not to defeat or pass that amendment. So, what my amendment does is say, let us make this clear-cut; let us do what we have done in the past; let us simply cut SDI. We have done that in the past and many Senator voted for it.

I am simply asking that we make a reduction back roughly to the level that it is now, a very, very high level, and we recognize what Senator JOHNSTON has said so eloquently and Senator BUMPERS also, that this is a program that, on the basis of the best scientific expert advice we can get, is almost certain not to be deployed and not to work.

Mr. President, I yield the floor.

Mr. SPECTER. Mr. President, I am voting against the amendment by Senator PROXMIRE to reduce SDI spending by $700 million and against the amendment by Senator JOHNSTON to transfer $700 million from SDI to NASA because I believe it is important

at this time to support the President's program on SDI as he prepares for the summit with General Secretary Gorbachev in Moscow later this month.

In general, I support funding for SDI because I believe that it holds realistic promise to provide significant defense capability against ballistic missiles although I have in the past, as the RECORD shows, voted for moderate expenditures on SDI.

In my view, our SDI Program has been a significant factor in bringing the Soviet Union to the bargaining table and an inducement for signficant Soviet concessions on arms control including strategic arms reduction.

With the upcoming summit in Moscow later this month, I believe the Congress should strengthen the President's negotiating hand. Accordingly, I have opposed reducing the SDI funding levels at this time.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I move to table the Proxmire amendment.

Mr. NUNN. 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. All time having expired, the question is on agreeing to the motion of the Senator from Nebraska [Mr. EXON] to table the amendment of the Senator from Wisconsion [Mr. PROXMIRE]. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Connecticut [Mr. DODD] and the Senator from New Jersey [Mr. LAUTENBERG], are necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN], is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Nebraska [Mr. KARNES] and the Senator from Idaho [Mr. SYMMS], are necessarily absent.

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

The result was announced—yeas 66, nays 29, as follows:

[Rollcall Vote No. 124 Leg.]

YEAS—66

Adams	Dixon	Helms
Armstrong	Dole	Hollings
Baucus	Domenici	Humphrey
Bentsen	Evans	Inouye
Bingaman	Exon	Johnston
Bond	Ford	Kassebaum
Boren	Fowler	Kasten
Boschwitz	Garn	Levin
Breaux	Glenn	Lugar
Byrd	Gore	McCain
Chiles	Graham	McClure
Cochran	Gramm	McConnell
Cohen	Hatch	Murkowski
D'Amato	Hecht	Nickles
Danforth	Heflin	Nunn
DeConcini	Heinz	Packwood
Pressler	Sasser	Thurmond
Quayle	Shelby	Trible
Reid	Simpson	Wallop
Rockefeller	Specter	Warner
Roth	Stennis	Wilson
Rudman	Stevens	Wirth

NAYS—29

Bradley	Hatfield	Pell
Bumpers	Kennedy	Proxmire
Burdick	Kerry	Pryor
Chafee	Leahy	Riegle
Conrad	Matsunaga	Sanford
Cranston	Melcher	Sarbanes
Daschle	Metzenbaum	Simon
Durenberger	Mikulski	Stafford
Grassley	Mitchell	Weicker
Harkin	Moynihan	

NOT VOTING—5

Biden	Karnes	Symms
Dodd	Lautenberg	

So, the motion to lay on the table amendment No. 2017 was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senate will be in order.

Under the previous order, there will now be 20 minutes of debate on the Johnston amendment; 5 minutes to the Senator from Georgia, Senator NUNN; 5 minutes to the Senator from Virginia, Senator WARNER; 10 minutes to the Senator from Louisiana, Senator JOHNSTON.

Mr. WARNER. Mr. President, I seek recognition only for the request to get order in the Senate prior to the beginning of the times announced for debate.

The PRESIDING OFFICER. The Senate will be in order. Senators will take their seats.

Mr. BYRD. Mr. President, time is running against all sides at this point; is it not?

The PRESIDING OFFICER. The majority leader is correct.

Who seeks recognition?

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. I yield 5 minutes to the distinguished Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. HEFLIN. Mr. President, the President's budget calls for only adequate funds for the space station for fiscal year 1989. I say adequate because it is substantially reduced from the funding level planned by NASA. This is due to a congressional reduction in NASA's fiscal year 1988 request last year.

In order to meet the budget summit figures and to provide for the space station in the President's budget, OMB had to cut certain other programs.

The programs that they cut were elderly housing, homeless programs, community development programs, waste treatment construction grant money, and assisted housing.

This would allow for the increases that would, if the President's budget passed as requested, go to space which would have included the space station. I think that it would be realistic to say that none of those programs are going to end substantially cut. In that regard, those programs are put in competition for funding with the shuttle and the space station.

Mr. President, I have a great amount of respect for our friends and colleagues who serve on the Appropriations Committees. They have their own budget view and priorities. As for myself, I support the SDI research as the President requested it. I support the space program at the level of funding the President requested. In that regard I am between a rock and a hard place as to where to come down on this issue. Since I learned of the amendment of the distinguished Senator from Louisiana, I have thought long and hard.

Due to the budget problems that we face, I am extremely fearful that if the Johnston amendment does not carry, there may not be funding for the space station this year. I say this after looking at the figures which the HUD-Independent Agencies Appropriations Subcommittee has had to deal with this year. As we all know, this is the subcommittee that funds NASA programs.

Within the HUD-Independent Agencies, there is a great amount of competition that exists relative to the allotment of funds to the different subcommittees. Whether or not the space station moves forward, or even survives, this year depends on the allocation to the HUD-Independent Agencies Subcommittee.

I have spoken on many occasions about the great advantages of the space station. But from a realistic viewpoint, I am seriously concerned that without the Johnston amendment, the Space Station Program will not be funded or will be funded at such a low level that it will be prevented from getting started.

On the other hand, the way the Johnston amendment is arranged, the overall DOD finding for SDI remains at $4.2 billion. This figure will go to the House if the Johnston amendment is adopted and we will end up in between the House figures and the Senate figures.

The conference committee will make some changes in the SDI funding level from that proposed by the full Senate.

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

Mr. HEFLIN. May I have about 2 minutes?

Mr. JOHNSTON. Mr. President, I only have 5 minutes left, but I will yield an additional minute.

Mr. HEFLIN. Under the circumstances, I believe we should give serious consideration to this matter. I find myself in that position. I believe that this year we may be forced to decide if this Nation is to have a space station or not. In my judgment, we should do all that is possible to provide this Nation with that capability.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. EXON. Mr. President, I yield myself whatever time of the 5 minutes I might need.

In answer to the question that was raised by the Senator from Alabama, I think it should be made very clear if the Johnston amendment passes, we will have when we go to conference with the House $3.85 billion as opposed to the $4.55 billion in the committee bill. That means at the most the Senate could go for or expend would be $3.85 billion. The House of Representatives has already come down to $3.4 billion. So it would be somewhere between $3.4 billion and $3.8 billion and a cut of that much.

Mr. President, I reserve the remainder of my time.

Mr. HEFLIN. Will the Senator yield?

Mr. EXON. I will be happy to. I only have 5 minutes. I will yield 1 minute.

Mr. HEFLIN. The figure of $4.5 billion has already been broken down into many different parts. The conference committee may make changes in these funding levels. In that regard, we shall keep the $4.5 billion for your negotiations with the House. With the $4.5 billion and the $3.5 billion in the House, you can settle on an in between figure. I do not believe that the Johnston amendment will change the total SDI funding level in the bill that the Armed Service Committee has reported.

Mr. EXON. I think we are playing with numbers. I simply advise my friend that it will be the position of the House conferees, if they want to stick with their low figure, I am sure that if this amendment passes, it will be the interpretation of the majority of the Armed Services Committee that the Senate had dictated $3.8 billion. You can figure that any way you want, but that is the breakdown. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, earlier today I addressed this issue, and I wish to repeat my comments. This is, in my judgment, should this amendment be adopted, it not only would be detrimental to the defense budget, but to the precedent of summits between a President and the leadership of the Congress to try and break gridlock.

That was done last fall. Out of it came an agreement which explicitly said, the President and the leadership of the Congress agreed to carry out this agreement, which is that Congress shall provide sufficient budget authority to achieve full levels of domestic and international affairs and defense outlays in both fiscal year 1988 and fiscal year 1989.

To the credit of my distinguished colleague from Louisiana, there is a technical matter which he has gotten around, the budget technicalities. But the spirit of the summit is destroyed and, for that reason, Mr. President, I think and I hope Senators will vote against the Johnston amendment.

I yield the remainder of my time to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. The Senator from Texas has 4 minutes.

Mr. GRAMM. Mr. President, when the budget summit agreement was reached last year, Secretary Carlucci cut SDI by $1.7 billion. The administration sent a proposal to the Congress for a $4.8 billion total in fiscal year 1989. That was cut in the Armed Services Committee to $4.55 billion. This amendment will cut it to $3.8 billion. The House has provided $3.4 billion so that if this amendment is accepted, one thing is for certain, we will not spend more than $3.8 billion for SDI next year. We will have cut SDI below the current level.

Now, I say to those who say we have to help NASA, and I am going to talk about that in a minute, we are not necessarily helping NASA here. The only thing that is binding in conference is that we shall not spend more than $3.8 billion on SDI.

Now, the House has already cut SDI to $3.4 billion, and they proceeded to spend the money on every add-on you can imagine. So when we go to conference it is those add-ons against NASA.

I remind my colleagues what this Congress has done to the space and science budget. Last year we cut it by $700 million. This year the House cut the President's space budget by $1.4 billion. Did they do it to invest in lowering the deficit? No. They cut funding for the next generation of America and invested in the next election. And who can believe, if we come in and cut SDI here, that in conference we are not going to see the same old pork-barrel politics that we have seen in the past.

I am a strong supporter of NASA. I think it is an absolute outrage what happened last year in the budget and in the Appropriations Committee. After we adopted the budget the Appropriations Committee came in with a low 302(b) allocations and attempted to take more money out of space and science and put more money into the social programs.

So we are going to have an opportunity to vote on NASA, and I am going to vote for full funding. If those 302(b) allocations come to the floor and we have cut NASA below the budget, I for one am going to offer an amendment to change those allocations. I do not know whether it will pass or not, but that is when we are going to be debating the space budget. Today we are debating SDI, an investment in science, an investment in technology.

The distinguished Senator from Louisiana has been consistent. He has voted to cut SDI every single year. He wants to cut it. This year he came up with a new wrinkle. The new wrinkle was that Congress has been cheating space, cheating science, and he said, "Well, let us cut SDI. We will promise it to space and then it will be another matter when we get down to see what the 302(b) allocations are."

I urge my colleagues to reject this amendment and then let us vote to have full funding for space and science. We have it within our power to do that. If we have a majority that is willing to fund it by taking money away from the beekeepers' indemnity fund and weed research in North Dakota and all the other so-called items that we funded in last year's supplemental, if we are willing to do those things, we can have SDI and we have the NASA funding.

Finally, let me say to my colleague, a deal was made on the budget. I did not think much of the deal. I thought it was a bad deal because spending which grew last year by only 1.4 percent now grows by 4.5 percent. That is not what I think of as fiscal responsibility. But part of the deal was that we agreed on a defense figure.

Now this amendment comes along with a sleight of hand and seeks to violate that agreement. I think our chances of ever working out another budget agreement will be destroyed if we adopt this amendment, and I urge my colleagues to reject it.

The PRESIDING OFFICER. Who yields time?

Mr. JOHNSTON. How much time remains?

The PRESIDING OFFICER. The Senator from Louisiana has 4 minutes. The Senator from Nebraska has 3 minutes.

Who yields time?

If no one yields time, time will be deducted equally.

Mr. WARNER. Do I have remaining time?

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

Mr. JOHNSTON. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, point No. 1, the Senator from Texas is correct. The President's budget does fund the space station. He does not fund it by doing away with beekeepers. If I recall, the beekeepers had a couple hundred thousand dollars in the last budget. Here is how he funds it. This is the President's budget on HUD and Independent Agencies, as follows:

Assisted housing, a cut of $850 million; waste treatment construction grants, a cut of $904 million; community development programs, $616 million; elderly housing, $200 million; homeless programs, $119 million; for a cut of $2.589 billion which pays for the NASA Program of $2.6 billion.

If somebody thinks that the Senate or the Congress is going to make those cuts, you have got to be smoking something, Mr. President. That is not going to happen. We are not going to make any of those cuts and you cannot pay for it through beekeepers. If you want to fund the space station, you have to do it with real dollars, not with these fanciful dollars.

I ask unanimous consent that this list of eliminations and program increases be printed in the RECORD.

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

MAJOR PROGRAM ELIMINATIONS OR REDUCTIONS IN PRESIDENT'S BUDGET

[In millions of dollars]

Program	Budget authority	Outlay
Assisted housing	850	0
Waste treatment construction grant	804	28
Community development programs	616	27
Elderly housing	200	0
Homeless programs	119	60
Total	2,589	115

MAJOR PROGRAM INCREASES IN PRESIDENT'S REQUEST

[In millions of dollars]

Program	Budget authority	Outlay
NASA programs	2,600	1,560
EPA Superfund (hazardous waste cleanup) Program	472	87
National Science Foundation	333	106
Veterans medical care	230	196
Total	3,635	1,949

Mr. JOHNSTON. Point number two, Mr. President. By this amendment do we cut this down to $3.85 billion? The answer is no. If you will look at page 25 of this bill, it says that the Department of Defense for SDI research gets $4.271 billion. That figure remains in here. Now, it comes up to $4.639 billion when you add DOE and MilCon. That figure will go to conference. You do not go to conference with $3.85 billion. What my amendment says is that of that amount you shall spend $700 million for NASA-related activities.

Now, are those proper expenditures for the Department of Defense? Let me read from the appropriation report of 1987. It says as follows:

The committee's recommendation to fund the replacement orbiter in this bill recognizes the critical dependence on the space shuttle system to meet national security mission demands and balance launch system requirements.

Critical national security depends on the space shuttle. That was true at the time it was said 2 years ago. It remains true, Mr. President, national security is vitally dependent upon this.

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

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

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, let me try to summarize this, if I might.

The case made by the Senator from Louisiana for why and how much the Department of Defense should reimburse NASA for recovery costs simply does not hold water. I read earlier to the Senate a list of all the expenditures that the Department of Defense has made to the shuttle program which adds up to about $10 billion. The total Air Force costs through 1995 for the recovery program of space launch capabilities is $12 billion. These are all costs that DOD will bear with no contribution by NASA.

Since NASA now plans to use a number of the expendable launch vehicles that the Air Force has developed, I wonder how much of this $12 billion the Senator from Louisiana would like NASA to pay DOD of its share of the added costs that DOD has had to bear.

In sum, Mr. President, this amendment has nothing to do with the Space Launched Recovery Program. It merely is—and if it passes I predict it will come to be—a very cleverly designed ploy to shift $700 million from the Department of Defense to NASA's space station, which has little or nothing to do with putting up the satellites that we need so desperately today.

I reserve the remainder of my time.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, there is no secret. This will fund the space station. That is that intent of it. It funds the space station out of SDI money, and it does so because of the critical national security relationship between both the space station and the shuttle because the space station and the shuttle and the entire NASA program are, of course, in the NASA budget in HUD and Indpendent Agencies. There is nothing hidden about that agenda. It is right up front.

Let me tell you, it is going to be very difficult under any circumstances to get that space station going. I am for it.

This is a way to do it, a way consistent with the defense budget because it does have defense implications. I think our accounting is right for the $700 million. I think there are 15 of the 52 launches which are DOD related. I do not think they are already paid for. But that accounting problem is endless. Suffice it to say that we check our accounting with NASA. Maybe they are a party in interest here although the administration is officially against this. According to NASA that is the right way to account for it. But this is really bigger than the accounting because we are not bound by whatever accounting. The fact is there is a definite direct defense interest in NASA, and in the space station. It is a higher priority than a $700 million add-on to SDI. By the way, in the past, I have never been for an SDI cut.

Every amendment which I have put in here increases SDI. To be sure it cuts that astronomical figure which the President asks for every year, but if we had funded those, we would be so far down in the budget deficit that we would never get out.

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

Mr. GORE. Mr. President, I have a brief statement to make for the purpose of explaining why I shall not be voting in favor of amendments to reduce SDI funding, whether for the purpose of transferring the funds to NASA, or simply not spending them at all.

My opposition to SDI is unchanged. Like others here, I regard the $13 billion thus far spent on this program as largely wasted. Like others here, I am acutely aware of other priorities which are in danger of failing for want of funds; and this includes the space station, which I support.

In the past, I have supported efforts to move money out of SDI on the Senate floor.

However, this year the Senate Armed Services Committee has voted to grossly underfund the small ICBM Program. I regard this missile as a basic element for strategic stability and as a building block for arms control.

It is my hope that this will be corrected in conference. But if that is to happen, then the pot of money represented by SDI—and for that matter, by garrison based rail mobile MX—must come to conference intact. If this money is reallocated here on the Senate floor to other priorities, it will not be available for bargaining among the conferees.

Granted, there is no guarantee that conference will work out as I hope.

But that is the risk we all take when we make decisions on votes that involve our basic objectives and the strategies we think may lead to outcomes we think important.

Therefore, in this vote and on others which would break apart the Senate Armed Services Committee's strategic spending package, to the detriment of the small ICBM I shall vote in support of the package. Not because I support the package. On the contrary. Rather, because I want to protect the chance for a better allocation of resources in conference.

Mr. BENTSEN. Mr. President, I want to join in supporting the amendment of the distinguished Senator from Louisiana [Mr. JOHNSTON] and I want to commend him for offering this way of strengthening America's space program.

This amendment provides substantial funds for the SDI Program while recognizing the fact that that program, like many other vital defense activities, depends on access to space. It also is consistent with previous congressional action requiring the Pentagon to foot part of the bill for the Space Shuttle Program.

Without a viable shuttle program, without the eventual space station, our national security would face dangerous risks. Space is an American frontier for security, for scientific research, and for commercial development. Thus, it is most appropriate for the defense budget to pay a fair share of the cost of restoring the shuttle to regular flight operations. The nondefense portion of the budget should not have to bear the whole burden.

As the distinguished sponsor of this amendment has said, some 29 percent of the planned shuttle flights through 1993 are already assigned to military missions, and this amendment would assign $700 million because that figure is 28 percent of the shuttle recovery cost. That seems fair to me.

Mr. President, this amendment also gives the Senate an opportunity to speak up for a strong space program. It lets us send a powerful signal to the Appropriations Committee that we want an expanded space and science program such as that recommended by the President. We do not want NASA to be victimized by opponents of the space station or other manned space flight programs.

I have been deeply concerned, as have several of my colleagues, about the prospect of inadequate allocations under the Budget Act to the HUD and Independent Agencies Subcommittee of Appropriations. If that occurs, NASA and the National Science Foundation could be unjustifiably squeezed, and the space station could face cancellation. This amendment would reduce the pressure on those budget activities by requiring the Defense Department to pay a reasonable share of shuttle recovery costs.

Mr. President, I believe that the SDI Program permitted by this amendment would be robust and fully capable of exploring the many technologies which must be studied before any decision can be made on possible deployment of a ballistic missile defense system. The issue is not whether we favor a substantial SDI Program but whether we favor a strong space program.

Mr. EXON. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 1 minute.

Mr. EXON. I will move to table at the end of 1 minute, and ask for the yeas and nays.

Very simply stated, so that everyone understands, if this amendment prevails, we are going to be reducing the SDI Program, which this Senator felt should be reduced and led the effort in the committee to do it. But if this passes, we are going to have one thing assured: SDI funding at a level below in real dollars what it is this year. I think that is what the majority of the Senate does not want. I think SDI is an overblown program. But I think we need to keep this investment in there to make something out of it for some specific need for national defense.

Mr. President, I move to table the Johnston amendment, 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 the motion of the Senator from Nebraska to lay on the table the amendment of the Senator from Louisiana [Mr. JOHNSTON]. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

Mr. SIMPSON. I announce that the Senator from Nebraska [Mr. KARNES] is necessarily absent.

Mr. BYRD. I announce that the Senator from California [Mr. CRANSTON] and the Senator from Arkansas [Mr. PRYOR] are necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

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

The result was announced—yeas 50, nays 46, as follows:

[Rollcall Vote No. 125 Leg.]

YEAS—50

Armstrong	Dixon	Helms
Bingaman	Dole	Hollings
Bond	Domenici	Humphrey
Boren	Exon	Johnston
Boschwitz	Gore	Kassebaum
Cochran	Gramm	Kasten
Cohen	Hatch	Lugar
D'Amato	Hecht	McCain
Danforth	Heinz	McClure
McConnell	Roth	Symms
Murkowski	Rudman	Thurmond
Nickles	Shelby	Trible
Nunn	Simpson	Wallop
Packwood	Specter	Warner
Pressler	Stafford	Wilson
Quayle	Stennis	Wirth
Reid	Stevens	

NAYS—46

Adams	Ford	Melcher
Baucus	Fowler	Metzenbaum
Bentsen	Garn	Mikulski
Bradley	Glenn	Mitchell
Breaux	Graham	Moynihan
Bumpers	Grassley	Pell
Burdick	Harkin	Proxmire
Byrd	Hatfield	Riegle
Chafee	Heflin	Rockefeller
Chiles	Inouye	Sanford
Conrad	Kennedy	Sarbanes
Daschle	Kerry	Sasser
DeConcini	Lautenberg	Simon
Dodd	Leahy	Weicker
Durenberger	Levin	
Evans	Matsunaga	

NOT VOTING—4

Biden	Karnes
Cranston	Pryor

So the motion to lay on the table amendment No. 2015 was agreed to.

Mr. EXON. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

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

Mr. JOHNSTON. Mr. President, I ask for the yeas and nays, but if we could have just a few minutes perhaps I can obviate that and save the vote.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The vote will occur, the Chair will state, on the motion to table the motion to reconsider.

Mr. DOLE. Does the Senator want 10 minutes?

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

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Chair will state that there has been no intervening business.

Mr. STEVENS. That is not true. The Chair announced the vote.

The PRESIDING OFFICER. There is an order previously entered that there be no intervening business. Therefore, the Senator will be required to ask for unanimous consent.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I ask unanimous consent that we proceed to the Bumpers amendment for a period of 20 minutes, after which we will give the Senator from Louisiana the right he has at the present time, which is to proceed on the yeas and nays on the motion to table. He would have that option under my unanimous consent request, but we would not waste the next 20 minutes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Georgia?

Mr. BUMPERS. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Arkansas reserves the right to object.

Mr. BUMPERS. Do I understand the request of the Senator from Georgia to include some period of debate on the motion to table?

Mr. NUNN. We would be right back where we are now 20 minutes from now when instead we could be able to hear the erudite, articulate Senator from Arkansas make his presentation.

Mr. BUMPERS. I do not know what I would do under the circumstances as they exist. I want to know one thing. I do not want to start debate on my amendment for 20 minutes and goof around 2 hours on the other amendment and come back to mine.

If I am going to make one of my barn-burning speeches, I want it to be in consecutive order of the amendment and not be interrupted by this.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Mr. WARNER. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. DECONCINI. I suggest the absence of a quorum.

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

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

The question is on agreeing to the motion to table the motion to reconsider.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Nebraska [Mr. KARNES] and the Senator from New Hampshire [Mr. RUDMAN] are necessarily absent.

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

The result was announced—yeas 47, nays 50, as follows:

[Rollcall Vote No. 126 Leg.]

YEAS—47

Armstrong	Cohen	Gore
Bingaman	D'Amato	Gramm
Bond	Danforth	Grassley
Boren	Dixon	Hatch
Boschwitz	Dole	Hecht
Cochran	Domenici	Heinz
Helms	Nickles	Stafford
Hollings	Nunn	Stevens
Humphrey	Packwood	Symms
Kassebaum	Pressler	Thurmond
Kasten	Quayle	Trible
Lugar	Reid	Wallop
McCain	Roth	Warner
McClure	Shelby	Wilson
McConnell	Simpson	Wirth
Murkowski	Specter	

NAYS—50

Adams	Exon	Melcher
Baucus	Ford	Metzenbaum
Bentsen	Fowler	Mikulski
Bradley	Garn	Mitchell
Breaux	Glenn	Moynihan
Bumpers	Graham	Pell
Burdick	Harkin	Proxmire
Byrd	Hatfield	Pryor
Chafee	Heflin	Riegle
Chiles	Inouye	Rockefeller
Conrad	Johnston	Sanford
Cranston	Kennedy	Sarbanes
Daschle	Kerry	Sasser
DeConcini	Lautenberg	Simon
Dodd	Leahy	Stennis
Durenberger	Levin	Weicker
Evans	Matsunaga	

NOT VOTING—3

Biden	Karnes	Rudman

So the motion to table the motion to reconsider was rejected.

The PRESIDING OFFICER. The question is on agreeing to the motion to reconsider the vote.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. 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 (Mr. CONRAD). Is there objection?

Mr. McCLURE. I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk resumed and concluded the call of the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 18]

Adams	Exon	Nickles
Bingaman	Ford	Nunn
Boren	Glenn	Packwood
Bumpers	Graham, Florida	Pressler
Burdick	Gramm, Texas	Proxmire
Byrd	Grassley	Quayle
Chiles	Hatfield	Roth
Cochran	Heflin	Sarbanes
Cohen	Johnston	Sasser
Conrad	Kasten	Simon
Cranston	Leahy	Specter
D'Amato	McCain	Stevens
Daschle	McClure	Thurmond
Dodd	Melcher	Warner
Dole	Murkowski	Weicker
Evans		Wirth

The PRESIDING OFFICER. A quorum is not present.

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 on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia [Mr. BYRD] to instruct the Sergeant at Arms to request the attendance of absent Senators. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from North Carolina [Mr. SANFORD] is necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from New Hampshire [Mr. HUMPHREY], the Senator from Nebraska [Mr. KARNES], and the Senator from Kansas [Mrs. KASSEBAUM] are necessarily absent.

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

The result was announced—yeas 72, nays 23, as follows:

[Rollcall Vote No. 127 Leg.]

YEAS—72

Adams	Exon	Mitchell
Baucus	Ford	Moynihan
Bentsen	Fowler	Nunn
Bingaman	Glenn	Packwood
Boren	Gore	Pell
Bradley	Graham	Pressler
Breaux	Gramm	Pryor
Bumpers	Grassley	Reid
Burdick	Harkin	Riegle
Byrd	Hatfield	Rockefeller
Chafee	Heflin	Roth
Chiles	Hollings	Rudman
Cochran	Inouye	Sarbanes
Cohen	Johnston	Sasser
Conrad	Kennedy	Shelby
Cranston	Kerry	Simon
D'Amato	Lautenberg	Simpson
Daschle	Leahy	Stafford
DeConcini	Levin	Stennis
Dixon	Matsunaga	Thurmond
Dodd	McClure	Trible
Dole	Melcher	Warner
Domenici	Metzenbaum	Wilson
Durenberger	Mikulski	Wirth

NAYS—23

Armstrong	Heinz	Proxmire
Bond	Helms	Quayle
Boschwitz	Kasten	Specter
Danforth	Lugar	Stevens
Evans	McCain	Symms
Garn	McConnell	Wallop
Hatch	Murkowski	Weicker
Hecht	Nickles	

NOT VOTING—5

Biden	Karnes	Sanford
Humphrey	Kassebaum	

So the motion was agreed to.

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

Mr. WARNER. Mr. President, I ask unanimous consent that a copy of an agreement issued by the Congressional Budget Office relating to the summit agreement be printed in the RECORD.

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

SUMMIT AGREEMENT BETWEEN THE PRESIDENT AND THE JOINT LEADERSHIP OF CONGRESS

1. The elements of this agreement should provide for deficit reduction amounts that exceed the requirements of the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 and thus when fully implemented eliminate the need for sequestration.

2. The package outline is approved by the President, the Speaker, and the Majority and Republican Leadership of Congress.

3. The President and the Leadership of Congress agree to carry out this agreement.

4. The President's FY 1989 budget shall comply with the appropriations levels in this agreement.

5. For FY 1988 Congress shall present reconciliation and the continuing resolution (or other appropriations legislation) to the President concurrently.

6. Congress shall provide sufficient budget authority to achieve full levels of domestic, international affairs, and defense outlays, in both FY 1988 and FY 1989.

7. Agreed upon discretionary spending levels are as follows:

[In billions of dollars]

Category	Fiscal year—			
	1988		1989	
	Budget authority	Outlays	Budget authority	Outlays
Domestic	145.1	160.3	148.1	169.2
International Affairs (150)	17.8	16.5	18.1	16.1
Defense (050) [1]	292.0	285.4	299.5	294.0

[1] Functional total includes mandatory spending.

Note.—The President and leadership agree that, in implementing this agreement, essential programs serving the poor, including the elderly, should be a priority.

8. Discretionary scorekeeping: Use CBO estimates with an agreed-upon list of discretionary accounts; no change in methodology from the current CBO-OMB understanding. CBO and OMB shall work together to resolve scoring methodology problems on mandatory accounts.

9. The following procedures will be utilized to implement this agreement for spending:

a. FY 1988—The agreement will provide ceilings for defense and non-defense domestic spending (including international affairs); the continuing resolution or other appropriations legislation will carry them out.

b. FY 1989—The FY 1988 reconciliation bill will specify:

i. agreed-upon defense and non-defense budget authority and outlay discretionary ceilings;

ii. the FY 1989 budget resolution, and committee 302 (a) and (b) allocations pursuant thereto, shall be consistent with the agreement; and

iii. in the Senate, a three-fifths point of order will lie against a budget resolution that is inconsistent with the agreement.

c. Neither the Congress nor the President shall initiate supplementals except in the case of dire emergency. When the Executive Branch makes such a request, it shall be accompanied by a presidentially-transmitted budget amendment to Congress.

d. For FY 1988 in the Senate, before the continuing resolution (or other appropriations legislation) comes to the floor, a separate resolution will modify the relationship between reconciliation and defense spending, and adjust 302(a) allocations and budget totals for 311 purposes to conform with the agreement. The leadership will seek a waiver of points of order under sections 302 and 311 for the FY 1988 continuing resolution if it conforms to this agreement.

10. The $9 billion in receipts in 1988 and the $14 billion in receipts in 1989 are *gross* figures and the ingredients composing these figures will be determined through the regular legislative process and conference agreement, subject to the President's signature or veto.

11. Pending the enactment of legislation to implement this agreement, the President shall take such action consistent with current law as may be necessary to reduce the effects of sequestration and provide for minimal disruption of on-going governmental programs and services during this interim period.

PROPOSED BUDGET COMPROMISE

	Fiscal year—	
	1988	1989
Revenues:		
Hard taxes	$9.00	$14.00
IRS compliance (net)	1.60	2.90
User fees	.40	.40
Subtotal, revenues	11.00	17.30
Spending:		
Defense (function 050)	5.00	8.20
Nondefense discretionary	2.60	3.40
1989 effect of 1988 2 percent pay	0	2.40
Entitlements:		
Medicare	2.00	3.50
Farm price supports	.90	1.60
GSL balances	.25	0
Federal personnel	.85	.85
Subtotal, entitlements	4.00	5.95
Debt service	1.20	3.50
Subtotal, spending	12.80	23.45
Additional savings:		
PBGC premiums	.40	40
VA origination fee extension	.20	.20
VA loan guarantee	.80	1.00
Asset sales	5.00	3.50
Subtotal	6.40	5.10
Grand total	30.20	45.85

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WARNER. 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. WARNER. My inquiry is as to the pending business.

The PRESIDING OFFICER. The question is on the motion to reconsider the vote whereby the Johnston amendment was tabled.

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

The PRESIDING OFFICER. They have not.

Mr. WARNER. 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. Is there further debate?

There being no further debate, the question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Nebraska [Mr. KARNES] is necessarily absent.

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

The result was announced—yeas 48, nays 50, as follows:

[Rollcall Vote No. 128 Leg.]

YEAS—48

Adams	Evans	Melcher
Baucus	Ford	Metzenbaum
Bentsen	Garn	Mikulski
Bradley	Glenn	Mitchell
Breaux	Graham	Moynihan
Bumpers	Harkin	Pell
Burdick	Hatfield	Proxmire
Byrd	Heflin	Pryor
Chafee	Inouye	Riegle
Chiles	Johnston	Rockefeller
Conrad	Kennedy	Sanford
Cranston	Kerry	Sarbanes
Daschle	Lautenberg	Sasser
DeConcini	Leahy	Simon
Dodd	Levin	Stennis
Durenberger	Matsunaga	Weicker

NAYS—50

Armstrong	Hatch	Quayle
Bingaman	Hecht	Reid
Bond	Heinz	Roth
Boren	Helms	Rudman
Boschwitz	Hollings	Shelby
Cochran	Humphrey	Simpson
Cohen	Kassebaum	Specter
D'Amato	Kasten	Stafford
Danforth	Lugar	Stevens
Dixon	McCain	Symms
Dole	McClure	Thurmond
Domenici	McConnell	Trible
Exon	Murkowski	Wallop
Fowler	Nickles	Warner
Gore	Nunn	Wilson
Gramm	Packwood	Wirth
Grassley	Pressler	

NOT VOTING—2

Biden	Karnes

So the motion to reconsider the vote by which the amendment (No. 2015) was tabled was rejected.

Mr. DOLE. Mr. President, I wish to submit for the RECORD a statement which will clear up the situation surrounding the right of a Senator to suggest the absence of a quorum. Article I, section 5 of the Constitution states that to do business a majority shall constitute a quorum. Thus it is a constitutional right of any Senator before the Senate does any business to demand that a quorum be present.

In addition Senate procedure on pages 833 through 867 enumerates the precedents surrounding this right. There is no question that a quorum call was in order before the call of the roll on the motion to table the motion to reconsider the vote by which the Johnston amendment was tabled, a fact which I am told the Parliamentarian has confirmed.

The PRESIDING OFFICER. Under the previous order, the Senator from Arkansas is recognized to offer an amendment relative to SALT II.

Mr. NUNN. Mr. President, will the Senator yield for about 30 seconds so I can give our colleagues a general idea about the schedule?

Mr. BUMPERS addressed the Chair.

Mr. LEAHY. May we have order, please, Mr. President.

The PRESIDING OFFICER (Mr. KERRY). The Senate will be in order. Senators having conversations will please retire to the Cloakroom or take their seats. The Senate is not in order. Senators will please restrain their conversations.

The Senator from Arkansas has been asked a question.

Mr. BUMPERS. Mr. President, that amendment is offered on behalf of Senators CHAFEE, HEINZ, LEAHY, and myself, and I have consistently offered a 2-hour time agreement. Each one of the cosponsors of the amendment, of course, will want to speak. I would certainly be willing to enter into a 2-hour time agreement. Unless there are a lot of people on that side who wish to speak in opposition, I would think we could get through within an hour, an hour and a half.

Mr. NUNN. Mr. President, I would like very much to enter into a time agreement. It had not been shopped around at this stage. From my own perspective I would welcome a 2-hour time agreement. I would want to reserve the right to have amendments to the Bumpers amendment.

Mr. BUMPERS. It is almost identical to the amendment that was agreed to in conference last year. This amendment prevailed in the Senate 57 to 41 last year.

Mr. LEAHY. Mr. President, will the Senator yield for a point. Maybe we could start the debate and kick it around among a few people and see whether we do have enough agreement to have a time agreement. Otherwise, we could probably spend a half an hour here talking about whether we could have a time agreement.

Mr. BYRD. Mr. President, who has the floor—Mr. BUMPERS?

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

Mr. BUMPERS. I yield to the majority leader.

Mr. BYRD. Mr. President, is this amendment a first-degree amendment?

Mr. BUMPERS. It is.

Mr. BYRD. Will there be a second-degree amendment offered?

Mr. BUMPERS. There will be.

Mr. BYRD. Does the time contemplated include the time on both amendments?

Mr. BUMPERS. Yes.

Mr. ADAMS. Parliamentary inquiry, Mr. President. Under the unanimous-consent order previously entered, were second-degree amendments allowed to any of the amendments that were listed?

The PRESIDING OFFICER. The answer is yes, there were.

Mr. ADAMS. They were allowed two amendments on that list of people who were identified as being recognized?

The PRESIDING OFFICER. The Chair is informed by the Parliamentarian that that is correct.

Mr. ADAMS. There are second-degree amendments allowed?

The PRESIDING OFFICER. There are second-degree amendments allowed.

Mr. ADAMS. I thank the Chair.

Mr. BYRD. The question then——

Mr. LEAHY. Mr. President, we are still not in order. I am having an awfully hard time hearing the majority leader and he is only 10 feet away from me.

The PRESIDING OFFICER. The Senator from Vermont is correct. If Senators in the aisles will please take their seats or take their conversations to the Cloakroom, the Senate will be in order so it can proceed with its business. The Senate will suspend until we are in order.

Mr. BYRD. Mr. President, I think the Senate should have an understanding as to what the second-degree amendment is. If time is limited on the first-degree amendment only, that may create some problem with respect to a second-degree amendment. Is it the proposal that the 2 hours cover both amendments?

Mr. BUMPERS. It is, Mr. Leader.

Mr. BYRD. I have no knowledge of the substance of the second-degree amendment.

Mr. McCLURE. Will the Senator yield.

Mr. BUMPERS. I am happy to yield.

Mr. McCLURE. I might aid the resolution of this particular issue. I will object to a time limit until I know what the second-degree amendment is.

AMENDMENT NO. 2018

(Purpose: To reinforce the INF Treaty by restricting funding for excessive levels of MIRV'd strategic nuclear forces, and for other purposes)

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

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS], for himself, Mr. LEAHY, Mr. CHAFEE, and Mr. HEINZ, proposes an amendment numbered 2018.

Mr. BUMPERS. Mr. President, I offer that amendment on behalf of the Senator from Pennsylvania [Mr. HEINZ], Senator CHAFEE, Senator LEAHY, and myself.

The PRESIDING OFFICER. The clerk will report.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. NUNN. Mr. President, I ask unanimous consent that——

The PRESIDING OFFICER. If I may say, regular order is for the clerk to report unless there is a unanimous-consent request that the clerk not report.

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

The PRESIDING OFFICER. Is there objection?

Mr. BUMPERS. Objection.

The PRESIDING OFFICER. Objection is heard. The clerk will report the amendment.

The assistant legislative clerk proceeded to read the amendment.

Mr. BUMPERS and Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

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

The PRESIDING OFFICER. Is there objection?

Mr. BUMPERS addressed the Chair.

Mr. STENNIS. Mr. President, will the Senator yield to me for 1 minute for the purpose of making an announcement about a meeting of the Appropriations Committee?

Mr. BUMPERS. I yield to the Senator from Mississippi for that purpose.

Mr. STENNIS. I thank the Senator.

Mr. BYRD. Mr. President, has the reading been called off?

The PRESIDING OFFICER. Is there objection to termination of the reading of the amendment?

Hearing none, it is so ordered.

The amendment is as follows:

On page 171, between lines 2 and 3, insert the following new section:

SEC. 921. INF TREATY REINFORCEMENT ACT OF 1988.

(a) SHORT TITLE.—This section may be cited as the "INF Treaty Reinforcement Act of 1988".

(b) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) the INF Treaty has been signed by President Reagan and endorsed by the Joint Chiefs of Staff, the Secretary of State, and the Secretary of Defense;

(2) the INF Treaty, which the President submitted to the Senate on January 25, 1988, for its advice and consent to ratification, is strongly supported by the Congress and the American people;

(3) the INF Treaty eliminates Soviet intermediate and shorter-range ballistic missiles targeted on the NATO allies of the United States in Europe;

(4) the military benefits of the INF Treaty to the United States and its NATO allies gained by the elimination of these classes of Soviet ballistic missiles could be undermined by the Soviet Union through the deployment of additional long-range nuclear weapons, the numbers of which are

currently not subject to any legally binding limitations or informal mutual interim restraint measures;

(5) at present there are effectively no limits on the number of strategic weapons the Soviet Union or the United States may deploy;

(6) the achievement of a verifiable strategic arms agreement that strengthens the security interests of the United States and its NATO allies is an important security objective, and the Congress supports the President's continuing efforts to conclude such an agreement;

(7) it is possible that such an agreement may not be reached during 1988 or 1989;

(8) the Soviet Union is currently producing and deploying new SS-24 and SS-25 ICBMs and new SS-N-20 and SS-N-23 SLBMs, and will shortly be deploying modernized versions of the SS-18 ICBM, strategic ballistic missiles which are not restricted by the INF Treaty; and

(9) it is in the security interests of the United States and the NATO alliance to restrict the numbers of these and other Soviet strategic offensive weapons deployed by the Soviet Union, both to reinforce the INF Treaty and to limit the strategic threat to the United States and its NATO allies.

(c) PROHIBITION ON USE OF FUNDS.—Notwithstanding any other provision of law and subject to the provisions of subsection (f), 60 days after the date of enactment of this Act, no funds may be obligated or expended through September 30, 1989, to overhaul, maintain, operate, or deploy any MIRVed strategic nuclear weapons launcher or platform that would cause the United States to exceed the numbers of MIRVed ICBMs, MIRVed ballistic missiles, and MIRVed strategic systems that it had deployed on January 25, 1988. Not later than 30 days after the date of enactment of this Act, the President shall notify the Congress of his plans for carrying out the provisions of this subsection.

(d) REPORTING REQUIREMENT.—Not later than December 1, 1988, the President shall submit to the Congress a report, in both classified and unclassified versions, describing the numbers and types of operational strategic nuclear weapons launchers and platforms that the United States and the Soviet Union have dismantled since October 1972.

(e) POLICY ON INTERIM RESTRAINT REGIME.—The Congress recognizes that alternative mutual interim restraint regimes are possible that would be in the security interests of the United States and its allies, and the Congress, therefore, hereby encourages the President to pursue such alternative approaches so that effective restraints on offensive nuclear forces are applied on a mutual basis until a new strategic offensive arms agreement can be concluded.

(f) WAIVER.—(1) The prohibition contained in subsection (c) shall not apply if the President notifies the Congress in writing that—

(A) a new strategic arms agreement between the United States and the Soviet Union has entered into force;

(B) the United States and the Soviet Union have agreed upon an alternative regime for interim restraint on strategic nuclear weapons; or

(C) the Soviet Union has deployed strategic launchers and platforms—

(i) in excess of the numbers of launchers of MIRVed ICBMs, or MIRVed ballistic missiles, or MIRVed strategic systems that it had deployed on January 25, 1988; and

(ii) in excess of the number of launchers and platforms of MIRVed strategic systems that the United States had deployed on that date.

(2) Such notification shall be accompanied by a report, in both classified and unclassified versions, providing information upon which the President bases his notification.

(g) TEMPORARY WAIVER.—The prohibition contained in subsection (c) shall not apply for any period of 30 days if the President notifies the Congress in writing that, based on the best agreed Intelligence Community assessments, he is unable to determine whether the Soviet Union has exceeded the levels of strategic forces specified in clauses (i) and (ii) of subsection (f)(1)(C).

(h) DEFINITIONS.—For purposes of this section—

(1) the term "INF Treaty" means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate and Shorter-Range Missiles, done at Washington on December 8, 1987;

(2) the term "MIRVed" means equipped with multiple independently-targetable reentry vehicles; and

(3) the term "MIRVed strategic systems" means MIRVed ICBMs, MIRVed SLBMs, and heavy bombers equipped with air-launched cruise missiles.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. STENNIS. Mr. President, may I use 1 minute now?

The PRESIDING OFFICER. Did I understand the Senator from Arkansas has reserved his time?

Mr. BUMPERS. I yield to the Senator for the purpose of the announcement.

Mr. STENNIS. Mr. President, we have a great number of full committee members of the Appropriations Committee downstairs now assembling. We can proceed. I think we are making headway, if we can go on down now and be prepared then to vote and so forth. It is in room S-128 where we are already assembling, and are ready to have the explanation.

I thank the Chair. I thank the Senator from Arkansas.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The Chair corrects itself. The Senator from Arkansas has reserved his right.

Mr. BUMPERS. I yield to the Senator from Vermont.

AMENDMENT NO. 2019 TO AMENDMENT NO. 2018

(Purpose: To reinforce the INF Treaty by restricting funding for excessive levels of MIRVed strategic nuclear forces, and for other purposes)

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

The PRESIDING OFFICER. Before we proceed, is there objection to the Senator yielding for the purpose for which it has been stated?

Mr. BOSCHWITZ. Reserving the right to object, Mr. President, is there a time agreement? Does the Senator from Arkansas intend to enter into a time agreement?

Mr. BUMPERS. There is not a time agreement. I tried to make it clear a while ago that we will try to finish this in less than 2 hours. I offered a 2-hour time agreement. There was an objection to that. So I said we will start, and hope to finish in an hour or an hour and a half.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Vermont [Mr. LEAHY] proposes an amendment numbered 2019 to Amendment No. 2018.

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

The PRESIDING OFFICER. Is there objection?

Mr. QUAYLE. Objection.

Mr. BOSCHWITZ. Objection.

The PRESIDING OFFICER. The clerk will resume the reading of the amendment.

The bill clerk continued reading the amendment.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. For what purpose does the Senator address the Chair?

Mr. LEAHY. Regular order, Mr. President.

The PRESIDING OFFICER. Regular order is for the amendment to be reported at this time.

The clerk will report the amendment.

The bill clerk continued reading the amendment.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS addressed the Chair.

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

The amendment is as follows:

In the pending amendment, strike all after the words "Short Title," and insert the following:

This section may be cited as the "INF Treaty Reinforcement Act of 1988".

(b) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) the INF Treaty has been signed by President Reagan and endorsed by the Joint Chiefs of Staff, the Secretary of State, and the Secretary of Defense;

(2) the INF Treaty, which the President submitted to the Senate on January 25, 1988, for its advice and consent to ratification, is strongly supported by the Congress and the American people;

(3) the INF Treaty eliminates Soviet intermediate and shorter-range ballistic missiles targeted on the NATO allies of the United States in Europe;

(4) the military benefits of the INF Treaty to the United States and its NATO allies gained by the elimination of these classes of Soviet ballistic missiles could be undermined by the Soviet Union through the deployment of additional long-range nuclear weapons, the numbers of which are currently not subject to any legally binding limitations or informal mutual interim restraint measures;

(5) at present there are effectively no limits on the number of strategic weapons the Soviet Union or the United States may deploy;

(6) the achievement of a verifiable strategic arms agreement that strengthens the security interests of the United States and its NATO allies is an important security objective, and the Congress supports the President's continuing efforts to conclude such an agreement;

(7) it is possible that such an agreement may not be reached during 1988 or 1989;

(8) the Soviet Union is currently producing and deploying new SS-24 and SS-25 ICBMs and new SS-N-20 and SS-N-23 SLBMs, and will shortly be deploying modernized versions of the SS-18 ICBM, strategic ballistic missiles which are not restricted by the INF Treaty; and

(9) it is in the security interests of the United States and the NATO alliance to restrict the numbers of these and other Soviet strategic offensive weapons deployed by the Soviet Union, both to reinforce the INF Treaty and to limit the strategic threat to the United States and its NATO allies.

(c) PROHIBITION ON USE OF FUNDS.—Notwithstanding any other provision of law and subject to the provisions of subsection (f), 60 days after the date of enactment of this Act, no funds may be obligated or expended through September 30, 1989, to overhaul, maintain, operate, or deploy any MIRVed strategic nuclear weapons launcher or platform that would cause the United States to exceed the numbers of MIRVed ICBMs, MIRVed ballistic missiles, and MIRVed strategic systems that it had deployed on January 25, 1988. Not later than 30 days after the date of enactment of this Act, the President shall notify the Congress of his plans for carrying out the provisions of this subsection.

(d) REPORTING REQUIREMENT.—Not later than December 1, 1988, the President shall submit to the Congress a report, in both classified and unclassified versions, describing the numbers and types of operational strategic nuclear weapons launchers and platforms that the United States and the Soviet Union have dismantled since October 1972.

(e) POLICY ON INTERIM RESTRAINT REGIME.—The Congress recognizes that alternative mutual interim restraint regimes are possible that would be in the security interests of the United States and its allies, and the Congress, therefore, hereby encourages the President to pursue such alternative approaches so that effective restraints on offensive nuclear forces are applied on a mutual basis until a new strategic offensive arms agreement can be concluded.

(f) WAIVER.—(1) The prohibition contained in subsection (c) shall not apply if the President notifies the Congress in writing that—

(A) a new strategic arms agreement between the United States and the Soviet Union has entered into force;

(B) the United States and the Soviet Union have agreed upon an alternative regime for interim restraint on strategic nuclear weapons; or

(C) the Soviet Union has deployed strategic launchers and platforms—

(i) in excess of the numbers of launchers of MIRVed ICBMs, or MIRVed ballistic missiles that it had deployed on January 25, 1988; or

(ii) in excess of the number of launchers and platforms of MIRVed strategic systems that the United States had deployed on that date.

(2) Such notification shall be accompanied by a report, in both classified and unclassified versions, providing information upon which the President bases his notification.

(g) TEMPORARY WAIVER.—The prohibition contained in subsection (c) shall not apply for any period of 30 days if the President notifies the Congress in writing that, based on the best agreed Intelligence Community assessments, he is unable to determine whether the Soviet Union has exceeded the levels of strategic forces specified in clauses (i) and (ii) of subsection (f)(1)(C).

(h) DEFINITIONS.—For purposes of this section—

(1) the term "INF Treaty" means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate and Shorter-Range Missiles, done at Washington on December 8, 1987;

(2) the term "MIRVed" means equipped with multiple independently-targetable reentry vehicles; and

(3) the term "MIRVed strategic systems" means MIRVed ICBMs, MIRVed SLBMs, and heavy bombers equipped with air-launched cruise missiles.

Mr. HELMS addressed the Chair.

Mr. LEAHY addressed the Chair.

Mr. HELMS. Mr. President, I seek the floor. I ask for the yeas and nays on the underlying amendment.

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

If we could wait for the Chair to recognize, we could proceed in a more orderly fashion.

Mr. HELMS. I am sorry. I did not understand the Chair.

The PRESIDING OFFICER. The Chair had not recognized anybody at that point in time. The Chair recognizes the Senator from North Carolina.

Mr. HELMS. I thank the Chair. Now, I ask for the yeas and nays on the underlying amendment.

The PRESIDING OFFICER. It takes unanimous consent to order the yeas and nays with respect to the underlying amendment. Is there objection to ordering the yeas and nays?

Mr. BUMPERS. Mr. President, parliamentary inquiry. Does the Senator from North Carolina ask for the yeas and nays on the amendment as I originally offered it?

Mr. HELMS. That is correct.

Mr. BUMPERS. I have no objection.

The PRESIDING OFFICER. It takes unanimous consent in order for it to be in order for the yeas and nays to be ordered on the underlying amendment.

Mr. LEAHY and Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. Is there objection?

Mr. BUMPERS. There is an objection.

The PRESIDING OFFICER. Objection is heard.

Mr. HELMS. 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. LEAHY. 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. LEAHY. Mr. President, I ask unanimous consent to be able to yield to the Senator from Ohio for the purpose of a matter relating to Irving Berlin, regarding his 100th birthday, a man much beloved by the rest of us.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I thank the Senator from Vermont, and I appreciate the fact I have the floor, but I am advised that the Senator from New York [Mr. D'AMATO] wanted to be here for this purpose. I am waiting to see if he will get here. It will only take us 1 minute. It is a short resolution.

Mr. LEAHY. Mr. President, will the Senator yield for a moment, for a comment?

Mr. METZENBAUM. I yield.

Mr. LEAHY. Mr. President, I know this is going to be on a matter relating to the 100th birthday of Irving Berlin. If we are going to have many more delays getting to it, the Senator from Ohio may want to adjust it to the 101st birthday of Irving Berlin.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistance legislative clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded, with the understanding that at the conclusion——

The PRESIDING OFFICER. The Senator may not qualify the purpose for the quorum call.

Is there objection to the order for the quorum call being rescinded?

The Chair hears none, and it is so ordered.

The Senator from Ohio is recognized.

APPRECIATION AND GRATITUDE TO IRVING BERLIN

Mr. METZENBAUM. Mr. President, this is a momentous day in American history. It is the occasion of the 100th birthday of probably America's most famous composer. Tonight there is a major celebration in his honor. Irving Berlin is 100 years old as of today.

I offer a very short resolution, on behalf of myself and Senator D'AMATO. I send to the desk the resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 428) to express appreciation and gratitude to Irving Berlin.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. METZENBAUM. Mr. President, the resolution reads as follows:

S. RES. 428

Whereas, Irving Berlin, like no other composer, has brought American popular song into the lives and hearts of every American;

Whereas, after emigrating from Russia in 1892, Irving Berlin celebrated the spirit of the United States in his patriotic songs, including his inspiring and well-loved "God Bless America";

Whereas, each of us has a personal favorite Irving Berlin song, be it "White Christmas", "Top Hat", "Cheek to Cheek", "Blue Skies", or "Easter Parade" that we find ourselves humming or singing as the years go by; and

Whereas, May 11, 1988, is Irving Berlin's 100th birthday, marking his century-long love affair with America: Now, therefore, be it

Resolved, That the United States Senate expresses its sincere appreciation and gratitude to Irving Berlin for his century of faithful and exemplary contributions to our Nation through his delightful and enduring songs.

Mr. MOYNIHAN. Mr. President, I rise today to mark the birthday of one of the greatest living musicians of our century: Irving Berlin. Last July, I introduced a resolution honoring him, and I am pleased to note that this resolution passed the Senate by unanimous consent on October 30, 1987. I am even more heartened today to be able to send him the good wishes of this body on his 100th birthday. A century of music, indeed.

Mr. Berlin emigrated from Russia with his family at the age of 5, and became a resident of the Lower East Side of New York City. His father died when he was 8 years old and Mr. Berlin was forced to leave school to contribute to the support of his family. Because of his love for singing and music, Mr. Berlin began his career singing on the streets and collecting whatever change he could get. At the age of 17, Mr. Berlin obtained a job as a singing waiter at the Pelham Cafe in downtown New York. It was during his stint at the Pelham Cafe that Mr. Berlin's talent was first recognized and he was commissioned to write what would be his first hit song in 1909, "Dorando." His career escalated from there to make him the success he has become today.

There are few who could claim the lifetime achievements of Mr. Berlin. He has written the music and lyrics for over 900 songs, 19 musicals, and 18 movies. He had his first hit in 1909, wrote his first musical in 1916, and has not stopped writing since. As recently as 1962, he came out with the musical "Mr. President."

The number of hits Mr. Berlin has had is astounding. He has written songs such as "Oh, How I Hate To Get Up in the Morning," "Cheek to Cheek," and "Puttin' on the Ritz," among others. He has also written the scores for "Annie Get Your Gun," "Top Hat." But perhaps the song he has received the most recognition for is "God Bless America," for which he received the Congressional Gold Medal from President Eisenhower in 1955. This song has become our unofficial national anthem.

Irving Berlin has entertained America with his songs for over three-quarters of a century. His music has become symbolic of the American spirit just as his life is symbolic of the American dream—he is a success in the field he loves. Mr. Berlin has brought pure pleasure to the American people through his music. For this, Irving Berlin deserves great congratulations on his birthday, and may he have many more.

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

The resolution (S. Res. 428) was agreed to.

The preamble was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

NATIONAL DEFENSE AUTHORIZATION ACT

The Senate continued with the consideration of the bill.

Mr. BUMPERS. Mr. President, let me just say for the information of people who might not have known what was going on here the last few minutes, the amendment that I offered was sort of superseded by the amendment of the Senator from Vermont, Mr. LEAHY, and it was admittedly designed to fill up the tree. But we concluded, after we did it, that it was not all that important. What his amendment does, so everybody here will understand, it simply changes about three words in my amendment to give it some consistency.

I do not want to go into a belabored explanation of it, but we had used the phrase "MIRV'd systems" twice which made our amendment slightly inconsistent. It would not have been fatal. It was not a really big deal. But just to be consistent and to make it read right, we changed it. That is all the Leahy amendment does. So nobody need to be looking for any hidden tricks as to what the Leahy amendment does.

Having said that, let me say that on the defense authorization bill it just seems we have these amendments we have to ritualistically offer every year, such as SDI and such as this amendment.

Last October 2, the Senate voted 57 to 41 to continue observing the sublimits of the SALT II Treaty. We had a good debate on it and the Senate overwhelmingly voted to continue. Even though that was an unratified treaty and even though the word "SALT" is apparently the dirtiest word you can say to the President or anybody in the White House, that is what we did.

Now, if the White House is hung up on the word "SALT;" that does not bother me. The reason we are offering this for the fifth consecutive year—and I might say the Senate for the previous 4 years has voted almost overwhelmingly for some constraints on the nuclear arms race—all we are offering this amendment for is to say the INF Treaty is fine. We are all for it. It will not have 20 votes against it in this body.

Second, we have been trying to negotiate a really substantial reduction in nuclear weapons with the Soviet Union under the START Treaty. We now know and everybody says that we cannot possibly reach an agreement by the time the President goes to Moscow. I do not know when we will reach an agreement. But I want to say that unless we do reach an agreement soon, we need some kind of restraint on both the United States and the Soviet Union in this continuing escalation of the arms race.

For the record and the benefit of anybody who may be listening, the sublimits that we have voted on in the past here are these under the SALT II Treaty: Either side is limited to 820 MIRV'd ICBM's. Both sides—and I am talking about an unratified treaty SALT II—both sides were limited to 820 MIRV'd ICBM's such as we have

in silos out West, the Minuteman III, principally.

No. 2, both sides were limited to 1,200 missiles, MIRV'd missiles, that is, ICBM's and SLBM's. That means the kind that sit in the silos out West plus the missiles on our submarines—1,200. You can mix them up just about any way you want to.

For example, we have 550 MIRV'd ICBM's. The Soviets have 803 as of right now. But we make up the difference between 550 and 1,200 with submarine missiles, which incidentally happens to be my favorite deterrent to the Soviet Union.

The third category, of course, was all MIRV'd systems which includes ICBM's, submarine-launched ballistic missiles and bombers that carry the cruise missile.

So, here were the limits: 820 MIRV'd ICBM's, 1,200 combination of MIRV'd ICBM's and SLBM's and 1,320 ICBM submarine-launched and bomber-carrying cruise missiles.

In 1980, during the campaign, candidate Reagan said he did not like the SALT Treaty; that it was fatally flawed. In 1982, he said he had changed his mind and that as long as the Soviet Union maintained a compliance with the numbers in that unratified treaty so would we.

That was the situation until late November 1986 when President Reagan said we are no longer going to comply with what we call our no-undercut policy; that is, we are no longer going to comply with the numerical limits of the treaty.

So the Senator from Pennsylvania, Mr. HEINZ, the Senator from Rhode Island, Mr. CHAFEE, and the Senator from Vermont, Mr. LEAHY, and I got together in a bipartisan spirit and came to the Senate and said, "We think this is bad business."

Last October 2, this Senate voted 57 to 41 to continue complying with those SALT II limits. The House had already voted to do the same thing. So you had the House and the Senate both saying, "Mr. President, don't exceed the limits. No money herein may be used to exceed the limits."

The President threatened to veto the bill. And to his credit, the distinguished Senator from Georgia, Mr. NUNN, called me and stayed in close touch with me during the time the Senate and the House were in conference. He said, "We would like to get this bill signed. The President will not sign it as it is presently drafted. Here is what we are proposing." And he gave me their proposal.

While I did not like it, and my colleagues who had fought with me on this did not like it, we agreed to it. We were interested in getting a bill passed, too.

And so here is what the conference said last year when they tinkered with it just a little bit. It did allow us and the Soviet Union both to exceed the 1,320 limit, but not by a lot. And it certainly kept some wraps on the nuclear arms race. Here is what the conferees said when they did this. And I want to read this into the RECORD, Mr. President.

> The conferees note that decisions taken for budgetary reasons elsewhere in the bill will have the effect of stabilizing U.S. strategic forces during fiscal year 1988 at roughly the level deployed as of the date of enactment of the bill. The conferees

—and this is critical—

> The conferees believe that maintaining interim restraint and strategic defense force levels is not only prudent in light of current budget realities, but also consistent with the recent progress in the START negotiations and the continuing Soviet practice of retiring older ICBM's and SLBM's prior to the end of their normal service life.
>
> Assuming the progress continues to be made in START, and that the Soviet Union continues early retirement of ICBM's and SLBM's it would be the intent of the conferees to take such actions as may be required to maintain U.S. and Soviet interim restraint, including the option of foregoing the overhaul of additional Poseidon class submarines near the ending of their normal service life.

So, Mr. President, last year the House and the Senate both voted to limit MIRV'd system to 1,320 on both sides. Incidentally, just for anybody who does not study this, I will give you an interesting statistic.

Let me assume that when the ninth Trident submarine goes to sea this fall—we are not going to do this, but may we do it later, but just for argument purposes—let me assume when the ninth Trident submarine goes to sea this fall, we put new Trident II missiles on it and we put 10 warheads on each one of those missiles. The Trident II submarine has 24 missiles. If you put 10 warheads on each missile, that is 240.

You know, this is not a part of our SIOP, I am sure. I am not privy to what our SIOP is. But if the Soviet Union should launch a pre-emptive strike against the United States that destroyed all 550 of our ICBM's in their silos out West, destroyed every B-52 bomber we have that could possibly reach the Soviet Union, destroyed every F-11 we have in England that could possibly strike the Soviet Union, destroyed every aircraft carrier in the Mediterranean that had a plane on board that is nuclear wired, destroyed every single submarine we had except just that one little Trident submarine, the ninth one, this fall, that Trident submarine has the potential ability to destroy every city in the Soviet Union of over 100,000 people.

When it comes to overkill, we have the ability to destroy the Soviet Union perhaps 48 times and they have a comparable ability to destroy the United States, a similar number of times.

When one lies down on a pillow at night, if he reflects on that at all for any period of time, it might cost a night's sleep. But my point is this. Pursuant to what the conference did last year, which gave us a decided advantage over the Soviet Union, here is essentially where we are right now.

You see, what the conference did is some erosion of the arms control process. Right now the United States has 1,336 MIRV'd systems—MIRV'd missiles and bombers with cruise missiles. Incidentally, I found it curious that the debate around here for years was that the B-52 ought to be retired and we ought to build the B-1, then everybody wanted the Stealth. But the important thing was our pilots were flying in airplanes that were older than they were.

If I have heard the argument on this floor once, I have heard it 1,000 times. Our pilots are flying airplanes older than they are. So when the President says we are not going to comply with the SALT II Treaty any longer, we are going to trash it, how did he choose to trash it? He chose to put cruise missiles on those B-52 bombers.

If he had said we are going to build an extra Trident submarine, or we are going to put some more ICBM's in silos, that might have made a little sense. But those old B-52G's, B-52H's, and now we have about 161 B-52 bombers equipped with cruise missiles, so that they are now counted in this MIRV'd system. They count as a MIRV'd system when you put cruise missiles on them.

They do not count in this 1,320 number unless you put cruise missiles on them. But I thought that was a curious way to trash the treaty.

But here I go again. The Soviet Union right now, these figures could vary a few, one way or the other, but right now the Soviet Union has 1,270 MIRV'd launchers and bombers. The United States has 1,336. We are not only 16 above the SALT II limits, we are about 66 above the Soviet Union.

The bean counters, and there are a lot of them in the Senate, I hear them talk all the time about how the Soviets have more tanks, guns, planes, and everything else than we have—now here is one for you. Just since last October when we voted on this thing we have added enough MIRV'd launchers that we now have 1,336 and the Soviet Union has 1,270. If that will help you sleep at night, to know that we have that many more then they do, be my guest.

But what this amendment does, Mr. President, it says that none of the funds herein may be used to exceed the limits that we were at on January 25.

Why January 25? Well, it is sort of sentimental. That is the day the President sent the INF Treaty to the Senate. And I picked that day because if you are going to talk about reducing

nuclear weapons under the INF Treaty, why torpedo the whole concept by continuing to add long-range strategic weapons?

So, Mr. President, this is not a complicated amendment. It says that we will stay where we were on January 25, and if the President at any time in the next fiscal year certifies to us that the Soviet Union is above that, he can do whatever he wants to. All he has got to do is to certify to Congress that the Soviet Union is exceeding the limit that we have chosen. Not them.

I might say before the argument starts about how the Soviets cheat, steal, and lie, every intelligence agency we have says that they are generally complying with arms treaties and arms agreements. Here is the article from the New York Times dated January 10, 1986. I will ask to have it printed in the RECORD in just a moment. It says, "The Soviet Union has complied within the vast majority of important arms control provisions, according to private congressional testimony by a ranking State Department official. The same State Department official also said in private congressional testimony that the United States would risk starting an arms race that it might lose, if it responded to purported Soviet violations with American actions that run counter to the unratified arms limitation treaty of 1979."

Mr. President, I ask unanimous consent that this article be printed in the RECORD at this point.

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

[From the New York Times, Jan. 10, 1986]

U.S. AIDE SAYS SOVIET HAS KEPT MOST ARMS PACTS

(By Michael R. Gordon)

WASHINGTON, Jan. 9.—The Soviet Union has complied with the vast majority of important arms control provisions, according to private Congressional testimony by a ranking State Department official.

The same State Department official also said in private Congressional testimony that the United States would risk starting an arms race that it might lose, if it responded to purported Soviet violations with American actions that run counter to the unratified arms limitation treaty of 1979.

The disclosure of the testimony was made against a background of repeated charges by some Reagan Administration officials that the Soviet Union has routinely violated arms control treaties.

The State Department testimony was given early last year in a closed-door session of the Senate Armed Services Committee and was recently published by the committee in an unclassified form.

DEEP DIVISIONS

The State Department views run counter to Defense Department assertions, and provide a look at the deep divisions within the Administration on the issue of Soviet compliance with arms treaties.

The Defense Department has asserted that the Soviet Union has a "policy of treaty violation." Defense Secretary Caspar W. Weinberger has recommended to the White House that the United States take a number of steps that would conflict with the unratified 1979 treaty in order to respond to a purported pattern of Soviet violations.

The State Department comments were presented last February by Lieut. Gen. John T. Chain, Jr., who was then director of the bureau of politico-military affairs in the State Department and is now chief of staff for the NATO commander.

The Administration's allegations of Soviet treaty violations have not changed fundamentally since that time.

In the committee deliberations on the purported violations, General Chain said there was a need for the committee "to put a little balance into the conversation."

THE LARGE MAJORITY

He told the committee that the Soviet Union has kept most of its treaty commitments, although he asserted that it had committed some violations.

"If you take the body of the treaties in a macrosense," he said, "they have complied with the large majority of the treaties."

"I would hate to see this body walk out of here at the end of day thinking of arms control as no good because the Soviets always cheat," he added. "That is not the position of the Administration. It certainly is not the position of the State Department."

During the closed session, General Chain also differed with Richard N. Perle, an Assistant Secretary of Defense, over the value of the 1979 treaty limits.

General Chain argued that the Soviet Union might be in a better position to move ahead in the strategic arms race if the treaty limits were dropped.

He noted that the Administration was considering, at that time, whether to dismantle a Poseidon submarine when a new Trident submarine went to sea. A decision not to dismantle the submarine would have pushed the United States over a treaty limit on the number of multiple-warhead missiles.

RISK IS DESCRIBED

General Chain said that "If we cross this line" and abandon some treaty limits, the United States could be at a disadvantage since the Soviet Union probably had a far greater potential for building up its strategic arms than the United States. This is because the Soviet Union does not need public support to increase its arms buildup, General Chain said.

This view was disputed by Mr. Perle, who said in a subsequent committee session that there would be "no militarily significant difference" through 1990 if the United States abandoned the 1979 arms limitation treaty.

He told the committee that "the Soviet program for the next few years is accommodated" by the treaty because the limits set in the treaty are high and because the Soviet Union can cheat.

The Administration eventually decided to stay within the treaty limits by dismantling the Poseidon submarine. But the issue has re-emerged because yet another Trident submarine is going to sea this May and because the continuing deployment of air-launched cruise missiles on bombers will also push the United States over a treaty limit unless the Administration takes action to offset it.

OPPOSITION TO DISMANTLING

The United States could stay within the treaty limits by dismantling two Poseidon submarines.

Mr. Weinberger has recommended that the Administration not dismantle the two Poseidon submarines.

Instead, he has suggested that the submarines be retired for a year. After that time, the United States would decide whether to overhaul the submarines and send them out to sea, or dismantle them. Mr. Weinberger also proposed other responses that run counter to the 1979 treaty.

President Reagan, in the public report on Soviet "noncompliance" that he made in Congress on Dec. 20, did not assess the overall Soviet record on arms control. While asserting that there has been a pattern of violations, Mr. Reagan did not address the subject of what steps the Soviet Union had taken to comply with arms treaties.

Mr. BUMPERS. Mr. President, you cannot get one intelligence agency in the United States not to tell you that the Soviets not only have been dismantling missile systems for every one they deploy, but they are dismantling a much newer, more modern weapon than we are. Our Poseidon submarines are all going to be out of service in the 1990's. So, when we dismantle the Poseidon submarine, we are not giving up very much.

Under this agreement we will have to dismantle 51 missile systems by the end of the 1989 fiscal year and the Soviet Union will have to dismantle about 60.

With no new language, if we do not pass this amendment, we will be coming out with a new Trident submarine this fall and another one in 1989, and we will add 51 more MIRV'd systems, or a total of 77 above what we already have exceeded the 1,320 limit by.

You remember last year Senator DOLE offered an amendment to our amendment saying: "Nothing herein is to be considered complying with the SALT II Treaty." And we agreed with that.

Mr. President, just as food for thought, what if we do not get a START Treaty for years? The START Treaty is designed to reduce the number of warheads on both sides by 50 percent. We have about 13,000 right now. The Soviet Union has about 12,000.

So if we had a START agreement right now, we would be reducing the number of warheads on both sides to 6,000. But if we do not get a START agreement for several years and 10 years from now we each have 24,000 warheads and you get a START agreement, you are right back to where you are right now.

Mr. LEAHY. Will the Senator yield at that point?

Mr. BUMPERS. Yes.

Mr. LEAHY. Mr. President, the Senator from Arkansas is correct. I think he feels as I do. We hope that President Reagan can sign a START Treaty before he leaves office. He would like to be able to see us get the problems on the INF Treaty out of the way so

the Senate could advise and consent to its ratification by the President.

But if he cannot sign a START Treaty or if the President cannot ratify one because we cannot advise and consent to it, then I urge the next President to make the finishing of an agreement, a strategic arms agreement that would cut weapons, a top priority.

In the meantime, the security of NATO, the validity of the INF Treaty, and the hopes of further arms control demand we put some kind of a cap on Soviet strategic missiles and bombers.

Our amendment, in one sense, would do this. It freezes U.S. multiple warhead missile and bomber deployments at their January 25, of this year levels, so long as equivalent Soviet deployments stay at their levels on that date, except for overall multiple warhead systems. There they could theoretically rise to our 1,345, although, as a practical matter, they will not.

Consider what we are saying, Mr. President. The Soviets could break out of those ceilings much easier, I believe the Senator from Arkansas would quickly agree, because of their hot missile and bomber production lines. They could break out of an agreement very quickly, but they have not.

Why not give them an incentive not to break out? Why not give them an incentive to stay where they are? Does anybody really think we are going to gain more security if they increase the number of warheads they have or we increase the numbers we have?

All Bumpers-Leahy does is to say: "Here we are on January 25. Let us keep it at these levels." Both countries seem to be able to live within them, and I use that term advisedly. Neither country has shown any need to go beyond those levels.

So why not have an incentive for mutual restraint here? We lose absolutely nothing by it. We are saying to Moscow, "If you do not increase, we will not increase. If you do increase, we will do so also, but we know we cannot keep up with you for some years yet, at least in number of land-based missiles."

I tried a lot of cases, Mr. President, when I was in private law practice, and I settled a lot of cases. A settlement which says that the other side gives up one of their major advantages while you give up practically nothing was a settlement you like to grab hold of. I suppose it would be the same in Arkansas. It certainly is the same around the country.

I would like to see us be in a position where we could put some kind of cap on these missiles and bombers, while at the same time encouraging the President to go forward with a real START agreement, something under this he could do. Achieving a START Treaty would actually enable him to set aside Leahy-Bumpers-Chafee-Heinz.

Consider the difficulties we are in. The President hoped we might ratify the INF agreement before he went to the Moscow summit, but it appears we may not be able to give him the advice and consent necessary, for many solid reasons. The INF agreement by itself is a very minor agreement, and yet it may not be ratified by that time.

In fact, if the worst happened, we could end up with a severe political crisis in NATO. If the INF agreement runs into serious delays all our allies will say: "You are going to have to live up to your side of the bargain, United States, because that is it. As far as we are concerned, those U.S. missiles have to come out, whether or not you get the treaty ratified.

Those NATO countries went through a great deal of political turmoil when they accepted the U.S. Pershing and cruise missiles. I have talked with most of the defense ministers and foreign ministers of our NATO allies, and they tell me, as far as they are concerned, the INF deployment plan is over. Whether the United States ratifies it or not, those missiles are coming out.

If we wind up with an unratified INF Treaty, the United States is, by political pressure, going to have to live up to its side of the agreement, and there will be nothing on paper requiring the Soviets to live up to their side.

Let us not get ourselves an even worse situation, a nuclear arms race which the American people do not want where the Soviet Union has most of the advantages.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. Mr. President, while we cannot understand why the Soviet Union may have changed some of the signals on INF, especially verification, I think most of the Members of the Senate, both Republicans and Democrats, hope that Secretary Shultz' visit to Geneva with Mr. Shevardnadze will do away with those differences. They should be resolved in such a way the distinguished Members of this body, on both sides of the aisle, who have expressed support for the underlying goals for the INF agreement can then be satisfied as to the verification issues which we have legitimately raised, and the Senate will be able to advise and consent to the INF agreement.

I, for one, wish that this will be done before the President goes to Moscow so the President could then ratify the INF agreement either before he goes to Moscow or at the time he gets there. This would put the President of the United States in a better negotiating position when he starts talking about START. He will not be in any position where he will have to explain an unratified INF agreement.

I might also say in that regard that I think most Members of the Senate are willing to put aside their political labels and stand as one with the President and hope that he will be able to go there with unanimity and support on an arms control issue like INF; that we can also establish here the kind of atmosphere necessary for our chief negotiator, in this case the President of the United States, to talk about real arms control reductions.

When the President says he wants real reductions and that is his goal, I take him at his word. I think if that is the case, he deserves the support of the United States, the people of this country.

So we face a couple of difficult issues here, Mr. President. I can express my hopes as a Senator from Vermont that Secretary Shultz and Mr. Shevardnadze will be able to settle the differences and the questions that have been raised by Senators on both sides of the aisle in this body and that the Senate can then go ahead and advise and consent to the INF agreement and the Senate can ratify it.

I also express the other hope, that Bumpers-Leahy-Chafee-Heinz amendment can be passed once again as it has been in the past by this body and by the other body, and send a clear signal that the United States is willing to show restraint in strategic weapons systems so long as the Soviet Union does. And, of course, the purpose of the four of us in urging interim restraint is to set up an atmosphere where the United States and the Soviet Union can for the first time agree on real reductions in strategic weapons systems. This is what President Reagan has said he supports, and what Mr. Gorbachev has said he supports. Frankly, it is something that the majority of Americans have said they support.

It really should not be considered that radical an idea, Mr. President. I think if we were to go out to our constituencies, whether it is in Colorado, the home of the distinguised Presiding Officer, Vermont, Rhode Island, Pennsylvania, or Arkansas, the homes of the four main sponsors of this legislation, we would find the same thing. People are concerned about the specter of nuclear war, and they want to see restraint first and foremost on the part of the superpowers and then they want to see an honest and realistic effort to move us back off that threshold of nuclear posturing and overkill in the number of weapons that we have.

Mr. President, I applaud the distinguished Senator from Arkansas and align myself completely with what he has said. I also applaud the distinguished Senator from Rhode Island

and the distinguished Senator from Pennsylvania, Messrs. CHAFEE and HEINZ, and their longstanding support in this matter.

Mr. QUAYLE. Will the Senator yield for a question?

Mr. LEAHY. I yield the floor.

Mr. BUMPERS and Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I know both Senators wish to speak. Let me finish my statement. I yielded to the Senator from Vermont because he had a statement he wanted to make.

Mr. QUAYLE. Will the Senator yield for a question about the contents of the amendment?

Mr. BUMPERS. Sure.

Mr. QUAYLE. I am reading from page 3—I do not know if it is the right amendment or not, but it says BUMPERS for himself, LEAHY, CHAFEE, and HEINZ—on the prohibition on the use of funds.

Mr. BUMPERS. Yes.

Mr. QUAYLE. it says:

Notwithstanding any other provision of law and subject to the provisons of subsection (f), 60 days after the date of enactment of this act, no funds may be obligated or expended through September 30, 1989, to overhaul, maintain, operate, or deploy any MIRV'd strategic nuclear weapons launcher or platform that would cause the United States to exceed the numbers of MIRV'd ICBM's, MIRV'd ballistic missiles, and MIRV'd strategic systems that it had deployed on January 25, 1988.

Now, what number will the United States be committed to by this langauge?

Mr. BUMPERS. One thousand three hundred and forty-six, total systems.

Mr. QUAYLE. We would be limited to 1,346.

Mr. BUMPERS. Right.

Mr. QUAYLE. Can we move that 1,346 within——

Mr. BUMPERS. The 60-day period?

Mr. QUAYLE. In other words, can we move that within the SALT II limits? Say, in other words, we want to employ more MIRV'd ICBM's.

Mr. BUMPERS. Do not even talk about SALT. That is supposed to be a dirty word around here.

Mr. QUAYLE. I agree it is. But we have to refer to it. What I am saying is the 1,346, can we deploy 1,346——

Mr. BUMPERS. We already have 1,346 on January 25.

Mr. QUAYLE. But are you freezing in by this amendment the ICBM's that we have, the number?

Mr. BUMPERS. You can change the mix if you want to. We are not going to, I can tell the Senator categorically—I am not on Armed Services or Intelligence, but I can tell the Senator we are not going to change the number of ICMB's that we have that are in silos. I am talking about land-based.

Mr. QUAYLE. So the only thing this reference is to is the 1,346 and nothing else? In other words, we would be free—if we wanted to go over, say, the 820 sublimit of the ICBM's, we could do that if we wanted?

Mr. BUMPERS. No.

Mr. QUAYLE. We could not.

Mr. BUMPERS. The Senator was not here when I made my opening statement.

Mr. Quayle. Was it a good one?

Mr. BUMPERS. I hate to belabor it for those who were, but let me give it to the Senator this way, quickly. As the Senator knows, under the SALT II Treaty, both sides were limited to 820 land-based ICBM's that were MIRV'd.

Mr. Quayle. Right.

Mr. BUMPERS. They were limited to 1,200 land-based MIRV'd ICBM's plus submarine MIRV'd missiles. And you could mix that up just about any way you wanted. Does the Senator follow me?

Mr. QUAYLE. I understand what the SALT II sublimits are.

Mr. BUMPERS. Then we have the 1,320 sublimit which included land-based, submarine-based, plus bombers that carried cruise missiles. Is the Senator with me on that?

Mr. QUAYLE. I understand that fully.

Mr. BUMPERS. OK. Right now we have 550 MIRV'd land-based missiles. They are either MX's or Minuteman III's. Now, my point is, as a practical matter, we are not going to add anything to that 550 in the next year when we will have to address this again.

Mr. QUAYLE. Does this amendment freeze that 550 if we wanted to?

Mr. BUMPERS. No, it does not.

Mr. QUAYLE. It does not.

Mr. BUMPERS. No.

Mr. QUAYLE. I guess I would read it that it would. That is why I am asking the author of the amendment.

Mr. BUMPERS. We make the record very clear on that, that that does not freeze us. Incidentally, I will tell the Senator one interesting thing about it that will make him want to vote for this amendment. This amendment sort of freezes the Soviet Union into weapons systems that are vulnerable, namely, land based. I can tell the Senator that as a practical matter they are not going to be able under this amendment, or under their own plan, to increase the number of submarine-launched missiles. So what we are doing is we are sort of freezing ourselves in on invulnerable systems and freezing them in on vulnerable systems.

Mr. QUAYLE. So the Senator is really saying that this is a good deal.

Mr. BUMPERS. It certainly is. And if the President decides that they are not complying with the terms of this amendment, all he has to do is notify Congress.

Mr. QUAYLE. I just wanted that point of clarification to see exactly what the Senator was freezing. My understanding is that the Senator is freezing the 1,346 and not getting into the mix within the sublimits.

Mr. BUMPERS. We are not.

Mr. QUAYLE. It is the total number of strategic MIRV'd launchers that we presently have.

Mr. BUMPERS. That is correct.

Let me close, Mr. President, if I may, with a few comments about two or three salient points that I think ought to be of some interest to the Members of the body.

Everybody knows that the Soviet Union is in a better position to break out of the SALT II Treaty and break out of the limits of last year's agreement and even this amendment, if they chose to. And I might add the Soviet Union is not going to forever restrain themselves while we continue to add strategic MIRV'd systems to our arsenal.

Right now we have about 65 more MIRV'd systems than they do, but they are in a better position to break out than we are, and every intelligence agency in town will tell you that by 1992, if they choose, they can have around 3,000 more warheads than we have.

President Reagan was asked in 1982, "You campaigned against the SALT II Treaty all during the Presidential campaign of 1980. Why are you changing your mind now and saying we are not going to undercut the treaty?"

He said, "I'll tell you why. Somebody told me the Soviet Union was in a much better position to break out of the treaty than we were."

Those are President Reagan's words.

Now let me tell you what our allies say. Maybe you do not care what our allies think, but I will tell you what they say anyway. Here is what the spokesman for the West German Government said: "West Germany believes that both superpowers should adhere to the agreed-upon upper limits on strategic weapons systems.

Francois Mitterand, just reelected in a fairly good landslide in France:

It would have been very wise and very useful [for the U.S. to continue to comply with SALT II].

The Belgian Foreign Ministry:

Any non-compliance with the provisions of SALT II undertaken by whichever side is regretted.

Margaret Thatcher—here is what she says:

The provisions [of SALT II] must be observed by both sides . . . difficulties will arise if both sides do not observe them.

Here is the Canadian Secretary of State:

Canada strongly supports the arms control regime established by the ABM and SALT agreements and believes nothing should be done to undercut their authority

. . . We are, however, very concerned about the implications of the President's stated intention to exceed SALT II limits later this year . . . Our views on the importance of the USA abiding by the provisions of the SALT II agreement have been conveyed to the USA Government.

Mr. President, I could go on with statements by others. Here is Hans-Dietrich Genscher, Foreign Minister of West Germany:

We supported the United States sentiment of commitment to the SALT II treaty, although it was never ratified. Because it is very difficult to make new agreements in arms control, it is all the more important to most carefully preserve existing treaties and adhere to them.

Here is what six former Secretaries of Defense say.

You think about that, six former Secretaries of Defense—three Republicans and three Democrats—have written a letter saying U.S. policy should be to continue, not to undercut, the SALT II Treaty, especially its numerical limits. Gen. Brent Scowcroft, who was Chairman of the Scowcroft Commission, and whose word is almost divine around here on strategic weaponry, here is what he said:

Yes, I think we should (comply with SALT II). There are restraints in the treaty on the Soviets which, however modest, are better than having no restraints at all.

General Scowcroft said President Reagan's decision to comply for now with the 1979 arms limitation treaty (SALT II) "made a great deal of sense." he said the United States had nothing to gain from a policy of "reciprocal violation (of the treaty) because we have virtually no leverage . . . (the treaty) is in a sense a refuge for us."

Gen. Bennie Davis, commander of Strategic Air Command said on March 6, 1985 before the Senate Armed Services Committee:

I have made that assessment privately today that we should continue to abide by the SALT II limitations.

He goes on to say:

The Soviet Union, due to its production base, has an enormous capability to field systems. If they were to break out of the treaty limits of SALT II, the disparity between the number of warheads held by the Soviet Union and the United States would be significant . . . any action by the Soviet Union which would change the nuclear balance so dramatically would adversely affect the strategic balance.

Even Lieutenant General Abrahamson, who heads up the Strategic Defense Organization said:

I would not like to see the Soviets go beyond the SALT II limits.

And Gen. David Jones, Chairman of the Joint Chiefs of Staff not too long ago, said:

There's not even a marginal military reason for exceeding the SALT limits . . . these guys have got a lot to learn.

Mr. President, I am sometimes perplexed, dismayed, and shocked in how we here in the Senate and in the Congress put such great emphasis on what every one of those people think, and what every one of them say until it comes down to the point where you may disagree. Here all the experts in the country, the military, diplomatic, worldwide, all of our NATO allies, say, please do not break out of this treaty and allow for an unrestrained nuclear arms race.

As I said a moment ago, if we keep going, you cannot expect the Soviet Union not to do so also.

Mr. President, I want to give everybody a chance to speak, but I just want to close with where I opened my statement this morning on SDI. You know, this is not beanbag. We are not debating here for the afternoon society. We are really debating just a marginal step that we can take to slow the nuclear arms race.

I might tell you I had 8 percent more women votes when I ran for reelection in 1986 than I did men. My wife insists that women are more sensitive to this issue than men are. Maybe she is right. I do not know. But I know that the nine new Democratic Senators who came into the Senate in 1987, every one of them came because they got a significantly higher number of women votes. That could be because we talk a lot about education on this side. We talk a lot about child care. We talk about health for all of our people but particularly children of poor families.

You know, of the 37 million people in this country who have no health care coverage, half of them are children. What do you think about the greatest nation on Earth, with all the wealth of this country, having about 18.5 million children with no health care, not even Medicaid which covers the poorest of the poor? We have $300 billion for defense, but all I am saying is when I ran in 1986, I said I believe in health care for your children. I believe in spending sums of money to educate this country and your children. I believe in child care particularly for you women who head single family households and trying to raise your children. But I promise you, if you send me back to the Senate, I will do everything I can to bring this arms race under control and guarantee your children a chance to grow to adulthood. I have been fighting for it ever since I have been here, win, lose, or draw. I do not intend to ever quit because it makes more sense to me than anything else we ever talk about around here even though people have a tendency to treat it as a political issue. It is so much greater than that.

The House has already voted—last week the House voted—240 to 174. They voted last week for a much stronger measure than mine. This is going to be in the conference. It is going to be in conference. I feel like I have given a lot. I think my colleagues on this amendment with me feel that we have given a lot. But at least we will describe the parameters that the conference committee can deal with.

Mr. President, I yield the floor.

Mr. QUAYLE. Will the Senator yield for a question, Mr. President?

Mr. BUMPERS. I yield the floor.

Mr. QUAYLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. QUAYLE. Let me indulge my friend from Arkansas one more time on this amendment because I really do not read it in the same way that he does. On page 3 it says it would cause the United States to exceed the numbers of MIRV'd ICBM's. I presume the Senator is referring to the 820 category.

Mr. BUMPERS. Just a moment.

Mr. QUAYLE. All right.

Mr. BUMPERS. I stand corrected. The Senator is right. I apologize. It does freeze the U.S. at 550 land-based ICBM's.

Mr. QUAYLE. In the first category we are frozen at 550 ICBM's.

Mr. BUMPERS. That is correct.

Mr. QUAYLE. How many will the Soviets be allowed to have?

Mr. BUMPERS. That figure is classified but they have always had considerably more land-based missiles than we have.

Mr. QUAYLE. I do not believe it is classified.

Mr. BUMPERS. I am not going to take a chance on it. I think it is classified. It may not be. The Senator from Indiana is on the Armed Services Committee.

Mr. QUAYLE. I do not think it is classified.

Mr. BUMPERS. Does the Senator know how many they had? If he wants to say it out here, it is OK with me.

Mr. QUAYLE. I am told unclassified that they have near 820. Is that correct?

Mr. BUMPERS. I think the Senator may be right. Close to it.

Mr. QUAYLE. So, we would be frozen at 550, and they would be frozen at near 820.

Mr. BUMPERS. That is the point I was trying to make a moment ago. They have so many more of their missiles in vulnerable silos, and they are not going to change the mix, and this sort of freezes them into vulnerable systems, while we have so many more submarine missiles than they have which are invulnerable. So, it is really a big advantage to us.

Mr. QUAYLE. In the second category on MIRV'd ballistic missiles, we are frozen at how many?

Mr. BUMPERS. About 1,200 and for the Soviets, too. This means that in MIRV'd SLBM's, we could have 650 while the Soviets can only have 380.

Mr. QUAYLE. We are frozen at about 1, 200?

Mr. BUMPERS. That is right.

Mr. QUAYLE. And in the third category, we are frozen at 1,348, I presume.

Mr. BUMPERS. 1,346.

Mr. QUAYLE. So, we were frozen at 550, about 1,200, and 1,346. That is as of January 25, 1988. We are going to freeze—this is back to the freeze mentality—we are going to freeze these levels at this particular date, January 25, 1988.

Mr. President, this amendment is different from the amendment we have had in the past. I would have to go back and review it. I think we talked about the sublimits of SALT II, which has been the reference point, which would certainly give the United States—and I think it is a bad amendment—more flexibility.

This amendment we have today is more restrictive than any Bumpers amendment we have had in the past, because it picks a date out of the air and just says that we will freeze in this category of ICBM's and then MIRV'd ballistic missiles and in MIRV'd strategic systems.

I do not believe it is a good idea to sit here and try to write treaties on the floor of the Senate.

In this particular amendment—and I will speak on it more later—but at this time, why in the world would the U.S. Senate want to arbitrarily pick a date out of the air in January and say we are going to freeze; we will freeze and they will freeze?

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

Mr. QUAYLE. I yield.

Mr. LEAHY. The Senator is on the Armed Services Committee. I wonder if he could tell me whether we have any intent—to back up a bit.

The date of this amendment goes through, I believe, October 1, 1989. Is the Senator aware of any intention to increase our MIRV'd ICBM's between now and that time?

Mr. QUAYLE. I do not think that we will, nor am I advocating that we should.

I think it shows what kind of amendment we have here. We pick something out of the blue moon or from the stars, or wherever we get these dates. I guess it is the date the INF Treaty was submitted to the Senate. This year, we are doing it because of the INF Treaty. Last year, the Bumpers amendment goal was something along the lines, if I recall, to control the arms race—some nice, jazzy, politically attractive amendment.

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

Mr. QUAYLE. This is going to be done because of the INF Treaty.

Let me conclude my point, and I will be glad to yield for questions.

This amendment, as I said, is different from what we have had in the past. What is of interest is that we say, "Well, if we're going to violate the treaty or if the Soviet Union is going to violate any treaty, we have to have some sort of responses."

This treaty was never ever ratified. Everybody knows that. We do not have to go back into that argument. We have had a lot of discussion about treaties and compliance and things of that sort. But what we are doing here is taking the SALT II Treaty, trying to bind the President to something that is more restrictive and unequal than the SALT II Treaty, the way I read the amendment—simply trying to write this into statutory language, saying, "Maybe this would be a good deal for the Soviet Union.

Senators are going to negotiate with the Soviet Union, not the Commander in Chief. The Senate is going to negotiate with the Soviet Union on a treaty that this body was not willing to ratify.

I have said time and time again, "Why don't you call up the SALT II Treaty, and we will have a debate on it?" I predict that it will not have the two-thirds vote, for a lot of reasons. It will not be just because of people saying they invaded Afghanistan. They are getting out of Afghanistan, we think, we hope.

So we can debate it free and clear. But we do not want to do that, because you cannot bring up the SALT II Treaty in its totality, because there are many things in the SALT II Treaty that the Soviets are violating, like the encryption of telemetry, like the new missile. Those are just two.

When we get into violations, Senators say, "By golly, we can't stand for those violations."

We are having a dispute right now wherein the Soviet Union entered into a treaty that is before the Senate; and, all of a sudden, we are having the big argument on inspection and verification rights. But we cannot bring up the SALT II Treaty and debate it because there are parts the Soviet Union violated; and because they violated it, we cannot bind the United States to that, so we want to drop the things that the Soviet Union violates, but want to comply and pick a date and restrict the United States on things that the Soviet Union apparently thinks is in their interest. What kind of negotiation is that?

I will quote from former President Carter, April 30, 1979:

> If we ever detect any violation of the SALT agreement, that would be a basis on which to reject the treaty in its entirety. There would be a possible termination of the good relationships between our country and the Soviet Union on which detente is based, and it might very well escalate into nuclear confrontation.

Tough talk.

The Senate Foreign Relations Committee voted 15 to 0 on the SALT II Treaty. It said:

> Failure to transmit relevant telemetry information which results in the impeding of verification by the United States will be raised by the United States in the standing consultative commission; and if the issue is not resolved to the satisfaction of the United States, the United States reserves the right to exercise all other available remedies, including but not limited to the right to withdraw from the treaty.

No use to withdraw from the treaty. We never ratified the treaty. Now we are going to pick and choose which part of the treaty, which is unratified, we should bind ourselves to.

Apparently, the Soviets like and are willing to go along with the sublimits, are willing to go along with the limitations, whether it would be the ICBM's or the SLBM's, including the bombers, the strategic MIRV systems. They are over the strategic nuclear vehicles. They are violating that. They are over that limit. That is part of SALT II. But we have to take that out because they violated that part of the treaty. So we drop all the things the Soviets violate, and we sit there and try to put on ourselves the things that the Soviet Union apparently wants.

Boy, am I glad that the Senate does not sit down and negotiate treaties, if that is the way that we are going to negotiate treaties and that is the kind of treaty that some in the Senate would like to have.

The reason, in my judgment, that the Soviets are willing to go ahead and be bound by these limits is that there is no incentive for them at all to get into any more MIRV's, or warheads. They already have our targets covered by their hard target killers. They are way ahead of us in that category.

You want to look at trying to have deterrence and want to have peace, and I have to say that nuclear weapons, as hideous as they are, are political instruments, and in fact we make an investment in strategic weapons to maintain stability and maintain peace and in fact it has worked. Nobody is going to refute that. It has worked.

Why do they need anymore? They already can knock out our hard targets, which are a little over 1,000 hardened sites with their SS-18's and SS-19's. They have over 5,000 warheads that are hard target killers. They do not need any more to cover our targets.

Yet if we look at their hardened silos and command bunkers, they have over 3,000 and we have only 900 ballistic missile warheads that are accurate enough to ever hope to knock them out. As for the Soviets' mobile ICBM's our ability to target them is quite limited.

I would just say, Mr. President, that as you look at this thing here we go again. I have heard time and time again that the reason we have to have these amendments is that this administration is not interested in arms con-

trol. I also have heard where we have talked about going beyond the SALT limits. They said, oh, my gosh, if we do that you are going to break off negotiations. There are all sorts of dire predictions of what kind of relationship we would have vis-a-vis the Soviet Union. All of that is a red herring, all of those arguments. You do not hear that too much anymore because all those dire predictions of doom and gloom that, by golly, if we do this and we go on our way problems are going to erupt did not come true. This administration is not serious about arms control.

Yet you know any other view is just absolutely lunacy.

We have the Secretary of State over there today or tonight. He is tired. He had a good day, you will find out in his meeting with the Foreign Minister of the Soviet Union talking about concluding the arms control agreement on INF, and talking about other potential agreements. And to say that this administration is not interested in arms control is absolutely absurd.

Yet we say we have to go ahead and try to tie the President's hands. We are simply going to write this thing on the floor, and this amendment is much different than the amendment that we have had in the past. The amendment in the past referred to that SALT Treaty but not this amendment. This amendment on a date picked out of the air—I guess I should not say "picked out of the air" in deference to the Senator from Arkansas—he said the reason they picked that date that was the date the INF Treaty was submitted to the Senate.

So the day that the treaty was submitted to the United States Senate is the day that the United States Senate is being asked to bind this country, and we are going to ask good faith on the part of the Soviet Union, but if the Soviet Union violates this then the President just has to certify and we go, I guess, as far are they go, so they can control what in effect is in this agreement.

This is no place to be writing treaties. Treaties are to be conducted between heads of state. Sure, we can push and we can cajole, and we can ask and we can request and we can demand, but we should not be writing treaties.

You are not going to write treaties on the floor of the Senate. That is precisely what this amendment is trying to do. And it goes in the direction—I hope the Senate understands that—that we are simply binding ourselves as to what we can do on our land base, our sea base, and our bomber base on a date of January 25, 1988. Wheel of fortune, this happens to come up—January 25, 1988.

I hope that this amendment will be tabled so we can get on with the business of the Armed Services Committee and we can pass a defense bill.

The Senator is right, we are going to have this issue in the conference. It has been passed by the House of Representatives.

Mr. LEAHY. Mr. President, earlier I asked the Senator if he would yield for a question, and he said he would be willing to yield. I wonder if he is still willing to yield for a question.

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

Mr. QUAYLE. I will be glad to yield for a question.

Mr. LEAHY. I want to just make sure I understand. The Senator from Indiana says that we have no intention of increasing our MIRV'd ICBM's before October 1989. Am I correct in my understanding on that?

I know we have no request in the Appropriations Committee for the money to do it.

Mr. QUAYLE. I think it is a possibility with the MX and depending on how we go on the MX debate that we might—in fact it is a possibility—let me conclude my answer.

Mr. LEAHY. The administration told me——

Mr. QUAYLE. Mr. President, I claim the floor. I want to respond to the Senator's question. I am glad to respond to the Senator's question and I will be glad to yield for questions.

In answer to the Senator's question is there any intention to have any more MIRV'd ICBM's, I think the MX is a possibility and it is a possibility depending on what you might want to do that you might in fact not have any design now.

We do not know how the debate on the MX, rail garrison, production lines, will be, but I say there is a possibility that we might in fact go above what we had on January 25, 1988.

Mr. LEAHY. Will the Senator yield for a question?

Mr. QUAYLE. I am glad to yield for the purpose of a question.

Mr. LEAHY. If a key figure in the administration told the Senator from Vermont or the Appropriations Committee that there is no intention to increase our MIRV'd ICBM's between now and October 1989, would he be misleading us?

Mr. QUAYLE. I would say that the question that the Senator from Vermont posed to me was a general question, whether I thought that there would be any additional MIRV'd ICBM's, and I said I do not know of any. I said, it is certainly possible depending on the MX. Now we get a question about some administration official said they did not have any plans. If the administration official said that I accept that, and I am not going to say for certain whether they would or would not. Whether they do or not I do not think is relevant.

I think what is relevant is that what we have done here is to pick a date and we have frozen in 550 ICBM's for the United States and about 820 ICBM's for the Soviet Union.

Now then I might point out that the Jackson amendment, that I presume the Senator from Vermont and the Senator from Arkansas are familiar with, the Jackson amendment that was statute that was passed in the SALT I ABM debate said that we would never agree to unequal ceilings. That was the Jackson amendment, and this resolution would violate the Jackson amendment.

We can go back and we violate and overturn statutes and change things however we want to, but I do not think that the U.S. Senate wants to go on record the day that they are negotiating in Geneva saying that in fact the U.S. Senate would agree to unequal ceilings. That is precisely the end result of this amendment the way it is drafted.

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

Mr. QUAYLE. I yield the floor.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. I will be glad to yield to my friend.

I would like to inquire of the floor manager and also of the authors of the amendment how much more debate we are going to need tonight. I would like about 5 minutes myself. I wonder if I could get some indication how much more debate because the plan would be to have a tabling motion, I believe, and try to complete the vote as quickly as possible because we have a general agreement because of certain activities taking place tonight to conclude the final vote about 6:15.

Mr. QUAYLE. Mr. President, will the Senator yield for a response?

Nr. NUNN. Yes.

Mr. QUAYLE. Let me take that and run it through our leadership in our Cloakroom. But you would have a vote on tabling motion around——

Mr. NUNN. I would like to start in about 10 minutes if we could or 6:05, and it is really to accommodate some people I believe primarily on the minority side.

Mr. LEAHY. Mr. President, I say to the Senator from Georgia, the last thing in the world I would want to do is to have an arms control debate slow up a Republican fundraiser. We are only talking about destroying all of mankind. I would not want us to have to take more than another 10 or 15 minutes if it would inconvenience the fundraising activity on the other side.

But the point I made earlier, and the Senator from Indiana has raised a whole lot of points, but, basically, I would point out that we are under a

congressionally imposed cap of 50 MX missiles. If we did deploy any more MX's, they will be on a rail garrison which would not be before 1991 at the earliest. We do not have any other ICBM's in production. We are under a pragmatic limitation on ICBM's anyway under this resolution.

The point is we give up absolutely nothing by keeping to the limits we now have because there are not going to be any more, not in the 16 or 17 months or so of this resolution.

As far as where we do have superiority, of course, is in the far less vulnerable SLBM's. And I think the Senator from Indiana would agree that a MIRV'd SLBM is far less vulnerable than a MIRV'd ICBM.

Mr. NUNN. Mr. President, would the Senator state the question?

Mr. LEAHY. That is the question. Does the Senator from Indiana agree that a MIRV'd SLBM is less vulnerable than a MIRV'd ICBM?

Mr. QUAYLE. It would depend. Some Soviet mobile ICBM's are quite difficult to target; other Soviet missiles are in very hard silos.

Mr. NUNN. Mr. President, let me say again, I do not want to cut off debate. With deference to my colleagues, if the Senator from Vermont and the Senator from Arkansas do not think they could conclude this debate or do not want to vote this evening, then I will have to defer to their judgment on that. I am not going to move to table myself unless they tell me they are through with the debate.

I am inquiring to see if they think we have had a full enough debate on this subject. I plan to take 4 or 5 minutes myself.

Mr. LEAHY. If the Senator would yield just for one moment, obviously anybody could stand and move to table if they got the floor. If there were those concerned enough about getting to the fundraiser that they wanted to table, they could get to do it. So, certainly, they could move to table anytime.

I appreciate the courtesy of the distinguished Senator, the chairman of the Armed Services Committee. I would be perfectly willing—if it is possible to keep a couple more minutes for me, fine—but I would also be perfectly willing if anybody wanted to vote up or down right now.

Mr. BUMPERS. Mr. President, let me just say to the distinguished Senator from Georgia, the chairman of the committee, that I am ready to vote. The Senator wants 4 or 5 minutes to speak. I do not know who else may want some time, but I am prepared to vote at 6 or 6:15, either one.

Mr. NUNN. Mr. President, I will just make a few remarks. I would have to say that I find myself in somewhat of an unusual and uncomfortable position here, because I happen to agree with the goals that the Senator from Vermont and the Senator from Arkansas have set forth.

I also agree that it did not make sense and still does not make sense for the United States to have exceeded the SALT II subceilings while we were trying to get a START agreement and while negotiations were going forward on both sides in that respect. We have a long way to go in the START agreement. We do have, certainly, concerns about Soviet compliance with certain aspects. But on the subceilings, I think that it is clear that the Soviet Union has, generally speaking, been dismantling old systems when they have been adding new ones. I think it is in our best interest to stay within those general parameters.

I also have to say, though—and I have said it many times—that I do not believe in doing by statute what the Constitution of the United States intended to be done by treaty. I have never believed that we should put in a provision that basically requires that SALT II, which has never been ratified, be complied with. I felt that the informal arrangement begun in 1979 was a satisfactory arrangement. When the President decided to depart from that arrangement in 1986, then it left the Senate in an awkward situation and we have been debating this subject every year since then.

So, do we ignore it altogether and let the ceilings go up and hope that we get a START agreement and that we do not encourage proliferation on both sides, or do we go the other way and put ceilings in the law, never having ratified the SALT II Treaty? That is a dilemma for me and I see the argument both ways.

Last year, as the Senator from Arkansas will recall, there were certain numbers put in the Bumpers-Leahy amendment. At that time, I had been oppposed to that amendment, but then I voted for it on the last vote. The reason was that the minority leader, the Senator from Kansas, put in a provision that said that the SALT II ceilings are not part of the law of the land and, notwithstanding any other provision, that we are not in this body ratifying that treaty and that if we were going to be compelled to abide by it, it would only be under the normal procedure. That was the general effect.

With that understanding, I felt that the suggested subceilings for United States and Soviet forces proposed by the Senator from Vermont and the Senator from Arkansas had a different coloration at that point in time. It was clear that they were not the SALT II provisions under that Dole amendment, which I believe most people voted for. We were not, in effect, writing a treaty into the law of the land by a simple majority vote.

Now, I find myself agreeing again with the goal, but finding that I do not agree with the way this amendment is drafted. I do not like to be too technical on these matters, but it is true that what we have in this amendment is a mandate that the MIRV'd land-based systems of the United States be at 550, because that was where they were on the date that this amendment references.

Now, how does that compare to SALT II? It is more restrictive than SALT II and it is more restrictive than the number permitted the Soviet Union on MIRV'd land-based systems.

We have a whole history in this body—maybe it is an overemphasis—on land-based systems. However, there is no doubt about that fact, going back to 1972. There was a big debate then, when Senator JACKSON, from Washington State, one of our colleagues and most respected Senators, had an amendment that passed that said we would not have an inferior position regarding the level of strategic systems compared with the Soviet Union.

So we are in a situation, if we vote for this amendment now, of, in fact, mandating a limit that is more restrictive on United States MIRV'd land-based systems than on the Soviets or under the SALT II limit. For that reason, I will not be able to vote for this amendment.

I would say to my colleagues, though, that I know they are going to get a very healthy vote. I do not know whether they will win or whether they will lose. It may be a close vote. But I do understand the goals that they are seeking, and I agree with the goals they are seeking.

I do not think it makes sense for us to encourage a proliferation on both sides if the START agreement is not agreed to. I think there are a lot of indications that we may not get a START agreement in the next few months. I hope we do. But I hope if we get one, it is a sound agreement. I do not want one unless it is a sound agreement. So I think the Senator from Indiana and I agree on that.

But I believe that the situation with START now indicates that we should even be more sensitive to this possibility of both sides proliferating systems because the other side is doing so. Therefore, when we go to conference, whether or not this amendment prevails, we will have an amendment on the House side that deals with this. It is very similar to the amendment that the Senator from Arkansas proposed last year.

I will let my colleague know that, as far as this conferee is concerned, even though I am voting opposing this at this point in time, I do agree with the goals, and it would be my view that we would be in a situation in the conference where we would really have to work out something to see that the United States stayed within the rough

parameters of the overall numbers that reflect the sublimits on a strictly informal basis and not on a basis of law.

Now, how do we do that as a practical matter? I think the likelihood is, as Congressman ASPIN has already said, we will do it by taking a step that is likely to occur anyway, and that is retiring a submarine that is already going to be retired rather than overhauled. We will have to do that in an informal way because this is an extremely volatile subject and a sensitive subject with the White House and the Reagan administration. We will have to work it out carefully, and we will be in consultation.

So I would say that whatever happens on this amendment, and I shall vote to table, we are going to have the matter before us in conference and we are going to have to work on it in conference.

Mr. President, I would——

Mr. BUMPERS. Would the Senator yield for one observation or question?

Mr. NUNN. I will be glad to.

Mr. BUMPERS. The Senator is correct, the House provision is a simple restraint based on the SALT II limits which does, indeed, give you the 820–1,200 flexibility that we were talking about. So, you could go with the House language. But our limits are higher and I think much easier for the United States to comply with, just simply because of what we have in the works, including the dismantling of a Poseidon.

But let me just ask the Senator, while we are limiting—and this was done with some deliberation—we are limiting the United States to 550 ICBM, land-based missiles, and we are limiting the Soviet Union, who has a much higher, about 820, they are up to the limit—my point is this: No. 1, they are not going to be able to change their mix either, which they probably do not plan to. But you see, they have a lot more of what I consider vulnerable systems than we have because we have a lot more submarines which are invulnerable. But can the Senator tell us anything, and we will certainly visit this next year just as we have every year for the past 6 or 8, can the Senator tell me of anything that he can think of that would cause the United States to want to exceed the 550 limits?

I do not think we are capable of exceeding the 550 limit this year, next year, or the following year, and have no intention of exceedng the 550 limit. So I do not understand why. And with the knowledge that you are going to go to the House which gives you the kind of flexibility that gives you two options; you will have time to reflect.

In my opinion this amendment really favors the United States because we are locking them into the most vulnerable systems and locking ourselves into the most invulnerable systems and at the same time we are not doing anything to alter our plans for what we intend to do for the next 2 or 3 years so far as land-based missiles are concerned.

Mr. NUNN. I would just say that I agree with part of what my colleague and friend has said about the practical effects, in terms of our plans. At least for the next year.

I think the truth of it is, and this is one of the big problems in our START negotiations now, our country does not know where we are going in land-based systems. We do not know what we are going to do about the MX rail mobile. We do not know what we are going to do about the Midgetman. We have had 8 years, maybe even 10 years of debate on this subject and we still do not know and it is awfully hard for me to be able to visualize how we are going to enter into a START agreement which is sound if we do not know what we are going to do with our land-based components. So next year as a practical matter the difference between the 820 figure and the 550 figure is not going to make much difference.

I do think, though, based on the history of this body and the debate in this body and the history of concern about the window of vulnerability, all the concerns we have had about equality between the United States and the Soviet Union, including the Jackson amendment, that the perception and the symbolism of imposing by law a ceiling on land-based systems that is substantially lower than the SALT II limits and lower than the Soviet Union is important. So much of this arms control business concerns perceptions now. I think there are some practical considerations that sometimes are far divorced from the perception and the symbolism.

I would say the Senator is correct in part. I would also say, though, that I would not state, with the kind of certainty that the Senator has stated, about the complete vulnerability of land-based missiles, at least not on the Soviet side.

The SS-24 on the Soviet side is going to be MIRV'd and mobile. The SS-25 on the Soviet side is going to be mobile. So the Soviet Union apparently read the Scowcroft report and took it seriously. Unfortunately, in this country, we have not seemed to be able to have come to this kind of conclusion. They have gone mobile. We have not gone mobile and we have no consensus now as to how we are going to go mobile and when we are going to go mobile.

Mr. President, I yield the floor. I do not want to cut anyone off but it is my intent to move to table in a few minutes.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HELMS. Thank you very much.

The PRESIDING OFFICER. The Chair called on the Senator from South Carolina.

Mr. HELMS. Fine.

Mr. THURMOND. Go ahead, if you want.

Mr. HELMS. I will be rather brief. I thank the Senator. I have been here for an hour and a half.

Mr. THURMOND. I have been here for 3 or 4 hours, but go ahead; I will yield to you.

Mr. HELMS. Well, it does not matter. We will both be here for a while longer.

Mr. President, the pending amendment should be defeated because current Soviet deployments have already made the amendment nugatory. The Bumpers amendment states that it will be null and void if the Soviets are exceeding the SALT II sublimits. But the Soviets already are exceeding the SALT II sublimits, according to official administration statement. Therefore the amendment is just a rhetorical exercise, but a dangerous one since it sets a precedent that a failed treaty can be put into effect by legislation.

Let's look at the waiver. The language is as follows:

> The prohibition [that is, on United States MIRV'd ICBM's, MIRV'd SLBM's, and heavy bombers equipped with air-launched cruise missiles in excess of those the United States had deployed on January 25, 1988] shall not apply if the President notifies the Congress in writing that * * * the Soviet Union has deployed strategic launchers and platforms in excess of the numbers of launchers of MIRV'd ICBM's, or MIRV'd ballistic missiles, or MIRV'd strategic systems that it had deployed on January 25, 1988.

Mr. President, for all practical purposes, the waiver conditions have already been met. I have discussed this with the administration. The administration states that the Soviets are already over the SALT II sublimit. An administration official has officially informed me that the following statement is both accurate and unclassified.

> Information indicates that the Soviets are currently over the SALT II sublimit of 1,200 MIRV'd ICBM and MIRV'd SLBM launchers, and on occasion have exceeded this sublimit since mid-1987.

What this statement means is that the Soviets do not regard the sublimit as a limit at all. As they modernize and redeploy their forces, they are guided by their own military needs, not by the need to meet any so-called SALT II sublimit. At some times they are "above" the sublimit, and at other times they are "below" the sublimit, although I admit that in the present context above and below are meaningless terms of reference. The Soviets have not taken upon themselves any obligation to meet any supposed sublimit. Their levels go up and down according to their military needs, without reference to the terms of SALT II.

Of course, you might say that they could come into so-called compliance at any time if for reasons of their own military strategy, the number of deployments temporarily dips. Yes, they could do that. But the fact remains that they go up and they go down and they go up again. The truth is that they do not pay any attention to any unilateral limit, even if legislated by the U.S. Congress.

The bottom line, Mr. President, is that today, at this very moment, the Soviets have more MIRV'd ICBM's, MIRV'd SLBM's, and heavy bombers equipped with long-range air-launched cruise missiles than they had on January 25, 1988, and the administration has said so.

Therefore, you might say that the waiver clause of the amendment has already been invoked by the administration—at least, it's just a matter of form. The President will be forced to invoke it by the facts of present Soviet deployments. So the amendment is, for all practical purposes, null and void.

Nevertheless, the amendment is mischievous, Mr. President. It perpetuates the dangerous illusion that the Soviets somehow feel bound by SALT II. They do not. The Bumpers amendment is unilateral disarmament that calls into question the basic right of the United States to provide for its own defense. This amendment is the worst kind of delusion: it represents the surrender to illusion.

Mr. McCLURE. Mr. President, I rise in vehement opposition to the amendment before us.

The sponsors of this amendment have attempted some creative packaging. By entitling their amendment "The INF Treaty Reinforcement Act," they hope to capitalize on what is left of the warm fuzzy feelings surrounding the INF Treaty. But I am afraid that some "truth in advertising" is needed.

What this amendment should be called is the "INF Sabotage Act," because I can't think of anything less helpful for the INF Treaty than sending the message that the Soviets can violate treaties with impunity.

Let me ask my colleagues to put themselves in Marshall Akhromeyev's shoes. We all know that the INF Treaty, despite its unprecedented verification procedures, still gives the Soviets the opportunity to amass a covert force of SS-20's if they decide it is worth the risk of detection. If you saw the U.S. Congress bind the United States, unilaterally, to a treaty that the Soviets have repeatedly and consistently violated, a treaty that is of much greater magnitude because it covers our entire strategic force, what would you do? I know what I would do.

As former Assistant Secretary of Defense Richard Perle said, the failure to respond to Soviet violations "leads to a dangerous double-standard and confirms to the Soviets the value of cheating." They will only be deterred from cheating if they are convinced that the advantages of cheating will be outweighed by the disadvantages of a vigorous U.S. response.

So I would advise my colleagues who support the INF Treaty and who support arms control to take a very close look at this amendment. Because if the INF Treaty is ratified only to fail because of Soviet violations, that will be a severe setback for the arms control process.

Of course, one of the ironies of the INF Treaty is the extensive procedures it provides for ensuring that no SS-20's, which are illegal under INF, are produced or deployed in the guise of "INF-legal" SS-25's. The SS-25, as we all know, is one of the key Soviet SALT II violations, and was deployed during the period when a policy of interim restraint, similar to what the sponsors are proposing today, was in place. Saying "this is not an SS-20, it's an SS-25" is about as convincing as saying, "I am not a burglar, I am an axe-murderer."

Now I know that some of my colleagues do not think the Soviet SALT II violations are important. But that is not what the Carter administration thought at the time it signed the treaty. In 1979, President Carter said telemetry encryption was just as serious a violation as exceeding the limits on strategic weapons—those are the limits we are talking about today—and would be grounds for abrogation of the treaty.

Secretary of State Cyrus Vance touted the ban on new types—the ban violated by the SS-25—as one of the main achievements of the SALT II Treaty. So it seems to follow that if these provisions were considered vital elements of SALT II by the progenitors of that treaty, then the violation of these provisions must be considered very serious business indeed.

The Senate Foreign Relations Committee shared these concerns. The committee, including a number of my distinguished colleagues here today, voted unanimously for an understanding providing that the encryption of telemetry could constitute grounds for withdrawal from the treaty.

The Senate Foreign Relations Committee also argued in its report on the SALT II Treaty would be "countered by a timely response upon detection." But what happened when the Reagan administration, belatedly, responds to Soviet SALT violations? The Congress binds us, unilaterally, to a treaty that was never even ratified and would have expired by now if it had been.

Mr. President, I hope I do not offend my colleagues here today if I tell them that I find this behavior perverse and masochistic. It is absurd to bind ourselves to an agreement that really never even existed. It is doubly absurd to do so when our so-called partners in the agreement have made a mockery of its provisions.

Mr. President, this amendment is silly. It is ridiculous. It defies common sense. It is not worthy of us.

Mr. HELMS. Mr. President, I have a parliamentary inquiry. Is the Senator from North Carolina correct that the pending perfecting amendment by the Senator from Vermont, Mr. LEAHY, is divisible?

The PRESIDING OFFICER (Mr. DASCHLE). The perfecting amendment is constructed as an amendment that strikes and inserts and, therefore, is not divisible.

Mr. HELMS. But an amendment which adds at the end of the language proposed to be stricken by the Leahy amendment would be in order?

The PRESIDING OFFICER. The pending amendment is a second-degree amendment.

Mr. LEAHY. Mr. President, I am sorry, I did not hear the question. I wonder if the Senator would indulge me to repeat the question?

Mr. HELMS. I simply was asking, inasmuch as it is a perfecting amendment and not an amendment in the nature of a substitute, whether it is amendable at the end.

The PRESIDING OFFICER. The amendment itself is not amendable but after it is adopted, should it be adopted, the amendment would then be amendable at the end.

Mr. HELMS. Very well. I thank the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise in opposition to this amendment. It would prohibit the expenditure of funds for any action which would cause the United States to exceed the levels of three SALT II numerical subceilings as of January 25, 1988. As noted by the distinguished Senator from Georgia [Mr. NUNN], this would be more restrictive for the United States than for the U.S.S.R.

This amendment effectively mandates compliance with an expired agreement that has never been ratified by the Senate. Moreover, the Soviet Union has for several years violated, and continues to violate, some of the central provisions of SALT II. The United States sought repeatedly to correct Soviet noncompliance, and gave the Soviets over a year and a half to correct the situation before deciding 2 years ago to end our unilateral adherence.

While the sponsors of this amendment regard the numerical sublimits as the "essence" of SALT II, proponents of the treaty in 1979 argued that the essence of SALT II was found in three key provisions—the new types limit, the SNDV numerical limit, and

the provisions on telemetry encryption—provisions which today are being violated by the Soviet Union and ignored by the sponsors of this amendment.

The proponents of this amendment argue that continued adherence of the Soviets to the SALT II sublimits is important for the national security of the United States, especially in the context of the INF Treaty. Yet these limits have not constrained the Soviet inventory. In the 8 years since the signing of SALT II, the Soviet Union almost doubled its inventory of strategic weapons, and under SALT II sublimits, could add another 3,000 warheads.

These facts run exactly counter to the claim that these sublimits will prevent the Soviets from replacing SS-20's eliminated under the INF Treaty with modern MIRV'd systems now in production. I would also remind my colleagues that the Soviets do not need to build more weapons to cover SS-20 targets—they have enough strategic weapons today to cover them without degrading their strategic missions.

Mr. President, in making his interim restraint decision, President Reagan established the policy that as long as there is no significant change in the threat facing the United States, the United States will not deploy more strategic ballistic missile warheads or more strategic nuclear delivery vehicles than the U.S.S.R. The President's policy forms a much better foundation for mutual restraint than unilateral legislated compliance with part of the SALT II Treaty. This is especially the case as negotiations are ongoing on real reductions in the numbers of nuclear weapons.

SALT II does not constrain Soviet warhead growth. SALT II has not been ratified by the Senate and could not be ratified today if a vote were taken. Finally, the Soviets are violating key provisions of SALT II that are ignored by the amendment.

Mr. President, I urge my colleagues to oppose the amendment.

Mr. CHAFEE. Mr. President, I am pleased once again to join my distinguished colleagues from Pennsylvania, Arkansas, and Vermont in this continuing effort to bring about a more realistic U.S. policy on strategic arms. Today we are offering an amendment to limit the United States and Soviet strategic weapons arsenals and, in so doing, bolster the military value of the Intermediate-range Nuclear Forces Treaty.

We are on the threshold of a new era of arms control, Mr. President. The Senate will soon take up ratification of the INF Treaty, the first arms control treaty to eliminate an entire class of nuclear weapons. As we deliberate this important agreement, I strongly believe we should seize this opportunity to ensure that the security objectives of the INF Treaty can be realized.

The INF Treaty and strategic arms control are intertwined. Thus, now that an agreement has been signed by the United States and the Soviet Union, we believe there should be a mutually observed and stable temporary cap on strategic forces until a strategic arms reductions talks [START] agreement can be concluded.

We four have been hammering at the issue of U.S. compliance with key SALT II sublimits for 6 years. Last October, the Senate approved a similar amendment which we offered during consideration of the Department of Defense Authorization bill for fiscal year 1988 and 1989. This 57-to-41 vote made clear the Senate's support for restraint in the most destabilizing categories of strategic offensive weapons, that is, ACLM-carrying heavy bombers and MIRV'd missiles.

We continue to believe that the core sublimits of the SALT II Treaty should not have been abandoned by the United States in November 1986. And we still believe that continued United States adherence to those limits serves our national security interests, so long as the Soviets also adhere to the same limits.

Now that the United States and Soviet Union have an agreement on Intermediate Nuclear Forces, the need for limits on strategic offensive weapons is even more acute. The INF Treaty is a breakthrough in arms control, and I hope it will be ratified by the Senate. However, there is the potential for its military value to be severely undercut by a Soviet strategic build-up.

Were the SALT II limits to be abandoned by the administration, there is nothing in place to prevent the Soviets from using new strategic missiles to compensate for the eliminated INF weapons. The Soviets, with large MIRV'd ICBM forces and ongoing production lines, can easily replace with long-range launchers all the SS-20 launchers it is removing under the INF Treaty.

Our amendment would ensure the military benefit of the INF Treaty to NATO by imposing an interim restraint on certain strategic forces pending the signing of a START agreement.

Our amendment does not specify compliance with the SALT II numerical sublimits. Rather, it upholds the spirit of the SALT II restraints. It caps Soviet strategic force deployments while also taking into account the growth in our own strategic forces up to the time of the submission of the treaty to the Senate.

It provides that no funds can be obligated or expended to deploy MIRV'd strategic launchers or platforms in excess of the number deployed by the United States on January 25, 1988—the date the INF Treaty was submitted to the Senate—so long as the Soviet Union does not exceed those levels.

Our amendment would allow the President to set aside these restrictions if he certifies to Congress that:

First, a new strategic arms agreement between the United States and the Soviet Union has entered into force; or

Second, the United States and the Soviet Union have agreed on an alternative interim restraint agreement; or

Third, the Soviets have deployed strategic systems in excess of those deployed on January 25, 1988; or

Fourth, uncertainties in United States intelligence assessments prevent the President from certifying that the Soviets are observing the informal ceiling of January 25, 1988, level of deployments.

The INF accord—revolutionary as it is—will only be truly beneficial to the security of NATO if there are some limits on Soviet strategic nuclear forces. Without these restraints on Soviet long-range missiles, the Soviets will be free to compensate for their dismantled, intermediate-range SS-20's by deploying more strategic missiles that could be aimed at European targets. Restoring the SALT sublimit framework will therefore help prevent Soviet undercutting of the INF accord.

Not only will our amendment ensure that the INF Treaty is militarily beneficial to us and our NATO allies, it will improve the chances that a strategic agreement will be reached. If it passes and becomes law, and the Soviets agree to join the United States in adhering to an interim restraint on strategic deployments, I think this initiative will give a strong push to the strategic talks. It will lend some stability and predictability to the nuclear arsenals of the two countries. Such a bilateral restraint will enhance the atmosphere of cooperation necessary for the achievement of a new treaty to reduce strategic arms.

This amendment is aimed squarely at the future security of the United States. It is meant to serve as a concrete interim restraint on strategic nuclear forces until a future United States-Soviet strategic agreement is achieved.

I urge all Senators to support the INF Treaty Reinforcement Act of 1988.

Mr. PELL. Mr. President, I strongly support this amendment. After months of hearings on the INF Treaty, it became very clear that the treaty's primary significance is political rather than military. That reality does not diminish the importance of the treaty, but it does mean we should not exaggerate the military benefits it will bring. First, the treaty covers only

a small fraction of the superpowers' nuclear arsenals. Second, all the targets covered by INF missiles can be struck by other nuclear systems that are not covered by the treaty. Furthermore, in the absence of any constraints on strategic forces, the Soviets can simply build new strategic systems to cover those targets that were covered by INF missiles.

That is why this amendment is so critical. While the INF Treaty represents an important political step forward—and I hope the remaining problems will be quickly resolved—it does nothing to curb the growth of the strategic arsenals. In the absence of a START agreement, both sides remain free to expand their strategic forces. Thus, until a START agreement is concluded, it makes sense to impose some modest interim restraint on nuclear forces. This amendment simply caps the arsenals at the already high levels they had reached at the time the President submitted the INF Treaty to the Senate. At a time the President is talking about dramatic cuts in the nuclear arsenals, this amendment represents a small, but important step in the right direction.

This amendment also contains an important provision requiring the administration to provide a report detailing the number of United States and Soviet missiles that have been dismantled since the SALT I Treaty. I think it is important to have that information presented in an authoritative manner. Indeed, the fiscal year 1988 and 1989 ACDA authorization bill approved by the Congress last year includes such a requirement in connection with an annual report on adherence to and compliance with arms control agreements. That information is to be provided shortly and on an annual basis thereafter. I think the record will clearly show that past arms control agreements have strengthened United States security by requiring the dismantling of large numbers of Soviet missiles. And I think this amendment will strengthen United States security by curtailing further growth in the Soviet nuclear arsenal.

Mr. DIXON. Mr. President, last year I voted to support my good friend from Arkansas, Senator BUMPERS', amendment which capped the U.S. strategic forces at the SALT II levels.

This year however the amendment is more restrictive than SALT II, and is unequal in its application to the United States and the Soviet Union. The Bumpers-Leahy amendment would hold the United States to 550 MIRV'd ICBM's, while it allows the Soviet Union to deploy 820 ICBM's. Congress in the past has insisted that United States strategic forces not be restricted to a level inferior to that allowed the Soviet Union.

Therefore Mr. President, I regretfully must oppose this amendment.

SOVIET SALT VIOLATIONS INVALIDATE BUMPERS AMENDMENT

Mr. SYMMS. Mr. President, I oppose the Bumpers amendment because it is invalidated by ongoing and expanding Soviet SALT violations.

I ask unanimous consent that the following history of Soviet treaty violations be prevented in the RECORD.

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

SUMMARY HISTORY OF OFFICIALLY CONFIRMED SOVIET VIOLATIONS OF INTERNATIONAL SECURITY TREATIES SINCE 1917—BROKEN PIE CRUSTS

President Reagan stated correctly in his March 10, 1987 sixth Report to Congress on Soviet Noncompliance With Arms Control Agreements that: "Compliance with past arms control commitments is an essential prerequisite for future arms control agreements."

Then on December 1, 1987, President Reagan in his seventh report to Congress confirmed a serious new Soviet ABM Treaty violation to Congress. In this seventh report, President Reagan also stated that: "Compliance with treaty obligations is a cornerstone of international law. . ."

But in direct contrast to President Reagan's profoundly important emphasis on the requirement for compliance, Soviet leader Lenin himself once succinctly summed up Soviet diplomacy and the Bolshevik approach to treaties, when in 1918 he stated that: "Promises are like pie crusts, made to be broken."

Because President Reagan and another Soviet leader, Mikhail Gorbachev, have now signed a new arms control treaty, perhaps we should take both Reagan and Lenin at their word.

COMPLIANCE AND THE INF TREATY

The fundamental issue in the impending Senate advice and consent debate over the proposed Treaty on Intermediate-range Nuclear Forces therefore boils down to a very simple question:

* * * Should two thirds of the United States Senate give its advice and consent for the President to ratify any new treaty with the Soviet Union, when the grim facts of Soviet diplomatic history suggest that the Soviets will not, and are never going to, comply with all the old treaties?

Was President Reagan correctly predicting the Senate's deliberations when he stated that there can be no new arms treaty until the Soviets comply with the old treaties? Is it likely that two thirds of the Senate will give its advice and consent to a new arms treaty while the Soviets are increasing their violations of all the existing ones? Lenin also seems correct when he predicted that the Soviet Union would never comply with treaties?

Thus the Senate must directly confront the fundamental issue—what good are arms control treaties if they are not complied with by the Soviets? Do Soviet-violated arms treaties inevitably become exercises in U.S. unilateral disarmament? Does the history of the unilateral disarmament of the Western democracies the 1920s and 1930s demonstrate that unilateral disarmament inevitably becomes appeasement, and appeasement of totalitarian dictators leads only to instability, aggression, and eventually either to enslavement or war?

Like the arms control treaty violations of Hitler's Nazis, the record of Soviet violations of international security treaties since the Bolshevik Revolution of 1917 is long, grisly, and tragic.

The historical record shows that the Soviet Union has violated virtually every single international security treaty it has ever signed, except one—the Hitler-Stalin Pact of August 23, 1939. But the Hitler-Stalin Pact, with which the Soviet Union complied scrupulously, was the catalyst for World War Two.

Later we will examine in detail the grim history of international security treaties signed by the Soviets and later broken by the Soviets. But before we begin this grim litany of Soviet treaty violations, we can summarize from these cumulative facts of diplomatic history and from careful case studies of the Soviet approach to treaties the fact that the Soviets usually sign treaties fully intending to violate them from the very moment of their signature. The Marxist-Leninist ideology which motivates the Communist Party elite and attempts to legitimize the Soviet dictatorship requires this approach to treaties.

There are alarming press reports that President Reagan and Soviet leader Gorbachev have signed an INF Treaty that Gorbachev has already violated, by failing to provide required verification data, by forging several required photographs of their INF missiles, by providing false verification data on the numbers and locations of their INF missiles, and by covertly mixing the banned SS-20 mobile IRBMs with the almost identical SS-25 mobile ICBMs that are outside of the treaty. In fact, there is unclassified evidence that all of these negotiating deceptions and violations have already occurred, which will be examined carefully during the hearings on this proposed treaty in the Committee on Foreign Relations.

Here is what President Reagan said about the credibility of Soviet diplomacy just after the Soviets brutally shot down Korean Airlines Flight 007 murdering 269 innocent passengers, including the honorable Congressman Larry MacDonald:

"What can be said about Soviet credibility when they so flagrantly lie? What can be the scope of legitimate mutual discourse with a state whose values permit such atrocities? And what are we to think of a regime which establishes one set of standards for itself and another for the rest of mankind?"

In addition to reciting the litany of official U.S. Government findings of Soviet treaty violations since the Bolshevik Revolution of 1917, we would like to call attention to two documents. The first is The President's December 1, 1987, Unclassified Report On Soviet Noncompliance With Arms Control Agreements, and the second is the Dissenting Views to the Report by the Permanent Select Committee on Intelligence of the House of Representatives entitled "Intelligence Support To Arms Control." These two most recent documents merely provide current and official support for the proposition that it is dangerous to sign new treaties with the Soviets, because they have not complied with any of the old ones.

It may not matter what the terms of an agreement are if the Soviet Union will not be held to comply with them by either the United States or the world community. The fact that the Soviet Union will not be held to comply with the new INF Treaty may be clearly signalled by the fact that President Reagan signed this new treaty despite repeated and uncorrected Soviet violations of all prior treaties. This fact may have been

driven home to the Soviets by the signing of the new INF Treaty only seven days after President Reagan delivered his newest, seventh report to Congress on Soviet SALT violations, which stated: "The Soviet Union to date has not corrected its noncompliance activity. Indeed, since the last report [as recent as March 10, 1987], there has been an additional case of Soviet violation of the ABM Treaty . . ."

The best summation of the Soviet attitude toward treaties was given by Soviet leaders themselves. As noted, Lenin stated that "Promises are like pie crusts, made to be broken." Lenin also coldly admitted shortly after the March, 1918 Soviet-German peace treaty of Brest-Litovsk that: "Yes, of course we are violating the treaty. We have already violated it 30 or 40 times." But Joseph Stalin most succinctly summarized Soviet diplomacy, when he made the famous statement that:

"Words have no relation to actions—otherwise what kind of diplomacy is it? Words are one thing, actions another. Good words are a mask for concealment of bad deeds. Sincere diplomacy is no more possible than dry water or wooden iron."

If Soviet leader Gorbachev's "glasnost" and "perestroika" policies made him a different kind of Soviet leader, perhaps the Soviet Union would not be increasing its violations of the SALT I ABM Treaty on the very eve of the Pearl Harbor Summit, as President Reagan has just confirmed to Congress.

Indeed, there is evidence that Gorbachev is no different from all the rest of the Soviet leaders before him. Not only did he have a long career in the KGB, but he resorted to murder to destroy his rivals and become Soviet General Secretary. Gorbachev's so-called reformist policies have only one fundamental objective—to make the Soviet Union more effective in its quest for domination over the U.S.

OFFICIAL U.S. GOVERNMENT DOCUMENTATION OF SOVIET TREATY VIOLATIONS

Thirty three years ago, on August 1, 1955, the Senate Committee on the Judiciary filed an important official report on Soviet treaty violations. This report was followed by similar Senate Judiciary Committee reports on January 1, 1959, and January 1, 1964. The Department of Defense made a similar official report on Soviet treaty violations on November 5, 1962.

These four official reports covered more than 150 Soviet international security treaty violations from 1917 through 1964.

But then, for the next 20 years, there was total, complete official blackout of the news of Soviet treaty violations.

On January 23, 1984, that official, U.S. Government cover-up ended with President Reagan's first report to Congress on Soviet SALT Violations. That first report established Ronald Reagan as the first President to have the courage to officially and publicly accuse the Soviet Union of violating SALT treaties.

It was a historic report, because it broke the 20 year silence from official Washington on Soviet violations of international security treaties.

Since that January 23, 1984, historic Presidential Report to Congress on Soviet SALT Violations, there have been six more, for a total of seven official reports to Congress on Soviet SALT cheating. These reports establish a still-expanding pattern of over 50 Soviet violations of SALT and other arms control treaties.

These seven Reagan Administration reports, together with the previous four 1955–1964 reports from both the legislative and the executive branches, are of real significance for U.S. security and world peace. Without Soviet compliance with arms control and international security treaties, there can be no order in international relations and no reliable security arrangements not wholly based on military might.

In sum, now there is a total of eleven official U.S. Government reports to Congress confirming over 200 Soviet international security treaty violations. These official reports establish the fact that the Soviet always have cheated on their solemn legal commitments to comply with international security treaties.

Soviet noncompliance with treaties will inevitably increase the risk of war. That is why the chief American arms control negotiator in Geneva, our distinguished Ambassador Max Kampelman, himself stated recently that:

"It is essential in our negotiations in Geneva that we highlight the issue of Soviet violations of existing arms control agreements, even though they will yell like stuck pigs."

But as Lenin stated in 1916, "Every peace program is a deception . . . unless its principal object is . . . the revolutionary struggle."

SOVIET VIOLATIONS 1920 THROUGH 1960

Now we need to recite the chronological history of these officially confirmed Soviet treaty violations, which is appropriate now that President Reagan and Gorbachev have signed a new treaty. Here is a list of the most important Soviet violations of international security treaties between 1920 and 1960, as summarized from the official 1962 Defense Department report:

1. On May 7, 1920, the new Soviet regime signed a treaty with the independent Georgian Republic, pledging no interference in Georgia's internal affairs. The Soviet Violation: On February 11 and 12, 1921, Soviet troops invaded Georgia, in a step leading to the absorption of the Republic into the USSR.

2. On March 16, 1921, in a trade agreement with Britain, the Soviet Union pleadged not to engage in propaganda in Britain. The Soviet Violation: On May 26, 1927, Britain ended the agreement because of Soviet violations, including Soviet failure to stop propaganda inside Britain as promised.

3. On June 5, 1922, the Soviet Union concluded a friendship agreement with Czechoslovakia. The Soviet Violation: On June 29, 1945, the USSR compelled Czechoslovakia to cede the Carpatho-Ukraine to the Soviet Union.

4. On December 12, 1943, the USSR and the Czech Government-in-exile signed a treaty of friendship and mutual assistance. The Soviet Violation: On February 25, 1948, the Czechoslovakian Government was forced to accept a Communist ultimatum as the Soviet Union completed arrangements to force the country into its satellite empire. The Soviet ultimatum compelled the appointment of a cabinet of Moscow followers, and it climaxed the Soviet postwar drive to absorb the once-independent Czechoslovakia.

5. On December 17, 1925, the USSR signed a nonaggression and neutrality pact with Turkey. The Soviet Violation: On March 20, 1945, the USSR denounced this pact, and began a campaign to secure control of the Black Sea straits.

6. On August 31, 1926, the Soviet Union concluded a nonaggression pact with Afghanistan. The Soviet Violation: On June 1946, the USSR forced Afghanistan to cede the border territory of Kishka.

7. On September 28, 1926, the Soviet Union made a nonaggression pact with Lithuania, later extending the agreement through 1945. The Soviet Violation: On June 15, 1940, Soviet troops invaded Lithuania. On August 8, 1940, Lithuania was annexed by the Soviet Union.

8. On September 27, 1928, the Soviet Union adhered to the Kellog-Briand pact for the renunciation of war. The Soviet Violation: The Soviet Union violated this pledge by their 1939–40 invasions of Poland, Lithuania, Latvia, Estonia, Romania, and Finland.

9. On January 21, 1932, the USSR agreed to a nonaggression pact with Finland. The Soviet Violation: On November 30, 1939, Soviet military forces invaded Finland.

10. On February 5, 1932, the Soviet Union signed a nonaggression pact with Latvia. The Soviet Violation: On June 16, 1940, Soviet troops invaded Latvia.

11. On May 4, 1932, the Soviet Union pledged nonaggression in an agreement with Estonia. The Soviet Violation: On June 16, 1940, Soviet military forces invaded and occupied Estonia.

12. On July 25, 1932, the Soviet Union signed a nonaggression pact with Poland. The Soviet Violation: On September 17, 1939, Soviet troops invaded Poland.

13. On May 8, 1934, the USSR and Poland extended their nonaggression pact for ten years. The Soviet Violation: On September 29, 1939, the USSR signed an agreement with Nazi Germany to partition Poland.

14. On June 9, 1934, the USSR agreed to recognize Romania, and to guarantee her sovereignty. The Soviet Violation: On June 27, 1940, the Soviet army invaded and occupied the Romanian provinces of Bessarabia and Northern Bukovina.

15. On September 15, 1934, the USSR entered the League of Nations, pledging thereby "the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organized peoples with one another." The Soviet Violation: On August 23, 1939, the USSR made a treaty with Nazi Germany, termed "a joint conspiracy" to deprive Poland, Estonia, Latvia, Lithuania, Finland, and Romania of their independence and territorial integrity.

16. On August 31, 1937, the Soviet Union signed a nonaggression pact with the Republic of China. The Soviet Violation: On October 2, 1940, the USSR broke relations with the Republic of China, after recognizing the Communist Chinese regime it helped to eventually gain power in 1948.

17. On July 30, 1941, the USSR concluded an agreement with the Polish Government-in-exile, pledging mutual aid and cooperation. The Soviet Violation: On April 28, 1943, the USSR broke its relations with the Polish Government-in-exile, on the pretext of the Polish request for a Red Cross investigation of the Katyn Forest Massacre.

18. On September 24, 1941, the Soviet Union pledged adherence to the Atlantic Charter, which provided that agreeing countries seek no aggrandizement, that the countries desired no territorial changes not made with the freely expressed wishes of the people concerned, and that they respected the right of all peoples to choose their own government. The Soviet Violation: Against these promises stands the Soviet Union's record of occupation and domination of Ro-

mania, Estonia, Latvia, Lithuania, Czechoslovakia, Tannu Tuva, Afghanistan territory, Hungary, East Germany, Albania, Bulgaria, Poland, North Korea, and Mongolia.

19. On January 29, 1942, the Soviet Union, with Iran and Britain, signed a treaty of alliance, providing for the military use of Iranian territory only until the end of military operations against Germany. The Soviet Violation: The Soviet Union refused to withdraw its troops from Iran at the end of World War Two.

20. On February 4-11, 1945, at the Yalta Conference, the USSR agreed on various postwar measures, including adoption of a resolution that the liberated peoples of Europe should have the opportunity to solve their economic problems by democratic means. The Soviet Violation: In violation of this agreement stands the USSR's record of domination in Bulgaria, Romania, Poland, East Germany, Hungary, and Czechoslovakia, and other countries which were forced into postwar roles as satellites of the Soviet Union.

21. On February 11, 1945, the USSR at the Yalta Conference, agreed to a declaration that the Polish provisional government "shall be pledged to the holding of free and unfettered elections as soon as possible on the basis of universal suffrage and secret ballot." The Soviet Violation: On January 5, 1947, the Soviet Union refused to participate in the meeting with the United States and Britain to secure compliance with the 1945 agreement pledging free elections in Poland.

22. On April 11, 1945, the USSR signed a 20 year treaty of friendship, mutual aid, and cooperation with Yugoslavia. The Soviet Violation: On September 29, 1949, the USSR denounced this agreement.

23. On June 14-18, 1945, President Truman and Premier Stalin agreed, in an exchange of letters, to "free access by air, road, and rail, from Frankfurt and Bremen to Berlin for U.S. forces." The Soviet Violation: From April 1, 1948, to May 12, 1949, the Soviet Union imposed the Berlin Blockade by severing all land and water routes between Berlin and West Germany. The Western Allies supplied Berlin by airlift. In March, 1962, the Soviet Union harassed flights by Allied airplanes between Berlin and West Germany.

24. On July 17 to August 2, 1945, at the Potsdam Conference, the USSR agreed that there should be uniform treatment of the German people throughout Germany. The Soviet Violation: East Germany today continues to be a rigidly controlled Soviet satellite. Its people have been denied free elections, have been isolated from the people of West Germany, and have been victimized by the same kind of regimentation, police rule, and economic restrictions imposed on the people of the Soviet Bloc states in Europe.

25. On August 14, 1945, the Soviet Union entered into a treaty with the Republic of China, containing these pledges: "Each high contracting party undertakes not to conclude any alliance and not to take any part in any coalition directed against the other high contracting party . . . the treaty comes into force immediately . . . and shall remain in force for a term of 30 years." The Soviet Violation: On February 14, 1950, these pledges were broken when the USSR made a new agreement with the Communist Chinese regime it had helped to create. The Soviets did not even bother to change the basic wording. The new treaty also pledges: "Both high contracting parties undertaken not to conclude any alliance against the other high contracting party and not to take part in any coalition or actions or measures directed against the other high contracting party . . . The present treaty will be valid for 30 years."

26. On March 10, 1947, the Soviet Council of Ministers, meeting in Moscow, agreed that all German prisoners of war should be repatriated by December 31, 1948. The Soviet Violation: On August 3, 1955, the Soviets furnished the West German Red Cross with data on the health and whereabouts of only 20 of the approximately 14,000 Germans known to be still held in the USSR.

27. On May 4, and June 20, 1949, Four Power Agreements of New York and Paris guarantee the United States, British, French, and Soviet joint control of Berlin, all access routes to and from the city, and freedom of movement within the city. The Soviet Violation: On September 20, 1955, the USSR unilaterally transfered Soviet control over all access routes to and from Berlin to the East German regime.

28. On July 27, 1956, the military armistice was established between the United Nations command and opposing communist forces of North Korea and China, assisted by the USSR. The Armistice Agreement pledged signers to "cease introduction into Korea of reinforcing military personnel." The Soviet Violation: On July 11, 1956, the United Nations command detailed a long list of armistice agreement violations by communist parties. On May 6, 1957, the U.N. command, in another series of official complaints, charged that the communists had sent troops into Korea's demilitarized zone six times in a period of less than 4 months.

29. On January 14, 1956, the USSR signed an agreement with Yugoslavia, pledging $110 million in credits for industrial construction. On August 4, 1956, the USSR pledged an additional grant of $175 million, bringing the total of $285 million. The Soviet Violation: On May 28, 1958, Yugoslav sources disclosed that the Soviet Union had postponed for five years the grant to Yugoslavia amounting to $285 million. This represented an attempt to retaliate against Yugoslavia for its refusal to accept the Soviet Communist Party's ideological leadership.

30. On October 19, 1956, the USSR-Japanese joint declaration pledged the Soviet Union to refrain from interference in Japan's internal affairs. The Soviet Violation: In 1958, during the weeks preceding the Japanese elections of May 22, the Soviets beamed radio propaganda at Japan violently opposing the election of Premier Kishi's government. Between 1959 and 1960, the USSR threatened Japan with the possibility of nuclear war if Japan ratified the U.S.-Japan security treaty, signed January 19, 1960.

As noted, the above Soviet violations of international security treaties occurred during the 40 years between 1920 and 1960, and they were officially confirmed by the Senate Judiciary Committee and by the Department of Defense in 1962 and 1964. But there was a long, 20 year hiatus from 1964 until 1984, when there were no official U.S. Government reports on Soviet treaty violations. Then on January 23, 1984, President Reagan made his first report to Congress on Soviet SALT violations. There have now been seven such reports to Congress, confirming the following numerical tabulation of Soviet violations of SALT and other arms control treaties:

1. SALT I ABM Treaty—now 10 confirmed violations;

2. SALT I Interim Agreement—5 confirmed violations;

3. SALT II Treaty—now 25 confirmed violations;

4. Limited Test Ban Treaty—over 100 confirmed violations;

5. Threshold Test Ban Treaty—over 24 probable violations;

6. Biological Warfare Convention—multiple confirmed violations;

7. Geneva Protocol on Chemical Weapons—multiple confirmed violations;

8. Kennedy-Khrushchev Agreement—multiple confirmed violations.

In addition, long before SALT began in 1969, the Soviets violated two significant arms control treaties, one in the 1920s which even entailed on-site inspection (the Soviets colaborated with the Germans in violating the Versailles Treaty), and another in the late 1940s (on demobilization in Eastern Europe). Soviet authorities on international law have candidly stated their view of treaty compliance: "Those institutions of international law which can facilitate the accomplishment of the stated tasks of Soviet [i.e. Marxist-Leninist] foreign policy are recognized and applied in the USSR; those which contradict these aims in any way are rejected.

According to an official U.S. State Department Soviet Affairs Note dated August 10, 1959:

"Few nations can match the USSR in vociferous protestations of loyalty to international obligations! However, such declarations which are typical of Soviet propagandists and scholars alike—diverge widely from Soviet practice. In the years since the Bolshevik Revolution the Soviet government, while consistently accusing others of bad faith in international dealings, has not hesitated to violate its own treaty obligations when such actions appeared to be in its interest. The history of the last 40 years provides numerous examples of deliberate treaty violation by the Soviet regime . . . The USSR has disregarded treaty provisions inconvenient to itself, has unilaterally denounced conventions to which it is a party, has threatened abrogation as a means of intimidation, and has on several occasions attacked fellow signatories to treaties of friendship and nonaggression."

The implications of Soviet noncompliance were stated by President Reagan in his June 1985 report to the Congress on Soviet SALT violations. The President stated: ". . . this pattern of Soviet noncompliance raises fundamental concerns about the integrity of the arms control process, concerns that—if not corrected-undercut the integrity and viability of arms control as an instrument to assist in ensuring a secure and stable future world." The President continued: ". . . we have made it absolutely clear that we expect the Soviet Union to take positive steps to correct their noncompliance and to resolve our compliance concerns in order to maintain the integrity of existing agreements and to establish the positive environment necessary for the successful negotiation of new agreements."

On March 10, 1987, the President stated in his sixth report to Congress on Soviet SALT violations that: "If we are to enter agreements of this magnitude and significance . . . cheating is simply not acceptable." And the President added in a speech on October 28, 1987, that: "As you know, the Soviets have an extensive record of violating past arms control agreements. . ." President Reagan added in a speech on November 18, 1987: "I cherish no illusions about the Sovi-

ets . . . for them, past arms control treaties were like diets. The second day was always the best, for that's when they broke them."

SOVIET SALT AND OTHER ARMS CONTROL TREATY VIOLATIONS

We must finally turn to a summary of Presidentially confirmed Soviet SALT and other arms control treaty violations.

A. Presidentially confirmed expanding pattern of Soviet SALT II break-out violations—total of 25

President Reagan recently reported to Congress that: "A number of [Soviet] activities involving SALT II constituted violations of the core or central provisions of the Treaty frequently cited by proponents of SALT II as the primary reason for supporting the agreement. . . In no case where we determined that the Soviet Union was in violation [i.e. of SALT II and SALT I] did they take corrective action."

I. SS-25 mobile ICBM—prohibited second new type ICBM

1. Development since about 1975;

2. Flight-testing (irreversible) since February, 1983;

3. Deployment since 1985—over one hundred concealed mobile launchers, "direct violation;"

4. Prohibited rapid-refire capability—doubles force;

5. RV-to-Throw-Weight Ratio (and doubling of throw-weight over old SS-13 ICBM)—probable covert SS-25 2 or 3 MIRV capability—"direct violation", plus reported testing of 3 MIRV SS-25;

6. Total encryption of SS-25 telemetry, "direct violation."

II. SNDV's

7. De facto Strategic Nuclear Delivery limit of 2,504—the Soviets have long been at least 75 to over 600 SNDVs over even the 2,504 number only they had when SALT II was signed in 1979, thus illustrating the fundamental inequality of SALT II. The Reagan Administration stated in September, 1987: "The Soviet Union continues to exceed the de facto SALT II overall Strategic Nuclear Delivery Vehicle (SNDVs) ceiling of 2,504. Their ongoing deployments of SS-25 ICBM launchers, TU-95 Bear H Bombers, and SLBM launchers carried by Delta IV and Typhoon submarines, plus the presence of SALT II-accountable SS-X-24 ICBM launchers and Blackjack bombers results in the Soviets exceeding the SNDV limit by about 25. The Soviets have not compensated adequately for these new weapons, primarily because insufficient numbers of older Bison bombers and SS-11 ICBM silos have been dismantled." The CIA and ACDA also stated in October, 1987, that the number of Soviet SNDVs "remains greater than the 2,504 SNDVs recognized as permitted by SALT II."

III. SS-N-23 SLBM

8. Heavy throw-weight prohibited (conclusive evidence);

9. Development since about 1975;

10. Flight-testing (irreversible);

11. Deployment on Delta IV and III Class submarines;

12. Total encryption of telemetry.

IV. Backfire intercontinental bomber

13. Arctic basing, increasing already intercontinental operating capability;

14. Probable refueling probe, actually widely detected, increasing intercontinental operating capability;

15. Production of more than thirty Backfire bombers per year, for an estimated five years, making at least more than an estimated 12 extra illegal Backfires produced.

V. CCD

16. Expanding pattern of Camouflage, Concealment, and Deception (Maskirovka), deliberately impeding verification.

VI. Encryption

17. Total encryption of ICBM, SLBM, and all other missile telemetry.

VII. Launcher-ICBM missile relationship

18. Reported probable concealment of the relationship between the SS-24 missile and its mobile ICBM launchers, and confirmed concealment of the relationship between the SS-25 missile and its mobile ICBM launchers.

VIII. SS-16

19. Confirmed concealed deployment of 50 to 200 banned SS-16 mobile ICBM launchers at the Plesetsk test range, now reportedly probably being replaced by a similar number of banned SS-25 mobile ICBM launchers. SS-16s replaced at Plesetsk are unlocated, and are now probably deployed covertly.

IX. Falsification of SALT II data exchange

20. Operationally deployed, concealed SS-16 launchers not declared;

21. AS-3 Kangaroo long-range air launched cruise missile range falsely declared to be less than the 600 kilometer range limit and therefore was not counted, even though its range was at least 650 kilometers.

22. Falsification of Backfire bomber range and refueling capability, by Brezhnev.

X. Excess MIRV fractionation

23. According to press reports, the current National Intelligence Estimate states that the 308 SS-18 super-heavy ICBMs are deployed with 14 warheads each, adding 1,232 Soviet warheads.

24. According to press reports, the Soviet Super-super-heavy SS-X-26 (the follow-on to the SS-18) is now being flight-tested on polar trajectories simulating first strike attacks aimed at Pearl Harbor—sovereign U.S. territory, and its deployment is being accelerated in converted SS-18 silos. This Soviet flight-testing and accelerated deployment of the even heavier throw-weight follow-on to the super heavy SS-18 ICBM violates the SALT II absolute ceiling on SS-18 throw-weight. This new super-super heavy ICBM, the SS-X-26, is also being tested with more RVs than the number carried on the SS-18. This development certainly will result in further excess MIRVing of the SS-18 class of missiles.

XI. Exceeding MIRV sublimits

Additionally, the Soviets have now probably deployed more than 50 concealed SS-24 rail-mobile MIRVed ICBM launchers. First deployment of this missile was actually confirmed to President Reagan at the Iceland Summit on October 11, 1986, by Soviet Leader Gorbachev himself.

The Reagan Administration confirmed on August 7, 1987, that: "The Soviet Union has exceeded the SALT II sublimit of 1,200 permitted MIRVed ICBMs and MIRVed SLBMs when the fifth Typhoon submarine recently began sea trials. Moreover, some SS-X-24 MIRVed ICBM railmobile launchers should now be accountable under the SALT II sublimit on MIRVed ICBMs. It appears that the Soviets have not yet compensated for any of the SALT II-accountable SS-X-24 launchers. Therefore, the Soviets may also have exceeded the SALT II sublimit of 820 MIRVed ICBM launchers."

The Reagan Administration later in September, 1987, also confirmed the following statement to be accurate and unclassified at that time: "The fact that the Soviet Union has exceeded the SALT II sublimit of 820 MIRVed ICBMs with their SS-24 deployment is now clear. Moreover, the Soviets have clearly exceeded the SALT II sublimit of 1,200 MIRVed ICBMs and MIRVed SLBMs. The Soviet Union has not compensated for their SS-24 deployment or for their Typhoon and Delta IV submarine deployments exceeding the SALT II sublimits."

The Reagan Administration also confirmed the following statement to be accurate and unclassified as of October, 1987: "Current information indicates that the Soviets are still over the 1,200 sublimit of SALT II, although the same information indicates that the Soviets could come into compliance at any time."

This confirmed Soviet MIRV missile deployment above the 1,200 MIRV missile sublimit is the 24th confirmed Soviet SALT II violation.

And the 25th confirmed Soviet SALT II violation is the Soviet deployment of now over 50 SS-24 rail-mobile MIRVed ICBMs in violation of the 820 MIRV ICBM sublimit.

Finally, the CIA has publicly warned that, in the event that Soviet SALT II "Break Out" could be confirmed, the U.S. should consider that the Soviets are also violating the third SALT II sublimit—1,320 MIRVed missiles and heavy bombers equipped with long range cruise missiles. Thus, because the 24 confirmed Soviet SALT II violations clearly constitute Soviet Break Out from SALT II, the Soviets must also be considered to be violating the 1,320 sublimit.

This would make the total of confirmed Soviet SALT II violations 26.

The Soviets reportedly told the U.S. arms negotiators in Geneva in late 1983 that they intended to exceed the SALT II sublimits of 820, 1,200, and 1,320, which they are now confirmed to be doing.

Finally, the SS-24 probably has greater throw-weight than the SS-19, reportedly making the SS-24 an illegal heavy ICBM.

B. Presidentially confirmed expanding pattern of Soviet violations of the SALT I interim agreement—5 violations

1. Soviet deployment of the heavy SS-19 ICBM and the medium SS-17 ICBM to replace the light SS-11 ICBM was a circumvention defeating the object and purpose of the SALT I Interim Agreement. Article II of the Interim Agreement prohibited heavy ICBMs from replacing light ICBMs. This violation alone increased the Soviet first strike threat by a factor of six.

2. Soviet deployment of modern SLBM submarines exceeding the limit of 740 SLBM launchers, without dismantling other older ICBM or SLBM launchers, which in March, 1976, the Soviets actually admitted was a violation.

3. Soviet camouflage, concealment, and deception deliberately impeded verification.

4. Circumvention of SALT I by deploying SS-N-21 and SS-NX-24 long-range cruise missiles on converted Y Class SLBM submarines, which "is a threat to United States and allied security similar to that of the original SSBNs."

5. "The United States judges that Soviet use of former SS-7 ICBM facilities in support of the deployment and operation of the SS-25 mobile ICBM is a violation of the SALT I Interim Agreement."

As Defense Secretary Weinberger stated on December 11, 1986: "SALT I and SALT II have been largely irrelevant to the Soviet military buildup. Both agreements merely codified and authorized large increases."

C. Presidentially confirmed expanding pattern of Soviet SALT I ABM Treaty break out violations—10 violations

1. "The U.S. Government reaffirms the conclusion in the March 1987 Report that the new large phases-array radar under construction at Krasnoyarsk constitutes a violation of legal obligations under the Anti-Ballistic Missile treaty of 1972 in that in its associated siting, orientation, and capability, it is prohibited by this Treaty. Construction continued in 1987. The absence of credible alternative explanations have reinforced our assessment of its purpose. Despite U.S. requests, no corrective action has been taken. This and other ABM-related Soviet activities suggest that the USSR may be preparing an ABM defense of its national territory." This judgment is "based on conclusive evidence," and this is the clearest evidence of Soviet violation of the ABM Treaty. Thus the siting, orientation, and capabilities of the Soviet Krasnoyarsk ABM Battle Management Radar "directly violates" three provisions of the SALT I ABM Treaty. The Soviets have even privately admitted this violation to themselves. The CIA has stated recently that "The United States is aware that, over the last several years, Soviet officials have indicated that the Krasnoyarsk radar is a violation of the ABM Treaty." During 1987, both houses of the Congress, the U.S. Senate and the U.S. House of Representatives, have each voted overwhelmingly and almost unanimously in agreement with President Reagan that the Krasnoyarsk Radar is a clear violation of the ABM Treaty. The Senate also voted 93 to 2 that the Krasnoyarsk violation was "an important obstacle" to the Senate's advice and consent to the ratification of the new INF Treaty. The Soviets have conceded in diplomatic channels that a radar identical to the Krasnoyarsk radar is an early warning radar.

2. "The U.S. Government finds that the USSR's activities with respect to moving a Flat Twin ABM radar and a Pawn Shop van, a component of an ABM system, from a test range and initiating deployment at a location [i.e. Gomel] outside of an ABM deployment area or ABM test range constitutes a violation of the ABM Treaty . . . This and other ABM-related Soviet activities suggest that the USSR may be preparing an ABM defense of its national territory." In his December 1, 1987, seventh report to Congress on Soviet SALT violations, President Reagan referred for the first time to "the new violation in the deployment of the Flat Twin and Pawn Shop observed at Gomel . . ." The Soviets have admitted in diplomatic channels that the Gomel radar is an ABM radar, and further, that if such ABM radar were located outside a test range or allowed deployment area, it would constitute, a prohibited base for a prohibited nationwide ABM defense. Thereby violating the most important provision of the ABM Treaty, Article I. But the Soviets have more recently lied to the U.S. on their Gomel activity claiming it is not a violation and that the Flat Twin was sent to Gomel to be dismantled.

3. Over 100 ABM-mode tests of Soviet SAM-5, SAM-10, and SAM-12 surface-to-air missiles and radars and "highly probable" violations of the SALT I ABM Treaty. Two high Soviet officials have even admitted that their SAMs have been designed, tested, and deployed with a prohibited ABM capability. "The U.S. Government reaffirms the judgment made in the March 1987 Report that the evidence of Soviet actions with respect to concurrent operations is insufficient fully to assess compliance with Soviet obligations under the ABM Treaty . . . In recent years, we have gathered an increased amount of evidence on activities that could be associated with Soviet concurrent operations . . . the Soviet Union has conducted tests that have involved air defense radars in ABM-related activities. The large number, and consistency over time, of incidents of concurrent operation of ABM and SAM components, plus Soviet failure to accommodate fully U.S. concerns, indicate the USSR probably has violated the prohibition on testing SAM components in an ABM mode. In several cases, this may be highly probable. This and other such ABM-related activities suggest that the USSR may be preparing an ABM defense of its national territory."

4. There is strong evidence that Soviets may be developing and deploying a territorial, and especially a nationwide, ABM defense, which violates the ABM Treaty ban on developing even a base for a nationwide ABM defense. "The U.S. Government reaffirms the judgment of the March 1987 Report that the aggregate of the Soviet Union's ABM and ABM-related actions (e.g., radar construction, concurrent testing, SAM upgrade, ABM rapid reload, ABM mobility, and deployment of ABM components to Gomel) suggests that the USSR may be preparing an ABM defense of its national territory. Our concern continues . . . The redundancy in coverage provided by these new radars [i.e. the 9 Pechora-Krasnoyarsk Class radars] and the disposition of these radars closely resembles the design of the U.S. Safeguard ABM program." The U.S. Safeguard program was designed to be a 12 site, nationwide ABM defense. President Reagan has also stated that "this is a serious cause for concern." The Secretary of Defense has testified to the Senate that the "Soviets have some nationwide ABM capability" already. In his December, 1985 report to Congress on Soviet SALT violations, President Reagan stated that a unilateral Soviet ABM defense: "Would have profound implications for the vital East-West balance. A unilateral Soviet territorial ABM capability acquired in violation of the ABM Treaty could erode our deterrent and leave doubts about its credibility." The CIA has recently stated that: "In totality, these (Soviet ABM) activities provide a strong basis for concern that the USSR might have an integrated plan for an ABM defense of its national territory, and might be working toward it." Finally, as the Defense and State Departments' White Paper on Soviet strategic defense programs of October 1985 confirmed: "The aggregate of current Soviet ABM and ABM-related activities suggests that the USSR may be preparing an ABM defense of its national territory—precisely what the ABM Treaty was designed to prevent."

5. The mobility of the Soviet ABM-3 system is a violation of the ABM Treaty's prohibition on mobile ABMs.

6. Continuing Soviet development of mobile Flat Twin ABM radars from 1975 to the present, is a violation of the prohibition on developing and testing mobile ABMs. The Soviets evidently are now mass producing the mobile ABM-3 system for rapid nationwide deployment.

7. Soviet ABM rapid reload capability for ABM launchers is a serious cause for concern. The State and Defense Departments state that the Soviets "may" have a prohibited reloadable ABM system.

8. Soviet deliberate camouflage, concealment, and deception activity impedes verification.

9. Confirmed Soviet falsification of the deactivation of ABM test range launchers is a violation of the ABM Treaty dismantling procedures.

10. Soviet rapid relocation without the required prior notification of a Flat Twin ABM radar, creating the additional Kamchatka ABM test range, not only confirms the illegal mobility of the Flat Twin radar and ABM-3 system, but is a violation of the ABM Treaty.

As Defense Secretary Weinberger stated on December 11, 1986: "There has been the recent discovery of three new Soviet large phased-array radars of this type [i.e. the Pechora-Krasnoyarsk Class]—a 50 percent increase in the number of such radars. These radars are the essential components of any large ABM deployment. The deployment of such a large number of radars [i.e. nine], and the pattern of their deployment, together with other Soviet ABM-related activities, suggest that the Soviet Union may be preparing a nationwide Soviet defense in violation of the ABM Treaty. Such a development would have the gravest implications on the United States-Soviet strategic balance. Nothing could be more dangerous to the security of the West and global stability than a unilateral Soviet deployment of a nationwide ABM system combined with its massive offensive missile capabilities."

Finally, the Soviets are reportedly increasing the SAM defenses of their LPARs, in further violation of the ABM Treaty.

D. Presidentially confirmed expanding pattern of Soviet violations of nuclear test bans—over 70 violations.

1. About 20 atmospheric nuclear weapon tests, August through September 1961, were conducted by the Soviets in violation of the 1959 Mutual Test Ban Moratorium. One of these tests reached a yield of 58 megatons.

2. There have been over 30 conclusively confirmed cases of Soviet venting of nuclear radioactive debris beyond their borders from underground nuclear weapons tests, in violation of the 1963 Limited (i.e., Atmospheric) Test Ban Treaty. A hundred more tests are probable violations of the LTBT. "The U.S. Government reaffirms the judgment made in the March 1987 Report that the Soviet Union's underground nuclear test practices resulted in the venting of radioactive matter on numerous occasions and caused radioactive matter to be present outside the Soviet Union's territorial limits in *violation* of its legal obligation under the Limited Test Ban Treaty. The Soviet Union failed to take the precautions necessary to minimize the contamination of man's environment by radioactive substances despite numerous U.S. demarches and requests for corrective action. This practice has continued. Since the resumption of Soviet underground testing in February 1987, the United States has presented demarches to the Soviet Union on two separate occasions when unambiguously attributable venting has occurred . . . and received completely unacceptable explanations . . . our repeated attempts to discuss these occurrences with Soviet authorities have been rebuffed . . . Soviet refusal to discuss this matter *calls into question their sincerity on the whole range of arms control agreements.*" (Emphasis added.)

3. There have been over 24 cases of Soviet underground nuclear weapons tests over the 150 kiloton threshold in probable violation of the 1974 Threshold Test Ban Treaty.

E. Presidentially confirmed expanding pattern of Soviet violations of biological and chemical weapons bans

1. "Soviet involvement in the production, transfer, and use of chemical and toxic substances for hostile purposes in Southeast Asia and Afghanistan are direct violations of the 1925 Geneva Protocol." Tens of thousands of innocent men, women, and children suffered horrible deaths from these Soviet atrocities, which are also violations of the Genocide Convention.

2. "The Soviets have maintained an offensive biological warfare program and capability in direct violation of the 1972 Biological and Toxin Weapon Convention." The United States has absolutely no defenses against this capability. The Sverdlovsk anthrax explosion of April 1979, killing several thousand Soviet soldiers and civilians, is direct evidence of the existance of this illegal capability. "After reports of the events at Sverdlovsk reached the West, the United States repeatedly and explicitly approached the Soviet Union for consultation under Article V of the Biological and Toxin Weapons Convention. These efforts were initiated in March of 1980 and continued through the 1986 Review Conference of the Parties to the Convention. The Soviets have consistently refused to engage in consultations, despite their obligation under Article V . . . The U.S. Government judges that continued activity during 1987 at suspect biological and toxin weapon facilities in the Soviet Union, and reports that a Soviet BW program may now include investigation of new classes of BW agents, reaffirm the conclusion of the March 1987 Report that the Soviet Union has maintained an offensive biological warfare program and capability in violation of its legal obligation under the Biological and Toxin Weapons Convention of 1972 . . . We are particularly concerned because it may include advanced biological agents about which we have little knowledge and against which we have no defense. The Soviets continue to expand their chemical and toxin warfare capabilities. Neither NATO retaliatory nor defensive programs can begin to match the Soviet effort . . . There have been no confirmed attacks with lethal chemicals or toxins in Cambodia, Laos, or Afghanistan in 1987 according to our strict standards of evidence. Nonetheless, there is no basis for amending the March 1987 Report conclusion that, prior to this time, the Soviet Union has been involved in the production, transfer, and use of trichothecene mycotoxins for hostile purposes in Laos, Cambodia, and Afghanistan in violation of its legal obligation under international law as codified in the Geneva Protocol of 1925 and the Biological and Toxin Weapons Convention of 1972."

F. Soviet violation of the Kennedy-Khrushchev Agreement of 1962

"The Soviets breached a unilateral commitment by sending offensive weapons—intercontinental nuclear-delivery-capable bombers, nuclear-delivery-capable fighter-bombers, and various kinds of nuclear missile submarines—back to Cuba, beginning in 1969." The Soviets are thus violating the 1962 Kennedy-Khrushchev Agreement prohibiting Soviet offensive weapons in Cuba because of the reported presence of 12 or more TU-95 Bear intercontinental bombers, more than 55 nuclear-delivery-capable MIG-27 Flogger fighter-bombers, several types of strategic submarines (Golf, Echo, Victor, Yankee, and Foxtrot Classes), over 200 nuclear-delivery-capable MIG-21 fighter-bombers, a nuclear weapons handling and storage facility, a Chemical and Biological Weapons production and storage facility, and the Soviet Combat Brigade. On September 14, 1983, President Reagan for a second time confirmed that the Soviet Union had violated the Kennedy-Khrushchev Agreement, when he stated: "That Agreement has been abrogated many times by the Soviet Union and Cuba in the bringing of what can only be described as offensive weapons, not defensive, there." That statement and an earlier one by President Reagan has been backed up by similar public statements by the CIA Director, the JCS Chairman, and the Under Secretary of Defense for Policy, all charging that the Soviets are violating the Agreement. And even the State Department concedes that the Soviets are violating the "spirit" of the Agreement.

CONCLUSION

As President Reagan stated in his seventh Report to Congress on Soviet SALT violations, dated December 1, 1987: "When taken as a whole, this series (i.e. of seven) reports provides a clear picture of continuing Soviet violations . . . there is a pattern of Soviet noncompliance . . . The compliance concerns enumerated in this Report are not unfamiliar to the Soviet Union. I expressed my personal interest in these issues directly to Soviet General Gorbachev during my meetings with him, both in 1985 in Geneva and then again in Reykjavik in October 1986. In addition, the Standing Consultative Commission discusses compliance concerns in detail during its biannual sessions . . . Most recently, Secretary of State Shultz raised U.S. concerns about Soviet noncompliance during his October 1987 visit to Moscow . . . the Soviet Union has failed to correct its noncompliant activities . . . strict compliance with all provisions of arms control agreements is fundamental . . . Soviet noncompliance is a serious matter. It calls into question important security benefits from arms control, and could create new security risks. It undermines the confidence *essential* to an effective arms control process *in the future* . . . it will be achieved *only* if effective verification and *total compliance* are integral elements of the process both with respect to existing arms control agreements and *possible new ones.*" (Emphasis added.)

In his March 10, 1987 Report to Congress on Soviet SALT violations, President Reagan added: "Strict compliance with all provisions of arms control agreements is fundamental, and this Administration will not accept anything less . . . If we are to enter agreements of this magnitude and significance, effective verification is indispensable and cheating is simply not acceptable."

Finally, in his June 1985 Report to Congress on Soviet SALT violations, President Reagan stated: ". . . this pattern of Soviet noncompliance raises fundamental concerns about the integrity of the arms control process, concerns that—if not corrected—undercut the integrity and viability of arms control as an instrument to assist in ensuring a secure and stable future world . . . we have made it absolutely clear that we expect the Soviet Union to take positive steps to correct their noncompliance and to resolve our compliance concerns in order to maintain the integrity of existing agreements and to establish the positive environment necessary for the successful negotiation of new agreements." But as President Reagan conceded in his March 1987 Report in regard to all Soviet violations of SALT I and SALT II: "In no case where we determined that the Soviet Union was in violation did they take corrective action."

In a letter to the Congress transmitting his December 1, 1987 violations report, President Reagan stated: "Correcting their violations will be a true test of Soviet willingness to enter a more constructive relationship . . . on security matters."

Thus by President Reagan's own 1985 and 1987 standards, there may be no integrity to the arms control process and there may be a lack of the positive environment necessary for the negotiation of new agreements. In sum, we may question whether arms control treaties have served as an instrument to assist in ensuring a secure and stable future world.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I have talked to the majority leader and I know he has consulted the Republican leader. Everyone is pretty well alert. I plan to move to table.

Mr. LEAHY. Mr. President, before the Senator does, will he yield for one last question?

Mr. NUNN. If it is a very short question.

Mr. LEAHY. It is a very short question and can be answered shortly.

Mr. NUNN. I yield for a question.

Mr. LEAHY. There has been a lot of discussion about the 550 limit ICBM's. Have we changed off that 550 anytime during the last 10 years? In effect, we have stayed within the 550 ICBM's, say, for the last decade?

Mr. NUNN. The Senator is correct. I am informed if we go the rail mobile MX with a MIRV'd system, we might go up higher than that in about 3 years.

Mr. LEAHY. Which will not be before October 1 of 1989.

Mr. NUNN. I think the Senator is essentially correct as a practical matter. As a theoretical matter, we stayed within that limit primarily because we have not been able to come to a consensus on ground-based systems. But we have not been compelled by law to do that.

Mr. LEAHY. The only reason I ask that question is because there was some confusion in the debate, and I want to have it clearly on the record this is no change from anything in the last 10 years.

Mr. NUNN. The only change is this would be by law. The other is by discord, disagreement and policy.

Mr. President, I move to table the underlying amendment, 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 clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Mississippi [Mr. STENNIS] is necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Nevada [Mr. HECHT] and the Senator from Nebraska [Mr. KARNES] are necessarily absent.

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

The result was announced—yeas 51, nays 45, as follows:

[Rollcall Vote No. 129 Leg.]

YEAS—51

Armstrong	Exon	Nickles
Bentsen	Garn	Nunn
Bond	Graham	Packwood
Boren	Gramm	Pressler
Boschwitz	Grassley	Quayle
Breaux	Hatch	Roth
Chiles	Heflin	Rudman
Cochran	Helms	Shelby
Cohen	Hollings	Simpson
D'Amato	Humphrey	Stevens
Danforth	Kassebaum	Symms
DeConcini	Kasten	Thurmond
Dixon	Lugar	Trible
Dole	McCain	Wallop
Domenici	McClure	Warner
Durenberger	McConnell	Weicker
Evans	Murkowski	Wilson

NAYS—45

Adams	Gore	Mitchell
Baucus	Harkin	Moynihan
Bingaman	Hatfield	Pell
Bradley	Heinz	Proxmire
Bumpers	Inouye	Pryor
Burdick	Johnston	Reid
Byrd	Kennedy	Riegle
Chafee	Kerry	Rockefeller
Conrad	Lautenberg	Sanford
Cranston	Leahy	Sarbanes
Daschle	Levin	Sasser
Dodd	Matsunaga	Simon
Ford	Melcher	Specter
Fowler	Metzenbaum	Stafford
Glenn	Mikulski	Wirth

NOT VOTING—4

Biden	Karnes
Hecht	Stennis

So the motion to lay on the table amendment No. 2018 was agreed to.

ORDER OF PROCEDURE

Mr. NUNN. Mr. President, while the people are still in the Chamber, let me just say I have talked to the majority leader about this, and I am speaking for myself as one of the two floor managers here. But we do not plan to have any more rollcall votes tonight. If anyone wants to bring up an amendment they believe has been cleared, I am prepared to stay and take those amendments up now as long as we have productive business. I would encourage that to happen. But there will be no more rollcalls tonight based on the majority leader's earlier statement.

Tomorrow we are going to get started as early as possible on the Kennedy-Hatfield test ban amendment, and then we have a Kennedy on combat troops in Central America amendment; we have a Heinz Buy America amendment; and a Wilson drug interdiction amendment. We have probably 20, 25 other amendments that are pending, and at least 7 or 8 are major amendments.

I want to put my colleagues on notice. We have not been in late any night this week.

Mr. BYRD. Mr. President, there are too many conversations going on. We want to know what is happening.

The PRESIDING OFFICER. Senators will cease audible conversations. If the Senator will suspend until we get order.

The Senator from Georgia.

Mr. NUNN. Mr. President, we have not been in late any night this week. I too would like to get home at a reasonable hour. Tomorrow night though, if we have any hope of finishing this bill on Friday, we are going to have to stay until at least a reasonable hour in the evening tomorrow night. I would like to see us make so much progress that we might, in view of staying until 11 or 12 o'clock, finish the bill. But that would be highly optimistic.

I would have to say that we will take a look tomorrow afternoon. If it looks like we can finish the bill, we will let everyone know, and we will try to go very late. If it looks like we cannot, it would be my suggestion to the majority leader that we work until 8:30 or 9 o'clock tomorrow night, come in Friday morning early, and work as long as required Friday including very late into the evening until we can finish this bill. That is the goal I would have as the manager.

I know Senator WARNER shares that goal.

Mr. BYRD. Mr. President, I thank the distinguished chairman.

Mr. President, does the sequence of the amendments that was ordered during yesterday carry over until tomorrow?

The PRESIDING OFFICER. The majority leader is not correct. It does not carry over.

Mr. BYRD. Mr. President, I ask unanimous consent that that sequence of amendments continue to carry until disposed of.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. BYRD. Mr. President, I would suggest then that the Senate begin tomorrow on this bill no later than 9:30 a.m. Is that satisfactory? Do the managers wish to have us begin earlier?

Mr. DIXON. Mr. President, would the distinguished leader yield for a question?

Mr. BYRD. Yes.

Mr. DIXON. Mr. President, I wonder if the distinguished leader and the manager have discussed the possibility of pursuing time agreements. As I walk around the room and talk to other people, people think we could be making a little better progress. I do not mean that as a reflection on anybody or any of the discussion that took place. Our list of amendments is so much shorter than last time when I was involved with the distinguished manager and as the manager is listening, I really think that this list is short enough. If we can get some time agreements, we could get this bill finished by maybe noon or so Friday. I honestly believe that. I think if we worked until 11 or 12 tomorrow night, and then begin Friday morning early, we could finish this bill this week by the middle of Friday, if we could get some time agreements.

As I talk to people around here, I think they are ready to have time agreements.

Mr. NUNN. That is a good suggestion. Let me ask while the Senator from Indiana is here, I know the Senator from Georgia and I are going to be on the floor all day tomorrow. The Senators from Indiana and Illinois are about as good as two can be on this question.

Mr. DIXON. I would be glad to volunteer to be the one that worked for our manager on this side to get time limits, if my friend from Indiana would do it.

Mr. NUNN. Would the two work together, and if Senator QUAYLE will work the Republican side and Senator DIXON the Democratic side to see how many people would be willing to have time agreements, we can take a good look at it about noon tomorrow. We may very well be able to finish this bill tomorrow night or by noon on Friday.

I would say I have been informed on the other, subject to the majority leader, that Senator HATFIELD will be prepared to enter into a time agreement for 1 hour equally divided and that we could begin that debate at 9:45 tomorrow morning which means we would conclude it 1 hour later.

Mr. BYRD. Very well. Then, is that an amendment in the second degree, may I ask the distinguished chairman, the amendment by Mr. HATFIELD. It is not.

Very well. I wonder if we could get an agreement now that there be a 1-hour time limitation on that amendment to begin running at 9:45 tomorrow morning with the understanding that the 1-hour time limitation on that amendment does not mean that if an amendment is offered to that amendment there would be no time on the second-degree amendment?

Mr. DIXON. Mr. President, if I could say again to the majority leader, if he will yield the floor for a moment, could the manager listen for just a moment?

I am just advised by my good friend, the distinguished Senator from Wisconsin, he would be willing to accept a 2-hour time limit on the whole War Powers Act question. I think that

would be a valuable contribution. He says he would be ready to do it tomorrow some time. So I think that is a big one we could put in the box.

Mr. NUNN. I do not know whether we can get agreement on this side of the aisle on that one. I believe we can on the 1-hour on the testing but I believe the other one we would have to wait and let people think about it overnight. We will take that into consideration.

Mr. QUAYLE. We might get 2 hours on the tabling motion. We would have to check that.

Mr. BYRD. Yes. I understand we would have to check further on this side.

Mr. REID. Mr. President, I know that Senator KENNEDY agrees on a 40-minute time limit. I certainly would agree to it. That would be on the motion to table. If the motion to table for some reason was not agreed to, then it would be just on the motion to table the time agreement.

I have spoken to Senator KENNEDY on more than one occasion and I can represent to the Senate that he has agreed to that time limit.

Mr. BYRD. Ordinarily the motion to table is not debatable. What you are doing here is making a motion to table debatable. It is all right if the Senators want to do that.

Mr. QUAYLE. Mr. President, would the majority leader yield so I can move to reconsider that last vote?

Mr. BYRD. Yes, Mr. President, I yield for that purpose.

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

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

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I would suggest our respective Cloakrooms and floor staffs inquire between now and early morning tomorrow as to what other amendments may be in the wings, if the chairman would feel that is a good idea so we can have the whole kit and caboodle.

Mr. NUNN. I think that would be a good idea. If we could get the Cloakroom to also notify the Members of both sides that Senator DIXON and Senator QUAYLE will be available for talking and discussing on behalf of the floor managers the possible time agreements.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there be a period for morning business and that Senators may speak therein for not to exceed 5 minutes.

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

BICENTENNIAL MINUTE

MAY 11 1911: PRESIDENT PRO TEMPORE ELECTION DEADLOCKED

Mr. DOLE. Mr. President, 77 years ago today, on May 11, 1911, the Senate become entangled in a bitter deadlock over the election of a president pro tempore. This dispute demonstrated a significant change of political ideology within the early 20th century Congress.

In the 1910 midterm congressional elections, Democrats had gained a majority in the House of Representatives and had picked up 10 Senate seats. This reduced the Republican margin of control to 7 votes. The 49 Senate Republicans were split into progressive and conservative wings. Among the progressives where seven insurgents who hoped to topple the Senate's entrenched old-guard leadership. In this effort, they were inspired by the success of a recent major revolt in the House. There insurgents had stripped speaker Joseph Cannon of his power to appoint committees and their chairman.

On April 27, 1911, shorty after the Senate of the 62d Congress convened, Maine's William Frye resigned as President pro tempore due to illness. Frye had served in that post for 15 years. A man of conservative personal and political temperament, he was considered one of the "wheel-horses" of the Senate and was deeply respected by Senators of both parties.

On May 11, the Senate began balloting for Frye's replacement. Each party caucus nominated a senior Member. Republican insurgents divided their votes among four lesser candidates. On each of the seven ballots, Georgia Democrat Augustus Bacon received a plurality, but remained several votes short of the necessary majority. The other major candidate, New Hampshire Republican Jacob Gallinger, followed closely behind. Following several days of rancorous debate, leaders of both parties reluctantly agreed to alternate the duties of President pro tempore between Bacon and Gallinger for the remainder of the 62d Congress.

GREECE, TURKEY, AND CYPRUS

Mr. PRESSLER. Mr. President, during the Senate's recess last week, I had the pleasure of accompanying our minority leader, Senator DOLE, to meetings with the top leadership of Greece and Turkey.

Our meetings with Greek Prime Minister Andreas Papandreou, Greek National Defense Minister Ioannis Haralambopolous, Turkish President Kenan Evren and Prime Minister Turgut Ozal, as well as the mayor of Istanbul, suggested to me that this is an opportune time to resolve the conflict over Cyprus.

All of these officials expressed the view that progress has been made during the past year in improving relations between Greece and Turkey. This is good news, not only for those two great nations, but also for their NATO allies, including the United States. Yet, much remains to be accomplished in settling the Cyprus problem.

Although I applaud Turkey's leaders for cooperating with Greece in some areas, I am disappointed that they continue to stonewall efforts to end their illegal occupation of northern Cyprus. Other nations and leaders, including the United States and its leaders, bear some of the responsibility for the current division of Cyprus. But the primary responsibility lies with Turkey, which illegally used United States weapons to invade Cyprus in July and August 1974. Just last year, Turkey compounded this problem by sending its occupation forces on Cyprus large amounts of the military assistance we gave them for NATO defense purposes.

Mr. President, I urge the United States Government to help in the resolution of the Cyprus problem by making it clear we will not accept the perpetual occupation of 40 percent of Cyprus by Turkey. There must be a democratic united Cyprus. Turkey must understand that sanctions sooner or later will be imposed if it does not move forward on the diplomatic front in this area. Turkey is a valuable American and NATO ally with capable and intelligent leaders. But, as a nation that was founded on the principle of the rule of law, we will not simply close our eyes to aggression and violations of that principle by even the best of our friends and allies.

Once again, Mr. President, I am encouraged by the apparent growing civility of relations between Turkey and Greece. Turkey in particular would gain much by furthering the easing of tensions in taking the right steps regarding Cyprus.

REDUCING THE GAP: PROMOTING ADULT DAY CARE

Mr. PRESSLER. Mr. President, I would like to address the topic of adult day care. Too often we have focused our attention and directed our resources to institutional care for the infirm elderly. With only 5 percent of the elderly population residing in a nursing home at any given time, it is apparent that we should now direct our attention to community-based alternative services. On April 18, 1988, the Senate Committee on Aging held an excellent hearing entitled, "Adult Day Health Care: A Vital Component of Long-Term Care." That hearing underscored the following point: With an aging population, we no longer can afford to have a fragmented long-term care delivery system.

The population over age 75 is increasing. These individuals are more likely to be "at risk" from multiple chronic conditions. Adult day care can be important in keeping older adults in the community.

Adult day care also can provide programs to the elderly with cognitive impairments, such as Alzheimer's disease. According to one survey by the National Council on Aging, it was estimated that 2,000 to 3,000 of the 10,000 to 15,000 adults currently in adult day care programs suffer from dementing diseases, such as Alzheimer's and related disorders. But many more of the estimated 1.5 to 2 million individuals who suffer from these diseases could be served by adult day care programs.

Adult day care can be a valuable support to family care givers who provide 80 percent of all health care for the elderly. Elderly participants in adult day care who require continuous supervision are able to live with spouse or children in their own homes. Adult day care programs can reduce caregiver burnout. Some view this as the most significant factor in nursing home placement.

Advocates of adult day care state that this type of service is a cost-effective way to deliver care to the elderly. In the State of South Carolina, an adult medical day care package, including physical therapy, meals, nursing care, personal care services, transportation and recreation, costs $40 per day, compared to $60 per day for only physical therapy services provided at home.

Although reports from other States such as Hawaii, New Jersey, and Massachusetts have been favorable to adult day care, some public policymakers still question the validity of the research data.

Extensive and comparable data often are lacking. Comparisons between the costs of day care and institional and home care are difficult to make because the intensity of care provided at each level can vary greatly. Furthermore, costs vary between day care centers serving different kinds of individuals, provide different services or operate at different hours.

Lack of adequate transportation may create a barrier to those who are disabled and isolated in the communities. These individuals would benefit from adult day care. Buses may not be designed to carry wheelchairs and buildings may not be designed for the disabled. Policymakers have questioned whether adult care would be cost-effective in reducing admissions to more expensive nursing homes.

Although some may view adult day care solely as a respite or home health service, many view it as a separate service in the continuum of long-term care. Adult day care programs are multifaceted, including medical services, counseling, rehabilitation, personal care services, meals, transportation, therapeutic, and recreational services.

My visit to an adult day care center at the Huron Area Senior Center in Huron, SD, provided me with an example of an excellent program. By watching the activities at the Huron center, I know that adult day care can be of great assistance to both family care givers and participants.

Adult day care can assist the elderly to maintain their independence and the quality of their lives. It can provide a way for the elderly to stay in their own homes in the community. Mr. President, in a nutshell, independence, quality of life, and ties to the community sum up the advantages of adult day care.

INF REINFORCEMENT ACT

Mr. HEINZ. Mr. President, the Senate will soon consider the INF Treaty. We will do so when the Soviets have demonstrated that they understand a deal is a deal. The Kremlin must know that in the American system, the Senate's role in treaty-making is a real and independent one, and we will not stand for any backsliding or fudging when it comes to the stringent verification provisions that are the heart of the INF Treaty.

I am confident the Soviets will get the message, and we will proceed to consider the INF Treaty. That treaty makes a real contribution to American security and arms control. But I am concerned that the unequal cuts in nuclear missiles that treaty imposes on the Soviets may be offset by growth in Soviet strategic forces.

The Soviets can cover their INF targets with strategic systems. In fact, I expect that one criticism of the treaty we will hear from its opponents is that the agreement does not remove the Soviet nuclear threat against Europe. That is true, but the Soviets must take from their forces aimed at the United States if they want to cover European targets without their INF missiles.

The only way the Soviets can maintain their coverage of European targets and avoid weakening their nuclear threat against America is by adding to their strategic forces. And there is no existing arrangement—formal or informal—that would keep the Soviets from adding to their strategic arsenal to do just that.

Last year this Senate adopted an amendment I offered along with my colleagues Senators BUMPERS, CHAFEE, and LEAHY to preserve some cap on the strategic forces of the United States and the Soviet Union while a new Strategic Arms Treaty is negotiated. This cap would be the only limit we have on the arms race until there is a START Treaty in place.

Today I join these same colleagues today in offering this amendment to create a barrier to Soviet breakout. Our amendment is simple. It requires the United States to deploy no more strategic forces than we had on January 25, 1988, the day the INF Treaty was submitted to the Senate, so long as the Soviets do the same.

Mr. President, in late 1986, the United States broke out of the old sublimits on strategic weapons both superpowers had observed for 5 years. The Soviets continue to stay under those limits. A recent Pentagon publication put the Soviets 66 under the old informal ceiling.

Right now the Soviets continue to destroy existing weapons as new ones come on line. They might continue to do so, no matter what the United States does. But if they want to exploit what some conservative opponents of the INF Treaty may call a loophole in that treaty, we are giving them the green light.

If the United States continues to add new submarine missile launchers and convert B-52 bombers to carry cruise missiles without any restraint, we will be approximately 22 launchers above our January 1988, level by the end of 1988. This does not give us any military advantage. But it could give Moscow the excuse to boost their strategic missile forces to replace the capability they will lose through INF dismantlements.

Our amendment would restore a basis for the two superpowers to limit their strategic forces until a START Treaty is achieved. It would fence in possible growth in Soviet forces, growth not limited by any current formal or informal agreement, that otherwise could negate the gains we make under the INF Treaty. I urge my colleagues to support this amendment.

ELLSWORTH AIR FORCE BASE

Mr. PRESSLER. Mr. President, I would like to take this opportunity during discussion of the Department of Defense reauthorization bill to mention the important national defense role played by Ellsworth Air Force Base, located in my home State of South Dakota.

Ellsworth Air Force Base is the largest operational base in the Strategic Air Command. The 44th Strategic Missile Wing at Ellsworth commands 150 Minuteman II missiles. It is the only SAC base with two squadrons of B1-B bombers and a strategic training center is now under construction there. This center will provide the advanced bomber training for all SAC bases.

These statistics demonstrate the vital importance of Ellsworth Air Force Base to our Nation's defense system. In fact, with both the 44th Strategic Missile Wing and the 28th Bombardment Wing, two of the three legs of our triad defense system, mis-

siles, and bombers, are located at Ellsworth. The basing of the B1-B bombers at Ellsworth and the location of the strategic training center there have greatly increased the responsibility given to the base. Given its recent increased responsibilities, Ellsworth's role in the Nation's defense network is likely to continue to grow in the future.

Earlier this year, I visited Offutt Air Force Base where I received a briefing on the Strategic Air Command. The importance of Ellsworth Air Force Base was repeatedly stressed. I came away from that meeting with an increased sense of pride in South Dakota's role in our national defense, a pride shared by the men and women who serve at Ellsworth and by all the citizens of my State.

It has become evident to me that the increased responsibilities entrusted to Ellsworth Air Force Base warrant the presence of a commanding general at the base. I have been pursuing this matter for some time now.

I ask unanimous consent to insert in the RECORD copies of my correspondence to Secretary Aldridge and an article which appeared in the Rapid City Journal regarding this issue. Certainly America's largest Strategic Air Command base deserves to be commanded by a general officer. I look forward to such an assignment in the near future.

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

U.S. SENATE,
Washington, DC, January 13, 1988.

Hon. EDWARD C. ALDRIDGE, Jr.,
Department of the Air Force, The Pentagon, Washington, DC.

DEAR MR. SECRETARY: As I am sure you will agree, Ellsworth Air Force Base plays a key role in our nation's defense system. My fellow South Dakotans and I have always been very proud of Ellsworth and its vital strategic mission.

Ellsworth AFB is now the largest operational base in the Strategic Air Command. In addition to the 150 Minuteman II missiles located throughout western South Dakota, Ellsworth is also home of the 28th Bombardment Wing. The only SAC base designated to have two squadrons of B1-B bombers, Ellsworth welcomed its 35th and final B1-B last September. Thus, two of the three legs of our traid defense system—missiles and bombers—are located at Ellsworth AFB.

In addition to these key missions, the SAC Strategic Training Center currently is under construction at Ellsworth. Upon completion, all of the advanced bomber training for the Strategic Air Command will be conducted at Ellsworth. Given these increased responsibilities and functions, Ellsworth's role in our defense network will continue to expand in the years ahead. We are proud of the increased responsibility given to Ellsworth and look forward to continuing our state's strong commitment to our national security.

In view of Ellsworth's growth and enhanced mission levels, I respectfully request that full consideration be given to locating the division command at Ellsworth AFB. It is my understanding that the 44th Strategic Missile Wing and the 28th Bomb Wing currently are assigned to the 4th Strategic Missile Division at F.E. Warren AFB, Wyoming. Because no bombers are stationed at F.E. Warren AFB, it would appear logical to transfer the division command to Ellsworth, where both missiles and bombers are located.

It is my understanding that the command of the 4th Air Division was originally located at Barksdale, AFB, Louisiana, until December of 1964. Redesignated the 4th Aerospace Division, the command was moved to Grand Forks AFB, North Dakota. In June of 1971 the command was relocated to F.E. Warren AFB and redesignated the 4th Strategic Missile Division, where it remains today.

As mentioned previously, the level of community support for a military installation is exceptionally strong at Ellsworth AFB. During his visit to Ellsworth last fall, Secretary of Defense Weinberger underscored this deep community support and commended the Rapid City community for its huge turnout to welcome the first B1-B bomber at Ellsworth during a winter storm last January.

I respectfully request that the feasibility of establishing the division command at Ellsworth be given your full and expeditious consideration. Aside from the fact that our state would be very proud to host the division command at Ellsworth, it seems to make good sense from an organizational standpoint.

Thank you for your time and attention to this matter. I look forward to hearing from you in the near future and would be most willing to discuss this personally with you at your convenience.

Sincerely,

LARRY PRESSLER,
U.S. Senator.

[From the Rapid City (SD) Journal, Feb. 10, 1988]

PRESSLER PROPOSAL WOULD TRANSFER 4TH AIR DIVISION HEADQUARTERS HERE

(By Gordon Hanson)

Sen. Larry Pressler, R-S.D., has asked the Secretary of the Air Force to transfer headquarters of the 4th Air Division from F.E. Warren Air Force Base, Wyo., to Ellsworth AFB.

Some military associations and civic leaders favor the move and may have prompted Pressler's proposal, sources said.

"The community feels we have an important mission out here" at Ellsworth, said Jan Laitos, a retired Air Force colonel and member of the Rapid City Area Chamber of Commerce's military affairs committee.

Some area residents visiting other Strategic Air Command bases find a general in command and believe Ellsworth is important enough also to have a general officer on base, he said Monday.

Ellsworth's 28th Bombardment Wing, 44th Strategic Missile Wing, and other units such as the 44th Combat Support Group are commanded by colonels.

Of the proposed transfer, "The military associations are in favor of this taking place, not only for the prestige but for the important missions assigned to Ellsworth and its strategic role for the national defense," Laitos said.

Ellsworth commanders were aware that Pressler had made the proposal, said Maj. Ron Trithart, base public affairs officer. "However, he did not make the proposal at our request."

If such a transfer were made, it would mean the arrival of a general officer, usually a brigadier general, and a staff of about 30 people, Trithart said.

It isn't unusual for an air division headquarters to be changed, Trithart said. "As a mission changes and tactics change, there is realignment of bases to different air divisions."

Ellsworth, F.E. Warren and Malmstrom AFB, Mont, are currently under the 4th Air Division, he said.

In Ellsworth's chain of command, Air Force headquarters in Washington is at the top, followed by SAC headquarters at Offut AFB, Neb., 15th Air Force at March AFB, Calif., and the 4th Air Division.

Ellsworth is SAC's largest operational base with two squadrons of B-1s and commands 150 Minuteman II missiles. Also, a Strategic Training Center is under construction at the base.

In Pressler's letter, he told Air Force Secretary Edward Aldridge, Jr.: "Two of the three legs of our triad defense system—missiles and bombers—are located at Ellsworth AFB." He said the training center would mean "all of the advanced bomber training for the Strategic Air Command will be conducted at Ellsworth.

"Given these increased responsibilities and functions, Ellsworth's role in our defense network will continue to expand."

Pressler told Aldridge that because there were no bombers at F.E. Warren, "it would appear logical to transfer the division command to Ellsworth."

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.)

MESSAGES FROM THE HOUSE

At 3:36 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2756. An act to amend the Middle Atlantic Interstate Forest Fire Protection Compact to include the State of Ohio;

H.R. 2835. An act to direct the Secretary of Agriculture to release certain restrictions on a parcel of land located in Henderson, TN;

H.R. 3911. An act to amend title 18, United States Code, to provide increased penalties for certain major frauds against the United States;

H.R. 3927. An act to amend the United States Housing Act of 1937 to establish a separate program to provide housing assistance for Indians and Alaska Natives;

H.R. 4083. An act to amend title 5, United States Code, to authorize the establishment of the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service, and for other purposes;

H.R. 4262. An act to amend title 17, United States Code, to implement the Berne Convention for the Protection of Literary and Artistic Works, as revised at Paris on July 24, 1971, and for other purposes;

H.R. 4267. An act to authorize additional appropriations for the WEB Rural Water Development project;

H.R. 4306. An act to amend the National School Lunch Act to require eligibility for free lunches to be based on the nonfarm income poverty guidelines prescribed by the Office of Management and Budget;

H.R. 4318. An act to improve the administration of the personnel systems of the General Accounting Office; and

H.R. 4445. An act to amend title 18, United States Code, to prohibit certain firearms especially useful to terrorists.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 296. Concurrent resolution authorizing printing of the House of Representatives Election Law Guidebook, 1988.

At 4:32 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1570. An act to establish an emergency response program within the Nuclear Regulatory Commission.

ENROLLED BILL SIGNED

At 5:45 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 3. An act to enhance the competitiveness of American industry, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 1570. An act to establish an emergency response program within the Nuclear Regulatory Commission; to the Committee on Environment and Public Works.

H.R. 2756. An act to amend the Middle Atlantic Interstate Forest Fire Protection Compact to include the State of Ohio; to the Committee on the Judiciary.

H.R. 2835. An act to direct the Secretary of Agriculture to release certain restrictions on a parcel of land located in Henderson, TN; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 3911. An act to mend title 18, United States Code, to provide increased penalties for certain major frauds against the United States; to the Committee on the Judiciary.

H.R. 3927. An act to amend the United States Housing Act of 1937 to establish a separate program to provide housing assistance for Indians and Alaska Natives; to the Select Committee on Indian Affairs.

H.R. 4267. An act to authorize additional appropriations for the WEB Rural Water Development project; to the Committee on Energy and Natural Resources.

H.R. 4306. An act to amend the National School Lunch Act to require eligibility for free lunches to be based on the nonfarm income poverty guidelines prescribed by the Office of Management and Budget; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 4318. An act to improve the administration of the personnel systems of the General Accounting Office; to the Committee on Governmental Affairs.

H.R. 4445. An act to amend title 18, United States Code, to prohibit certain firearms especially useful to terrorists; to the Committee on the Judiciary.

The following concurrent resolution, and referred as indicated:

H. Con. Res. 296. A concurrent resolution authorizing printing of the House of Representatives Election Law Guidebook, 1988; to the Committee on Rules and Administration.

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-3190. A communication from the Archivist of the United States, transmitting, pursuant to law a report on a proposed archival depository for the Presidential and other historical materials of the Reagan administration; to the Committee on Governmental Affairs.

EC-3191. A communication from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Rural Electrification Act of 1936; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3192. A communication from the Deputy Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on the reapportionment of an appropriation on a basis indicating a need for a supplemental estimate of appropriations; to the Committee on Appropriations.

EC-3193. A communication from the Secretary of the Navy, transmitting, pursuant to law, notification of the Department of the Navy's proposal to transfer the obsolete submarine ex-GROWLER to the Intrepid Sea-Air-Space Museum, New York, New York; to the committee on Armed Services.

EC-3194. A communication from the Secretary of Defense, transmitting, pursuant to law, a report entitled "Soviet Military Power: An Assessment of the Threat—1988"; to the Committee on Armed Services.

EC-3195. A communication from the Assistant General Counsel (Legal Counsel), Department of Defense, transmitting, pursuant to law, a report on individuals who have filed a report of DoD and Defense Related Employment for fiscal year 1987; to the Committee on Armed Services.

EC-3196. A communication from the Deputy Assistant Secretary of the Air Force (Logistics), transmitting, pursuant to law, a report on the conversion of the commissary shelf stocking and resale warehouse function at Keesler Air Force Base, Mississippi, to performance by contract; to the Committee on Armed Services.

EC-3197. A communication from the Deputy Assistant Secretary of the Air Force (Logistics), transmitting, pursuant to law, a report on the conversion of the administrative telephone switchboard function at Kirtland Air Force Base, New Mexico, to performance by contract; to the Committee on Armed Services.

EC-3198. A communication from the Assistant Secretary of Defense (Force Management and Personnel), transmitting, pursuant to law, a report entitled "Defense Manpower Requirements Report for FY 1989"; to the Committee on Armed Services.

EC-3199. A communication from the Assistant Secretary of the Air Force (Manpower and Reserve Affairs), transmitting a draft of proposed legislation to provide the Service Secretary concerned the option to order a cadet or midshipman to reimburse the United States without first ordering such cadet or midshipman to active duty; to the Committee on Armed Services.

EC-3200. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the 1987 annual report of the Department of Housing and Urban Development's Solar Energy and Energy Conservation Bank program; to the Committee on Banking, Housing, and Urban Affairs.

EC-3201. A communication from the President of the United States, transmitting, pursuant to law, a report on the national emergency with respect to Nicaragua; to the Committee on Banking, Housing, and Urban Affairs.

EC-3202. A communication from the Under Secretary of Commerce, transmitting, pursuant to law, the fiscal year 1987 report of the National Oceanic and Atmospheric Administration on Ocean Thermal Energy Conversion; to the Committee on Commerce, Science, and Transportation.

EC-3203. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the fiscal year 1989 budget requests of the Federal Aviation Administration; to the Committee on Commerce, Science, and Transportation.

EC-3204. A communication from the Secretary of Commerce, transmitting a draft of proposed legislation to amend Title III of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, to authorize appropriations for such title for fiscal years 1989 and 1990, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC-3205. A communication from the Secretary of the Interior, transmitting, pursuant to law, the seventh annual progress report under the Alaska National Interest Lands Conservation Act; to the Committee on Energy and Natural Resources.

EC-3206. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of excess royalty payments on certain oil and gas leases; to the Committee on Energy and Natural Resources.

EC-3207. A communication from the Director of the Council on Environmental Quality, Executive Office of the President, transmitting a draft of proposed legislation to authorize appropriations for the Office of Environmental Quality for fiscal years 1989 and 1990; to the Committee on Environment and Public Works.

EC-3208. A communication from the President of the United States, transmitting, pursuant to law, notice of his intent to remove certain countries from beneficiary

status under the Generalized System of Preferences; to the Committee on Finance.

EC-3209. A communication from the Secretary of the Postal Rate Commission, transmitting, pursuant to law, Commission notice and order concerning filing of petition of Postal Service for initiation of rulemaking to amend procedural requirements for changes in express mail rates; to the Committee on Governmental Affairs.

EC-3210. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on single audits for the period ending January 30, 1988; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD (for Mr. BIDEN), from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1851: A bill to implement the International Convention on the Prevention and Punishment of Genocide (Rept. No. 100-333).

By Mr. BOREN, from the Select Committee on Intelligence, without amendment:

S. 2366: An original bill to authorize appropriations for fiscal year 1989 for the intelligence activities of the U.S. Government, the intelligence community staff, for the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. No. 100-334).

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. PROXMIRE (for himself, Mr. BOSCHWITZ, and Mr. SIMON):

S. 2364. A bill to enable certain U.S. flag vessels to engage temporarily in trade within the Great Lakes, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KERRY:

S. 2365. A bill authorizing the release of 86 USIA films with respect to the Marshall plan; to the Committee on Foreign Relations.

By Mr. BOREN, from the Select Committee on Intelligence:

S. 2366. An original bill to authorize appropriations for fiscal year 1989 for the intelligence activities of the U.S. Government, the intelligence community staff, for the Central Intelligence Agency Retirement and Disability System, and for other purposes; to the Committee on Armed Services, by unanimous consent for a period not to exceed 30 calendar days, not to include days when the Senate is not in session, pursuant to the provisions of section 3(b) of S. Res. 400, 94th Congress.

By Mr. LAUTENBERG (for himself, Mr. DANFORTH, Mr. BENTSEN, Mr. PELL, Mr. GORE, and Mr. CHAFEE):

S. 2367. A bill to promote highway traffic safety by encouraging the States to establish measures for more effective enforcement of laws to prevent drunk driving, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BUMPERS (for himself, Mr. DIXON, and Mr. CONRAD):

S. 2368. A bill to authorize the several States and the District of Columbia to collect certain taxes with respect to sales of tangible personal property by nonresident persons who solicit such sales; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. METZENBAUM:

S. Res. 428. A resolution to express appreciation and gratitude to Irving Berlin; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PROXMIRE (for himself, Mr. BOSCHWITZ, and Mr. SIMON):

S. 2364. A bill to enable certain U.S. flag vessels to engage temporarily in trade within the Great Lakes, and for other purposes; referred to the Committee on Commerce, Science, and Transportation.

GREAT LAKES REFLAGGING

Mr. PROXMIRE. Mr. President, today Senator BOSCHWITZ, Senator SIMON and I are introducing legislation to revive trade in the Great Lakes region. Wisconsin and other Great Lakes ports are at a competitive disadvantage because American flag merchant ships no longer call at our ports for international trade. As of April 1 of this year, the cargo preference provision of the Food Security Act mandates that 75 percent of U.S. Government cargo be carried on U.S.-flag carriers. This amplifies the disadvantage imposed on Great Lakes exports.

So far this shipping season, Great Lakes ports have suffered a loss of $1 million due to diversion of cargo by the Departments of Agriculture and Transportation from our region to gulf ports in satisfaction of the 75 percent U.S. carrier requirement. We offer this legislation today in order to entice foreign flag carriers to switch to the American flag and call for U.S. Government cargoes at our ports.

Private enterprise would provide U.S. flag service to the Lakes if our current laws were not so restrictive. The Merchant Marine Act requires a 3 year wait after U.S. flagging of a foreign vessel before that ship can carry U.S. Government cargoes such as the Public Law 480 title II shipments. This 3 year wait prevents investors from quickly earning a return on the capital expenditures needed for setting up in the shipping service. My bill proposes waiving the 3 year wait for applicants over the next 2 years. The number of ships that may reflag under this waiver is restricted to six. The ships would be serving the Great Lakes ports, with the exception of two calls per year to other ports, at the close of the Great Lakes shipping season.

This bill would result in specific economic benefits. U.S. shipyards would upgrade these vessels as required for national defense purposes. The bill creates work opportunities in the U.S. shipbuilding industry. In adddition it requires the use of U.S. crews.

The Great Lakes offers transport efficiencies which can make U.S. exports more competitive, depending on the type of product involved, its source and destination. For example, agriculture shipping costs are lower during the months when the Lakes/Seaway waterway is open.

The Great Lakes/Seaway provides an important waterway for the United States. Both for strategic and commercial reasons, it is urgent that the United States have at least some ongoing U.S.-flag cargo carrying capacity out of the Lakes. This legislation will help achieve that end.

I ask unanimous consent that the bill be printed in the RECORD.

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

S. 2364

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a)(1) for purposes of section 901(b)(1) of the Merchant Marine Act, 1936 (46 U.S.C. 1241(b)(1)), the term "privately owned United States-flag commercial vessels" shall be deemed to include any United States flag vessel designated by the Secretary of Transportation as a "Great Lakes Exempt Vessel" pursuant to paragraph (2), without regard to the number of years such vessel has been documented under the laws of the United States.

(2) For the purpose of enabling vessels documented under the laws of the United States for a period of less than 3 years to engage temporarily in trade within the Great Lakes, the Secretary of Transportation, in accordance with this Act and such regulations as he may prescribe, is authorized to designate each of six vessels as a Great Lakes Exempt Vessel. No vessel engaged primarily in bulk trade shall be designated as a Great Lakes Exempt Vessel.

(b) No vessel shall retain its designation as a Great Lakes Exempt Vessel if such vessel, following such designation, has any repair work, work required for such vessel to meet Coast Guard specifications for the documentation of vessels in the United States, reconditioning, or maintenance work done on such vessel other than in a United States shipyard. The Secretary of Transportation is authorized to waive the provisions of the first sentence of this subsection in the case of any such work performed on a vessel, if such work was necessary to enable the vessel to safely sail from a port outside of the United States.

(c)(1) Except to the extent provided under paragraph (2), no vessel designated as a Great Lakes Exempt Vessel pursuant to this Act shall serve any other United States seaport other than the Great Lakes.

(2) During a period of not to exceed 90 days in any 12-month period as determined by the Secretary of Transportation, the Sec-

retary is authorized, by regulation, to permit a Great Lakes Exempt Vessel to serve a United States seaport other than the Great Lakes, but in no event more than twice in any such 90-day period.

(d) The Secretary of Transportation shall not designate any vessel as a Great Lakes Exempt Vessel pursuant to this Act unless such vessel has been approved by the Secretary of Defense as a vessel suitable for national defense purposes.

(e) As used in this Act, the term "Great Lakes" means Lake Superior, Michigan, Huron, Erie, and Ontario, their connecting and tributary waters, the St. Lawrence River as far east as St. Regis, and adjacent port areas.

(f) The designation of any vessel as a Great Lakes Exempt Vessel pursuant to this Act shall be considered terminated on December 31, 1990.

By Mr. KERRY:

S. 2365. A bill authorizing the release of 86 USIA films with respect to the Marshall plan; to the Committee on Foreign Relations.

RELEASE OF CERTAIN FILMS WITH RESPECT TO THE MARSHALL PLAN

● Mr. KERRY. Mr. President, as you may know, 1987 marked the 40th anniversary of the launching of the Marshall plan, a chapter in our history of which we can all be proud.

Few people realize that our Nation has a documentary motion picture record of the Marshall plan's achievements. Over 100 films were produced in Europe by the Marshall plan agencies, but unfortunately, these films are not available in the United States—not to American historians, not to educators, not to the general public.

I am introducing legislation that would allow these films to be seen in the United States. Responsibility for the films currently rests with the U.S. Information Agency, as successor to the Marshall plan's information activities. I propose that the National Archives be allowed to receive a master copy of the films from the United States Information Agency. Our National Archives would, then, in turn, promptly make prints of the films available for purchase by the public.

The Marshall plan was one of the great economic and political successes in this century. I believe these films provide an important historical source to remind future generations of the positive role that our Nation played in the restoration of Europe following the Second World War.●

By Mr. LAUTENBERG (for himself, Mr. DANFORTH, Mr. BENTSEN, Mr. PELL, Mr. GORE, Mr. WEICKER, and Mr. CHAFEE):

S. 2367. A bill to promote highway traffic safety by encouraging the States to establish measures for more effective enforcement of laws to prevent drunk driving, and for other purposes; to the Committee on Environment and Public Works.

DRUNK DRIVING PREVENTION ACT

● Mr. LAUTENBERG. Mr. President, today I am introducing legislation to promote tougher, more effective laws to curb drunk driving. I am pleased to be joined by Senators DANFORTH, BENTSEN, PELL, and GORE. Along with groups like Mothers Against Drunk Driving, we're working together toward a simple goal, to save lives.

With the passage of the National Uniform Minimum Drinking Age Act in 1984, the Congress took an important step forward in the battle against drunk driving. Today, all 50 States have adopted a minimum drinking age of 21, eliminating "blood borders." A study by the National Highway Traffic Safety Administration found that over an 18-month period, almost 850 young lives were saved, largely due to the increased minimum drinking age.

But the battle against drunk driving is far from over. A drunk driving fatality occurs every 22 minutes in this country. Drunk driving has to be reduced among drivers of all ages.

An essential component of our continuing efforts must be enhanced enforcement of Federal, State, and local laws. Our bill would help States meet that goal.

The bill would authorize Federal seed money to States to help establish self-sustaining drunk driving prevention programs. In order to be eligible for this program, States would have to put into place a self-supporting enforcement program, under which fines and surcharges collected from individuals convicted of drunk driving are returned to communities for enforcement.

States would also have to adopt laws that provide for the prompt suspension or revocation of the license of a driver found to be driving under the influence of alcohol. A recent study released by the Insurance Institute for Highway Safety [IIHS] showed that such laws reduce drunk driving fatalities by 9 percent.

In addition to being eligible for grants under these two basic requirements, States could also receive supplemental funds for adoption of either or both of the following procedures: First, a means of making drivers licenses of those under the legal drinking age readily distinguishable from those of drivers of legal drinking age; and second, the mandatory blood alcohol testing of drivers involved in fatal or serious accidents.

Finally, the bill would direct the Secretary of Transportation to commission a study by the National Academy of Sciences on the appropriate blood alcohol concentration at which a driver should be deemed to be under the influence of alcohol.

Mr. President, the importance of this legislation is apparent to anyone who has suffered the loss of a loved one. This morning, I listened to the tragic story of Bob Gore. Mr. Gore was vacationing in Hawaii with his 24-year-old son and daughter, when his children were killed by a drunk driver. This was not the first time that driver had been guilty of driving drunk. But he was still able to drink and drive. That is an outrage that must be corrected. That's what this bill would do.

That drunk driver has now been convicted of manslaughter in the death of the Gores. But in the 15 months between their deaths and the conviction, he was allowed to go on driving. In fact, Mr. Gore told us that the last thing the convicted killer of his children did before leaving the courtroom was to turn over his driver's license. If that had been done after his earlier transgressions, perhaps that tragedy might never have happened.

Nothing can be done to bring lost loved ones back. But we can take steps to keep tragedies like the one that killed the Gores from happening to other families. I want to commend Mr. Gore for his commitment to this effort. He's turning his personal grief into a positive force, trying to spare others. For that, he deserves to be commended.

I'm pleased to be joined in this effort by Mothers Against Drunk Driving, the Insurance Institute for Highway Safety, and the National Safety Council. This coalition has been successful before, providing crucial force behind the minimum drinking age bill. I look forward to continued success with this legislation, and urge my colleagues to join in consponsoring the bill.

Mr. President, I ask unanimous consent that a copy of the bill be included in the RECORD.

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

S. 2367

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Drunk Driving Prevention Act of 1988".

SEC. 2. (a) Chapter 4 of title 23, United States Code, is amended by adding at the end the following new section:

"§ 409. Drunk driving enforcement programs

"(a) Subject to the provisions of this section, the Secretary shall make basic and supplemental grants to those States which adopt and implement drunk driving enforcement programs which include measures, described in this section, to improve the effectiveness of the enforcement of laws to prevent drunk driving. Such grants may only be used by recipient States to implement and enforce such measures.

"(b) No grant may be made to a State under this section in any fiscal year unless such State enters into such agreements with the Secretary as the Secretary may require to ensure that such State will maintain its aggregate expenditures from all other sources for drunk driving enforcement programs at or above the average level of such

expenditures in its two fiscal years preceding the date of enactment of this section.

"(c) No State may receive grants under this section in more than three fiscal years. The Federal share payable for any grant under this section shall not exceed—

"(1) in the first fiscal year a State receives a grant under this section, 75 per centum of the cost of implementing and enforcing in such fiscal year the drunk driving enforcement program adopted by the State pursuant to subsection (a) of this section;

"(2) in the second fiscal year the State receives a grant under this section, 50 per centum of the cost of implementing and enforcing in such fiscal year such program; and

"(3) in the third fiscal year the State receives a grant under this section, 25 per centum of the cost of implementing and enforcing in such fiscal year such program.

"(d)(1) Subject to subsection (c) of this section, the amount of a basic grant made under this section for any fiscal year to any State which is eligible for such a grant under subsection (e)(1) of this section shall equal 30 per centum of the amount apportioned to such State for fiscal year 1989 under section 402 of this title.

"(2) Subject to subsection (c) of this section, the amount of a supplemental grant made under this section for any fiscal year to any State which is eligible for such a grand under subsection (e)(2) of this section shall not exceed 20 per centum of the amount apportioned to such State for fiscal year 1989 under section 402 of this title. Such supplemental grant shall be in addition to any basic grant received by such State.

"(e) For purposes of this section, a State is eligible for a basic grant if such State provides for—

"(1) an expedited driver's license suspension or revocation system which requires that—

"(A) when a law enforcement officer has probable cause under State law to believe an individual has committed an alcohol-related traffic offense, and such individual is determined, on the basis of one or more chemical tests, to have been under the influence of alcohol while operating the motor vehicle concerned or refuses to submit to such a test as proposed by the officer, such officer shall serve such individual with a notice of suspension or revocation, which shall provide information on the administrative procedures by which a State may suspend or revoke a license for drunk driving and specify any rights of the driver in connection with such procedures, and shall take possession of the driver's license of such individual;

"(B) after serving such notice and taking possession of such driver's license, the law enforcement officer shall immediately report to the State entity responsible for administering driver's licenses all information relevant to the enforcement action involved;

"(C) upon receipt of the report of the law enforcement officer, the State entity responsible for administering driver's licenses shall, where an individual is determined on the basis of one or more chemical tests to have been intoxicated while operating a motor vehicle or is determined to have refused to submit to such a test as proposed by the officer, (i) suspend the driver's license of such individual for a period of not less than ninety days if such individual is a first offender and (ii) suspend the driver's license of such individual for a period of not less than one year, or revoke such license, if such individual is a repeat offender;

"(D) such suspension or revocation shall take effect at the end of a period of not more than fifteen days immediately after the day on which the driver first received notice of the suspension or revocation; and

"(E) the determination as required by subparagraph (C) of this paragraph shall be in accordance with a process established by the State, under guidelines established by the Secretary to ensure due process of law, (i) for such administrative determination and (ii) for reviewing such determination, upon request by the affected individual within the period specified in subparagraph (D) of this paragraph; and

"(2) a self-sustaining drunk driving enforcement program under which the fines or surcharges collected from individuals convicted of driving a motor vehicle while under the influence of alcohol are returned to those communities which have comprehensive programs for the prevention of drunk driving.

"(f) for purposes of this section, a State is eligible for a supplemental grant if such State is eligible for a basic grant and in addition such State provides for—

"(1) mandatory blood alcohol content testing whenever a law enforcement officer has probable cause under State law to believe that a driver of a motor vehicle involved in a collision resulting in the loss of human life or, as determined by the Secretary, serious bodily injury, has committed an alcohol-related traffic offense; or

"(2) an effective system for preventing drivers under age 21 from obtaining alcoholic beverages, which may include the issuance of driver's licenses to individuals under age 21 that are easily distinguishable in appearance from driver's licenses issued to individuals 21 years of age or older.

"(g) There are authorized to be appropriated to carry out this section, out of the Highway Trust Fund, $25,000,000 for the fiscal year ending September 30, 1989, and $50,000,000 per fiscal year for each of the fiscal years ending September 30, 1990, and September 30, 1991. All provisions of chapter 1 of this title that are applicable to Federal-aid primary highway funds, other than provisions relating to the apportionment formula and provisions limiting the expenditures of such funds to Federal-aid systems, shall apply to the funds authorized to be appropriated to carry out this section, except as determined by the Secretary to be inconsistent with this section. Sums authorized by this subsection shall not be subject to any obligation limitation for State and community highway safety programs.".

(b) The analysis of chapter 4 of title 23, United States Code, is amended by adding at the end the following: "409. Drunk driving enforcement programs.".

SEC. 3.(a) Not later than 30 days after the date of enactment of this Act, the Secretary of Transporation shall undertake to enter into appropriate arrangements with the National Academy of Sciences to conduct a study to determine the blood alcohol concentration level at or above which an individual when operating a motor vehicle is deemed to be driving while under the influence of alcohol.

(b) In entering into any arrangement with the National Academy of Sciences for conducting the study under this section, the Secretary shall request the National Academy of Sciences to submit, not later than one year after the date of enactment of this Act, to the Secretary a report on the results of such study. Upon its receipt, the Secretary shall immediately transmit the report to the Congress.

SEC. 4. The Secretary of Transportation shall issue and publish in the Federal Register proposed regulations to implement section 409 of title 23, United States Code, not later than December 1, 1988. The final regulations for such implemention shall be issued, published in the Federal Register, and transmitted to Congress before March 1, 1989.●

● Mr. DANFORTH. Mr. President, I am pleased to join Senator LAUTENBERG in sponsoring the Drunk Driving Prevention Act of 1988. Its goal is an important one—stopping drunk drivers from killing and injuring innocent citizens.

We have made some progress in the fight against drunk driving. According to the National Highway Traffic Safety Administration, in 1982, 25,170 Americans were killed in alcohol-related crashes. In 1987, there were an estimated 23,500 alcohol-related fatalities, a decrease of 7 percent.

How did we make this progress? One way we made progress was by encouraging States to pass tough laws to combat drunk driving. In 1982, I authored, with Senator PELL, legislation to provide States incentive grants if they passed a law with each of the following provisions: First, a provision requiring prompt license suspension for a minimum period of 90 days on the first offense and for 1-year on the second offense; second, a provision establishing a 0.10 percent blood alcohol content [BAC] per se intoxication standard; and third, a provision requiring a jail sentence of 48 hours or at least 10 days of community service on the second drunk driving offense within 5 years. To date, 16 States have qualified for these grants by passing laws with the required provisions.

In 1984, we took further steps to fight drunk driving. We passed the National Minimum Drinking Age Act. Since that legislation's enactment, all 50 States have adopted a minimum drinking age of 21. The States' adoption of the minimum drinking age has eliminated "blood borders"—areas where young people would drive across State lines to buy alcohol. The 1984 legislation also included provisions I authored expanding the 1982 incentive grant program to include States using grants to prevent drugged driving and to provide grants to States who update and computerize their traffic record keeping systems.

Even with these stronger laws, alcohol is involved in the deaths of over 50 percent of those killed in highway crashes. We have made some progress, but we are far from satisfied. We must take further steps to combat drunk driving.

Mr. President, our bill would authorize Federal seed money for States that enact and enforce laws shown to be effective weapons in the fight against drunk driving. There would be two re-

quirements for receiving a basic grant under this legislation.

First, a State would have to establish a self-supportive prevention program under which fines collected from convicted drunk drivers would be returned to communities for enforcement.

Second, a State would have to adopt an administrative per se law under which a police officer could immediately confiscate a drunk driver's license at the point of arrest. Such a law removes a demonstrated hazard from the highways. A recently released Insurance Institute for Highway Safety study found that such laws reduce drunk driving fatalities by 9 percent in those States that adopt them.

The bill would enable States to receive supplemental funds for meeting either or both of the following requirements: First, making the drivers' licenses of those under the legal drinking age readily distinguishable from the licenses of drivers of legal drinking age; and second, requiring blood alcohol content testing of drivers involved in fatal or serious accidents.

In addition, our bill would require the Secretary of Transportation to commission a study by the National Academy of Sciences on the BAC level at which a driver should be deemed to be under the influence of alcohol.

Mr. President, this drunk driving prevention bill has the support of Mothers Against Drunk Driving and the National Safety Council. With their support and with the support of our colleagues, we can help to stop the unnecessary slaughter of innocent people on our highways.●

● Mr. CHAFEE. Mr. President, we all know of the tragedies resulting from drunk driving. Too often, I pick up the newspaper and read about the suffering caused by drunk drivers: The tremendous loss of human potential, the promising lives cut short, and the families torn apart by senseless tragedy. Alcohol abuse has become an increasing problem in this country. The costs of this abuse are clearly magnified in the transportation sector. When operators of a car, truck, or bus drink and drive, they endanger not only their own lives, but the lives of passengers entrusted to their care, other motorists and even innocent bystanders.

The Congress has not let these tragedies go unnoticed. In 1984, we approved the National Uniform Minimum Drinking Age Act. That legislation highlighted the need to unify minimum drinking ages across State borders. Since its passage, all 50 States have adopted a minimum drinking age of 21. The uniformity of the minimum drinking age has gone a long way to reducing the incidence of drunk driving, a leading cause of death among our young people.

It is important to remember that the incidence of drunk driving crosses all age groups and economic backgrounds. An estimated 560,000 people are injured in alcohol-related crashes each year. That is why I joined with my colleague Senator PELL and 98 other Senators this week in urging Surg. Gen. C. Everett Koop to declare drunk driving a national crisis. We must bring every Federal effort possible to bear on this problem.

As you know, Mr. President, the Federal Government currently provides incentive grants for alcohol safety programs. The so-called Section 408 Program which includes both basic and supplemental grants has been a major success in my home State of Rhode Island and has made possible several worthwhile programs to combat drunk driving.

The bill I am cosponsoring today with Senator LAUTENBERG and Senator DANFORTH would complement the 408 Program and authorize Federal seed money to States for the establishment of additional self-supporting drunk driving prevention programs. In order to be eligible for a grant, States would have to establish programs under which fines and surcharges collected from individuals convicted of drunk driving would be returned to communities for enforcement. In addition, the proposal requires States to provide for an expedited driver's license suspension or revocation system. This second provision is essential to deter individuals from driving while under the influence of alcohol. Drunk drivers must know that they will be prosecuted and that their licenses will be revoked in timely fashion.

In addition, under this legislation, States will be eligible for supplemental grants if: First, law enforcement officers are required to test for blood alcohol content whenever they have probable cause to believe that a driver involved in a collision resulting in the loss of human life or serious injury, had committed an alcohol-related traffic offense; and second, there is established an effective system for preventing drivers under age 21 from obtaining alcoholic beverages. It is time to get tough with drunk drivers and support a uniform response to alcohol-related accidents.

The purpose of this legislation is to encourage States to adopt laws that have proven to be highly effective in reducing alcohol-related fatalities. Despite the past successes of Federal and State efforts to combat drug and alcohol abuse, the fight against drunk driving on our roads and highways is far from over.

I urge my colleagues to support this legislation.●

By Mr. BUMPERS (for himself, Mr. DIXON, and Mr. CONRAD):

S. 2368. A bill to authorize the several States and the District of Columbia to collect certain taxes with respect to sales of tangible personal property by nonresident persons who solicit such sales; to the Committee on Finance.

MAIN STREET FAIR COMPETITION ACT

● Mr. BUMPERS. Mr. President, I am today introducing the Main Street Fair Competition Act. The bill would assist State and local governments in collecting sales taxes due on interstate mail-order sales and provide justice for the Main Street small business which compete with these mail-order firms.

As chairman of the Senate Small Business Committee, I know the problems that Main Street small businesses have in surviving the intense competition they face from large, multistate firms. This competition is tough enough, but it is simply unfair that some of their competitors, specifically out-of-State mail-order firms, are able to avoid collecting State sales taxes on their mail-order sales and can sell products on a tax-free basis.

NO NEW TAX IS IMPOSED

The issue here is collection of sales taxes which already are legally due to State and local government. The problem is that sales taxes cannot now be collected when the customer has purchased the item from an out-of-State mail-order firm. This bill does not impose any new sales tax. It simply permits collection of taxes which now go uncollected.

The State and local governments have no difficulty collecting sales taxes when the item is bought from a Main Street small business which is located within the State. Local small businesses, including local mail-order firms, must include the State and local sales taxes in the purchase price for all the items they sell. They must then remit the proceeds of the tax to the State or local governmental unit.

Every small business located in a State is involved in collection of sales taxes. There is nothing new or unusual about it. There are well-established procedures for collecting the tax, accounting for the taxes which are collected, and remitting the tax to the State or local government. Local small businesses are even compensated by the State for serving as part of the State tax collection system. They can earn some income from the float on the sales taxes they collect until these taxes are remitted to the State. There is no controversy about the obligation of local small businesses to collect sales taxes.

This routine collection procedure does not, however, currently apply where the business does not maintain a store or plant within the State. Under a Supreme Court ruling, the *Bellas Hess* case, State and local governments cannot now require an out-of-State mail-order firm to collect and

remit the taxes when it mails the purchased item to citizens residing in that State or local jurisdiction. The Court found that mailing the item did not constitute enough of a "nexus" with the State to give the State the power to require the firm to collect sales taxes on the transaction.

This is an obvious loophole in the sales tax collection system and its practical effect is to prevent collection of the taxes by any government entity.

State and local governments could try to collect these sales taxes directly from the customer of the out-of-State mail-order firm, but this is quite impractical. Can you imagine a State or local government requiring its citizens to report all purchases from out-of-State mail-order firms and to pay the applicable sales taxes each year when they file their income tax forms? States could require this, but it's an absurd prospect.

The fact is that without the assistance from the out-of-State mail-order firm, the State cannot collect the sales taxes on purchases from these firms.

When these sales taxes go uncollected by the State where the customer resides, no sales taxes are ever collected on these transactions. The State where the mail-order firm is located collects no sales taxes on these purchases. The State where the item is mailed is unable to collect the sales taxes. These sales simply fall between the cracks and are never taxed by anyone. The result is a national loss in sales tax revenue to State and local governments.

I am sure that most persons who buy an item from an out-of-State mail-order firm believe that no sales taxes is due to the State or local government in which they reside. I would think that some people buy items from out-of-State mail-order firms precisely because they believe that they are not obligated to pay any sales taxes.

This is a misconception which mail-order firms undoubtedly foster. Indeed, at some point in the legislative process, I would not be surprised to see mail-order firms launch an advertising campaign trying to convince their customers that this bill or other bills on this issue are imposing some new taxes. Any such representations would be false and I trust that mail-order firms will think twice before they make any false statements regarding this issue.

The truth of the matter is that sales taxes are due on all of these sales irrespective of whether the item is purchased from a Main Street small business or from an out-of-State mail-order firm. With respect to purchases from a mail-order firm, the customer simply never receives any bill for the sales taxes which are due, either from the mail-order firm or directly from the State or local jurisdiction.

UNFAIR COMPETITION FOR SMALL BUSINESSES

When the sales of out-of-State mail-order firms are not taxed, the mail-order firm gains a significant competitive advantage over Main Street small businesses which must collect the tax.

Americans have a natural aversion to taxes, to income taxes, to sales taxes, all excise taxes, to all taxes. Everyone seems to have pride when they can gain the biggest refund on their income tax return. We love to gripe about the tax burden. We happily elected an administration committed to drastically cutting Federal income tax rates and were unconcerned that this would lead inevitably to the huge budget deficits.

When a customer of a mail-order firm avoids paying sales taxes, he or she may feel that he or she has received a special tax break. It's exciting to be able to avoid paying taxes. The avoidance of sales taxes constitutes a minor victory over the whole tax collection system.

But, this tax avoidance is unfair to the Main Street small businesses which must collect taxes from their customers. What happens is that the small business on Main Street finds that its prices are automatically 4 or 5 percent higher than those of a mail-order firm. The mail-order firm always has a built-in, guaranteed price advantage on the price of the item. This is unfair, and the Federal Government should step in to put all businesses on the same competitive footing.

Competition among retailers should not be artificially biased in favor of mail-order firms just because of a quirk in the ability of States to collect sales taxes. Businesses should compete based on the quality of their products and service and the cost to the consumer. This is competition we want and should encourage. It is fundamental to the free enterprise system. A small number of businesses should not be given an automatic, contrived, inadvertent, and unfair competitive advantage because of a quirk in the law.

Ironically, the mail-order sales tax loophole gives interstate mail-order firms a competitive advantage over intrastate mail-order firms. The loophole only applies to sales to customers in a State where the firm has no plant or store. It does not apply to mail-order sales in the same State where the firm has facilities. So, the loophole only helps interstate mail-order firms and it hurts intrastate mail-order firms just as much as it hurts Main Street small businesses which have no mail-order business.

BENEFITS TO STATE AND LOCAL GOVERNMENTS

The issue here is important to State and local governments. With many cutbacks in Federal aid, State and local governments are strapped to raise the revenue they need to provide services to their citizens. Indeed, it is in the interest of all citizens that their State and local government be able to collect all the taxes which are due.

To the extent that State and local government sales taxes cannot be collected, the taxes on all the citizens and businesses in the State must be raised. There is no reason why the lost revenue on out-of-State mail-order sales should be made up by citizens irrespective of whether or not they choose to make purchases from mail-order firms.

It is estimated that my State of Arkansas loses $16 million in sales tax revenue on interstate mail-order sales, one of the highest revenue losses of any State in terms of the percentage of sales tax revenue collected. If these taxes could be collected, the State of Arkansas can use the funds to improve education and roads and other important purposes. It might even be able to reduce some of the taxes it imposes on individuals and businesses within the State. State officials in Arkansas—and every other State—strongly support eliminating this loophole for mail-order firms.

Nationwide it is estimated that $2.5 billion in sales tax goes uncollected due to the mail-order loophole. This $2.5 billion could be used by State and local communities to help fight drug addiction, provide assistance to small businesses, or clean up the environment.

It also is important to collect sales taxes on all sales to avoid shenanigans and sham transactions. Living here in the District of Columbia we have two adjacent jurisdictions. It is possible to buy an item in Chevy Chase, MD, and have it shipped two blocks away to Friendship Heights in the District and avoid paying sales taxes. This makes no sense and it spawns efforts to circumvent the payment of taxes, particularly on luxury items where the sales tax is particularly heavy or where there is a substantial differential in the sales taxes which are imposed in one jurisdiction bordering another.

FEDERAL INTEREST IN HELPING THE STATES

The Federal Government has several different interests in the mail-order sales tax loophole issue. This is not simply a State and local government issue.

The Federal Government has an interest in anything which reduces the ability of State and local governments to fund needed social programs. If State and local governments must cut back on service delivery, there will be a stronger demand for increased Federal Government programs to address the same problem. State and local governments will demand greater financial support so that they can avoid cutting back on these programs.

As I have said, the issue here is whether $2.5 billion in State and local sales taxes can be collected. This is a large amount of revenue, even by Fed-

eral standards. We have had tens of hours of debate in the Congress about cutting revenue sharing programs by amounts much less than this. We are talking here about an action on the part of the Federal Government which can provide $2.5 billion in assistance to State and local governments.

Just as important, the Federal Government has a duty to assist State and local governments. This is particularly true when this is an area where State and local governments cannot help themselves. As a matter of comity, the Federal Government should be helpful.

There is no Federal Government interest which conflicts with that of the State and local governments. There no longer exists a deduction on the Federal income tax form for State and local sales taxes. If that deduction still existed, increasing the amount of local sales tax collected would increase the amount of sales tax deductions, depriving the Federal Government of some amount of revenue. But with the demise of the sales tax deduction, there is no adverse impact of this legislation on the Federal Government.

For the Federal Government, this legislation is a matter of self-interest, comity, and fairness. The Federal Government has its own revenue problems, but this does not mean that the Federal Government should ignore the revenue problems of State and local governments.

COLLECTION PROCEDURE FOR SALES TAXES

What my bill would do is give States the power to require out-of-State mail-order firms to begin collecting State and local sales taxes.

This requirement will put out-of-State mail-order firms on the same footing with local merchants on Main Street and it will eliminate the artificial distinction between in-State and out-of-State mail-order sales.

By requiring the out-of-State mail-order firm to collect the sales taxes, States will not be tempted to begin requiring the customers of these firms to keep records on his or her purchases and to pay the taxes to the State himself. This requirement ensures that the taxes will be paid. It gives no special tax advantage to any particular type of retailer. It promotes fair competition based on cost, quality, and service.

In drafting this legislation, I was concerned that this requirement might impose a huge paperwork burden on the out-of-State mail-order firm. But, as I have said, these firms already must collect sales taxes on all sales to States where the firm has offices or facilities. This requires them to keep two sets of books—one on sales where no sales tax is collected and one on sales where sales taxes are collected. I would doubt if there is any mail-order firm which does not now already collect some sales taxes.

I was also concerned that this requirement would be confusing to the customers of out-of-State mail-order firms. But, mail-order sales forms already include a line which says something like "add 4 percent sales tax if you live in Arkansas." My legislation would simply require that all customers fill in this line. The mail-order firm can easily provide a small chart listing the applicable sales tax for each State. Or, if the item is charged on a credit card, the mail-order firm could fill in the amount of the applicable sales tax for the customer.

For the large mail-order firms, all of these items are handled by computers. If the order contains the address of the customer—and let us hope that it does—then the computer can be made to automatically fill in the applicable sales tax.

The legislation requires the mail-order firm to collect one set rate of sales tax for each State. If the State has a State sales tax, that tax must be collected. If the State also empowers local communities to collect a local sales tax, the legislation requires that this local tax be added to the States sales tax rate and does not require that it be collected separately.

This avoids the apparent nightmare of requiring the mail-order firm to collect each and every one of the approximately 6,400 local sales taxes which are imposed in the United States. It would seem to be unreasonable to require a mail-order firm to determine the amount of any local sales tax and this legislation does not require it to do so. There will be only one rate of tax per State and that is the rate of tax which is collected for any sale in that State.

I would say that this apparent nightmare might not exist in practice. There are now available computer programs which would automatically fill in the amount of any applicable local sales tax. As long as the mail-order firm knows the ZIP Code of the customer, the computer would do the rest. Of course, this would not help if the customer is paying by check and must determine the amount of the local sales tax but it would work where the customer is charging the purchases. But, as I have said, this legislation avoids this problem altogether.

Mail-order firms covered by the legislation are required to remit the sales taxes on a quarterly basis. Most Main Street small businesses must remit sales taxes on a monthly basis. This means that the out-of-State firm would have a greater ability to benefit from the float on the sales tax funds than a Main Street firm. It also means that the legislation imposes less paperwork burden on the out-of-State firm. In addition, it may be possible to require all States to agree on one sales tax remittance form. The legislation does not require this, but we may want to see if this could be done.

IMPACT ON CUSTOMERS OF MAIL-ORDER FIRMS

I anticipate that some persons who rely heavily on mail-order purchases will be concerned about this proposal. For example, some elderly persons and those who are unable to purchase certain items locally may rely on mail-order purchases.

My legislation would simply say that these persons should pay sales taxes on their purchases just as their neighbors are required to do when they walk into a local store. Everyone should have every opportunity to utilize mail-order catalogs for their purchases, but there is no reason why they should be able to avoid paying sales taxes on these purchases.

There are many commercial benefits of mail-order sales which will more than support a thriving mail-order sales industry whether or not sales taxes are collected on all of their sales instead of just some of them. These firms will not cease operations simply because they must begin collecting sales taxes on their sales.

Sales taxes are regressive. They tend to hit hardest at persons at the low end of the income scale. I have strongly resisted proposals here in the Congress to increase excise taxes and I have strongly supported efforts to maintain the progressivity of the Federal income tax. On the mail-order sales tax issue, we are dealing mostly with middle-income or upper-income individuals.

Mail-order firms mail their catalogs to customers with the highest incomes. Their mailing lists may come from companies which issue credit cards or they may come based on households in affluent neighborhoods. I doubt if there are many low-income individuals on the mailing lists of mail-order firms or many who have credit cards. The mail-order business does not, and never will, cater to low-income individuals.

There are some firms, like Sears, which have major catalog operations which are patronized by middle-income individuals. But Sears has stores in every State, or nearly every State, and it already is required to collect sales taxes on its mail-order sales. It cannot avoid collecting sales taxes. And it certainly is doing well in the mail-order business. Its customers don't complain or take their business elsewhere because sales taxes are collected.

When all sales taxes are collected, State and local governments are better able to maintain services for their citizens. Low-income citizens benefit greatly from State and local government programs. They have a strong interest in the collection of all revenue due to the State. They may pay some more sales taxes when they purchase

items from mail-order firms, but they benefit much more from the services which the State is able to provide. On a net basis, this legislation is a good deal for them.

COLLECTION OF LOCAL SALES TAXES

The question of local sales taxes is a complicated one. I have already explained that this legislation permits collection of some local sales taxes as long as mail-order firms are required to collect only one rate of tax per State. This legislation addresses the issue of how the States determines what this local sales tax rate should be.

There currently is an effort to resolve a number of important issues between State and local officials about how to set this local sales tax component of the mail-order sales tax. In my view, it is unreasonable to require that a mail-order firm collect each and every one of the 6,400 local sales taxes. But, there are some thorny issues about how they determine what rate of local sales tax is collected.

There is no problem if every local jurisdiction in the State collects the exact same amount of local sales tax. If the State has a 0.04 cent sales tax and every local jurisdiction collects a 0.01 cent sales tax, then the mail-order firm should collect 0.05 cents in sales taxes. This is an easy case and there is no difficulty in collecting all the local sales taxes which are imposed in the State.

It would be unwise for the Federal Government to force States to require that every local jurisdiction collect the same rate of local sales tax. If the legislation stated that local sales taxes could only be collected when they are uniform throughout the State, there would be pressure on local jurisdictions to agree to one uniform local sales tax rate. If they could not reach agreement, they could receive no proceeds of the sales taxes collected from mail-order firms. That would be a painful choice and one that would pit larger jurisdictions against smaller ones.

There are not many States where every single local jurisdiction collects the exact same amount in local sales taxes. In Arkansas, for example, local jurisdictions may levy a sales tax of 0.01 cent or 0.02 cents. Very few of them collect 0.02 cents in local sales tax, but some do. And there are some local jurisdictions which do not collect even 0.01 cent in local sales tax. If this legislation required that all local taxes be uniform, few if any States would qualify and little if any local sales tax would be collected.

The legislation addresses the issue of variable local sales taxes in an imaginative way. It states that if a majority of the local jurisdictions collect a local sales tax, the State may collect "the lowest rate of local sales tax which * * * local jurisdictions may impose." In the case of Arkansas, this would mean that the State could collect 0.01 cents in local sales tax because a majority of the jurisdictions in Arkansas impose some local sales tax and 0.01 cents is the lowest rate of tax that may be imposed. Local jurisdictions cannot impose a 0.005-cent local sales tax.

This provision does not permit the State to collect all the local sales taxes which are due. It permits collection of some of the local sales taxes which are due. Mail-order firms are given some tax relief by this provision, as compared to Main Street small businesses. This is a "rough justice" provision. It avoids the problem of requiring collection of 6,400 different taxes, but it also avoids requiring every local jurisdiction in a State to collect the exact same rate of local sales tax.

There is one additional issue which arises once the State has collected some local sales taxes from a mail-order firm and that is how these tax proceeds are distributed to the local jurisdictions. The legislation states simply that the system for distributing these proceeds must be "substantially the same as the system by which the State distributes the receipts of other local sales taxes which it collects and administers."

Most local sales taxes are, in fact, collected by the State Government. Local jurisdictions simply piggy-back their local sales taxes on the State sales tax collection system. This is the most efficient way for local jurisidctions to collect their local sales taxes and it imposes the least burden on the businesses which collect the tax. This means that there already exists and agreed-upon system for the State to remit the proceeds of this sales tax collection to the local jurisdictions. The legislation would require that States use the same or a substantially similar system for distributing the proceeds of the sales taxes collected from mail-order firms.

IMPACT ON SMALL MAIL ORDER FIRMS

I have been emphasizing the concerns of Main Street small businessses, but, of course, there are many small mail-order businesses. My proposal is directed as providing justice to Main Street small businesses, but we must ensure that we do not impose an unfair burden on small mail-order businesses.

To avoid this result, I have set a minimum sales threshold of $15 million in my bill. This exempts every small mail-order firm and many which are quite large.

BORDER CITY SALES TAX LAWS

Finally, we have one special situation in Arkansas which needs to be covered in the legislation. We have a city in Arkansas which is exempt from the statewide sales tax because it sits on the border with Texas, which takes a different approach on local sales tax. In lieu of paying this sales tax, the State collects an additional amount of income tax.

This is an entirely legitimate response of the State to a special situation. Under my bill, this local situation would not deny to Arkansas the ability to qualify under the terms of the legislation. It would not require Arkansas to repeal this local law in order to qualify.

NEED FOR CONSTRUCTIVE DEBATE

Undoubtedly there are other issues which need to be reviewed as we draft a mail-order sales tax bill. Unfortunately, the debate thus far is more on the overall concept than on issues of implementation.

It always is a temptation for interest groups to first oppose a proposal and then to discuss compromises and details when they may not be able to prevent a bill from passing. I would hope that groups which are concerned about this proposal would be willing and able to offer constructive proposals on how to administer the collection of sales taxes on mail-order sales and how to minimize the burden on mail-order firms and their customers.

The inability of State and local governments to collect sales taxes on out-of-State mail-order sales is a legitimate issue. The small business community is becoming aroused about the unfair competition they see from mail-order firms.

This issue will not go away. It is time to discuss the specific terms of legislation to close this loophole. There are legitimate issues to resolve, and I hope that introducing this legislation will advance the debate on these issues.●

● Mr. CONRAD. Mr. President, I am pleased to join my distinguished colleague from Arkansas [Mr. BUMPERS] in sponsoring this legislation, which will enable State and local governments to collect sales taxes on interstate mail order sales.

Sales by out-of-State mail order firms pose special problems for tax collection efforts at the State and local level. Under the Supreme Court's ruling in a 1967 case, National Bellas Hess versus Illinois Department of Revenue, State and local governments cannot require an out-of-State mail order firm to remit sales taxes on purchases by residents of their State or local jurisdiction.

In two decades since this decision was handed down, mail order firms have enjoyed impressive growth and popularity. Catalog sales have soared, and direct marketers have also turned to sophisticated commercials, telephone contracts and other techniques to generate $150 billion of business a year. Sales by direct marketers currently account for 14 percent of retail sales nationwide; by 1990, their share is expected to reach 20 percent. The 1986 tax reform law, by repealing the

deduction for State and local sales taxes, gives mail order firms a further advantage. As the market has been thoroughly transformed by these developments, the tax law as defined by the Bellas Hess case has become a relic from days gone by.

States and localities across the country are strapped for revenues to meet pressing public needs. Uncollected sales taxes on mail order sales amount to $1.5 to $2 billion a year. Under existing law, my State of North Dakota forgoes between $4 and $10 million of sales taxes a year. Some large states—like California, New York, and Texas—are losing hundreds of millions of dollars. There's every reason to close this loophole in the tax collection system—particularly now that Federal aid to States and municipalities under a variety of programs has been reduced.

I commend Senator BUMPERS for introducing the "Justice for Main Street Small Business Act." Because beside the difficulties created for State and local governments, current law in this area gives an unfair advantage to out-of-State mail order firms who compete with local retailers. Small mail order firms, with less than $15 million in sales, are exempt under the Bumpers bill. But it's time, in my view, to collect sales taxes on the products of large, multi-state firms—sales taxes that would be due and collectable if the same products were purchased from a local retailer.

In the House, a similar measure sponsored by Representative DORGAN was reported out of a subcommittee of the Ways and Means Committee. Last November, the Senate Finance Committee held a hearing on the issue of mail order sales tax collection, reviewing measures introduced by Senators BURDICK and COCHRAN. I welcome the indications that interest in this issue is growing, and look forward to working with members of the tax-writing committees to pass this important legislation.●

ADDITIONAL COSPONSORS

S. 165

At the request of Mr. INOUYE, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 165, a bill to amend title 37, United States Code, to authorize special pay for certain officers of the Armed Forces who obtain certain professional board certifications as psychologists.

S. 564

At the request of Mr. D'AMATO, the name of the Senator from Idaho [Mr. SYMMS] was added as a cosponsor of S. 564, a bill to amend the Internal Revenue Code of 1986 to exclude tax-exempt interest from the computation of the alternative minimum tax and the amount of Social Security benefits to be taxed.

S. 1340

At the request of Mr. PRYOR, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1340, a bill to provide for computing the amount of the deductions allowed to rural mail carriers for use of their automobiles.

S. 1469

At the request of Mr. BOSCHWITZ, the names of the Senator from Missouri [Mr. BOND], the Senator from Idaho [Mr. SYMMS], the Senator from Oklahoma [Mr. NICKLES], the Senator from Nevada [Mr. HECHT], and the Senator from Nebraska [Mr. KARNES] were added as cosponsors of S. 1469, a bill to amend title VII of the Social Security Act to restrict the use of "Social Security" or "Social Security Administration" on goods not connected with such Administration.

S. 1774

At the request of Mr. PRYOR, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 1774, a bill to promote and protect taxpayer rights, and for other purposes.

S. 2078

At the request of Mr. ARMSTRONG, the name of the Senator from Idaho [Mr. SYMMS] was added as a cosponsor of S. 2078, a bill to amend the Internal Revenue Code of 1986 to require a majority of employees to approve the establishment of an employee stock ownership plan, and for other purposes.

S. 2098

At the request of Mr. HOLLINGS, the names of the Senator from Colorado [Mr. WIRTH], and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of S. 2098, a bill to amend the Federal Aviation Act of 1958 to prohibit discrimination against blind individuals in air travel.

S. 2123

At the request of Mr. KENNEDY, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 2123, a bill to provide hunger relief, and for other purposes.

S. 2159

At the request of Mr. NICKLES, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of S. 2159, a bill to amend the Commercial Motor Vehicle Safety Act of 1986 to provide that the requirements for the operation of commercial motor vehicles will not apply to the operation of certain farm vehicles.

S. 2182

At the request of Mr. MITCHELL, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 2182, a bill to amend title XVIII of the Social Security Act to increase the amount authorized for the patient outcome assessment research program, and for other purposes.

S. 2199

At the request of Mr. CHAFEE, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 2199, a bill to amend the Land and Water Conservation Act and the National Historic Preservation Act, to establish the American Heritage Trust, for purposes of enhancing the protection of the Nation's natural, historical, cultural, and recreational heritage, and for other purposes.

S. 2305

At the request of Mr. MITCHELL, the name of the Senator from Connecticut [Mr. WEICKER] was added as a cosponsor of S. 2305, a bill to amend title XVIII of the Social Security Act to provide for long-term care benefits, and for other purposes.

S. 2344

At the request of Mr. LEVIN, the names of the Senator from Pennsylvania [Mr. HEINZ] was added as a cosponsor of S. 2344, a bill to provide for the reauthorization of appropriations for the Office of Government Ethics, and for other purposes.

SENATE JOINT RESOLUTION 248

At the request of Mr. QUAYLE, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of Senate Joint Resolution 248, a joint resolution to designate the week of October 2, 1988, through October 8, 1988, as "Mental Illness Awarness Week."

SENATE JOINT RESOLUTION 272

At the request of Mr. DURENBERGER, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of Senate Joint Resolution 272, a bill to designate November, 1988, as "National Diabetes Month."

SENATE JOINT RESOLUTION 275

At the request of Mr. WEICKER, the names of the Senator from Maine [Mr. COHEN], and the Senator from Ohio [Mr. GLENN] were added as cosponsors of Senate Joint Resolution 275, a joint resolution to designate August 1-8, 1988, as "National Harness Horse Week."

SENATE CONCURRENT RESOLUTION 103

At the request of Mr. DECONCINI, the names of the Senator from Rhode Island [Mr. PELL], and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of Senate Concurrent Resolution 103, a concurrent resolution expressing the sense of the Congress that the President should award the Presidential Medal of Freedom to Charles E. Thornton, Lee Shapiro, and Jim Lindelof, citizens of the United States who were killed in Afghanistan.

SENATE RESOLUTION 389

At the request of Mr. LAUTENBERG, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosposor of Senate Resolution 389, a resolution to express the sense of the

Senate regarding future funding of the Construction Grants Program of the Clean Water Act.

SENATE RESOLUTION 428—TO EXPRESS APPRECIATION AND GRATITUDE TO IRVING BERLIN

Mr. METZENBAUM (for himself and Mr. D'AMATO) submitted the following resolution; which was considered and agreed to:

S. RES. 428

Whereas, Irving Berlin, like no other composer, has brought American popular song into the lives and hearts of every American;

Whereas, after emigrating from Russia in 1892, Irving Berlin celebrated the spirit of the United States in his patriotic songs, including his inspiring and well-loved "God Bless America";

Whereas, each of us has a personal favorite Irving Berlin song, be it "White Christmas", "Top Hat", "Cheek to Cheek", "Blue Skies", or "Easter Parade", that we find ourselves humming or singing as the years go by; and

Whereas, May 11, 1988, is Irving Berlin's 100th birthday, marking his century-long love affair with America: Now, therefore, be it

Resolved, That the United States Senate expresses its sincere appreciation and gratitude to Irving Berlin for his century of faithful and exemplary contributions to our Nation through his delightful and enduring songs.

AMENDMENTS SUBMITTED

DEPARTMENT OF DEFENSE AUTHORIZATION ACT

JOHNSTON (AND OTHERS) AMENDMENT NO. 2015

Mr. JOHNSTON (for himself, Mr. EVANS, Mr. LEVIN, and Mr. BUMPERS) proposed an amendment to the bill (S. 2355) to authorize appropriations for fiscal year 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 year for the Armed Forces, and for other purposes; as follows:

On page 26 at the end of line 3 delete the period and insert in lieu thereof ", and" and add the following new paragraph:

"6) $700 million shall be available only to reimburse NASA as DoD's share of the cost to support production including ancillary network communications and data systems necessary to return the Space Transportation System to flight status and sustain near-term launch rates."

BREAUX AMENDMENT NO. 2016

(Ordered to lie on the table.)

Mr. BREAUX submitted an amendment intended to be proposed by him to the bill S. 2355, supra; as follows:

On page 7, line 20, strike "(1)(A)".

On page 8, line 1, strike "the Secretary" and all that follows thereafter through page 9, line 11, and insert the following in lieu thereof:

"the Secretary of the Navy shall ensure that there be full and open competition for contracts for any DDG-51 class destroyers and that no technically qualified American shipbuilder be prevented from competitively bidding for any such contracts."

PROXMIRE AMENDMENT NO. 2017

Mr. PROXIMRE proposed an amendment to amendment No. 2015 proposed by Mr. Johnston (and others) to the bill S. 2355, supra; as follows:

in the amendment strike all after "6)" and insert the following:

$700 million shall not be expended.

BUMPERS (AND OTHERS) AMENDMENT NO. 2018

Mr. BUMPERS (for himself, Mr. LEAHY, Mr. CHAFEE, and Mr. HEINZ) proposed an amendment to the bill S. 2355, supra; as follows:

On page 171, between lines 2 and 3, insert the following new section:

SEC. 921. INF TREATY REINFORCEMENT ACT OF 1988.

(a) SHORT TITLE.—This section may be cited as the "INF Treaty Reinforcement Act of 1988".

(b) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) the INF Treaty has been signed by President Reagan and endorsed by the Joint Chiefs of Staff, the Secretary of State, and the Secretary of Defense;

(2) the INF Treaty, which the President submitted to the Senate on January 25, 1988, for its advice and consent to ratification, is strongly supported by the Congress and the American people;

(3) the INF Treaty eliminates Soviet intermediate and shorter-range ballistic missiles targeted on the NATO allies of the United States in Europe;

(4) the military benefits of the INF Treaty to the United States and its NATO allies gained by the elimination of these classes of Soviet ballistic missiles could be undermined by the Soviet Union through the deployment of additional long-range nuclear weapons, the numbers of which are currently not subject to any legally binding limitations or informal mutual interim restraint measures;

(5) at present there are effectively no limits on the number of strategic weapons the Soviet Union or the United States may deploy;

(6) the achievement of a verifiable strategic arms agreement that strengthens the security interests of the United States and its NATO allies is an important security objective, and the Congress supports the President's continuing efforts to conclude such an agreement;

(7) it is possible that such an agreement may not be reached during 1988 or 1989;

(8) the Soviet Union is currently producing and deploying new SS-24 and SS-25 ICBMs and new SS-N-20 and SS-N-23 SLBMs, and will shortly be deploying modernized versions of the SS-18 ICBM, strategic ballistic missiles which are not restricted by the INF Treaty; and

(9) it is in the security interests of the United States and the NATO alliance to restrict the numbers of these and other Soviet strategic offensive weapons deployed by the Soviet Union, both to reinforce the INF Treaty and to limit the strategic threat to the United States and its NATO allies.

(c) PROHIBITION ON USE OF FUNDS.—Notwithstanding any other provision of law and subject to the provisions of subsection (f), 60 days after the date of enactment of this Act, no funds may be obligated or expended through September 30, 1989, to overhaul, maintain, operate, or deploy any MIRVed strategic nuclear weapons launcher or platform that would cause the United States to exceed the numbers of MIRVed ICBMs, MIRVed ballistic missiles, and MIRVed strategic systems that it had deployed on January 25, 1988. Not later than 30 days after the date of enactment of this Act, the President shall notify the Congress of his plans for carrying out the provisions of this subsection.

(d) REPORTING REQUIREMENT.—Not later than December 1, 1988, the President shall submit to the Congress a report, in both classified and unclassified versions, describing the numbers and types of operational strategic nuclear weapons launchers and platforms that the United States and the Soviet Union have dismantled since October 1972.

(e) POLICY ON INTERIM RESTRAINT REGIME.—The Congress recognizes that alternative mutual interim restraint regimes are possible that would be in the security interests of the United States and its allies, and the Congress, therefore, hereby encourages the President to pursue such alternative approaches so that effective restraints on offensive nuclear forces are applied on a mutual basis until a new strategic offensive arms agreement can be concluded.

(f) WAIVER.—(1) The prohibition contained in subsection (c) shall not apply if the President notifies the Congress in writing that—

(A) a new strategic arms agreement between the United States and the Soviet Union has entered into force;

(B) the United States and the Soviet Union have agreed upon an alternative regime for interim restraint on strategic nuclear weapons; or

(C) the Soviet Union has deployed strategic launchers and platforms—

(i) in excess of the numbers of launchers of MIRVed ICBMs, or MIRVed ballistic missiles, or MIRVed strategic systems that it had deployed on January 25, 1988; and

(ii) in excess of the number of launchers and platforms of MIRVed strategic systems that the United States had deployed on that date.

(2) Such notification shall be accompanied by a report, in both classified and unclassified versions, providing information upon which the President bases his notification.

(g) TEMPORARY WAIVER.—The prohibition contained in subsection (c) shall not apply for any period of 30 days if the President notifies the Congress in writing that, based on the best agreed Intelligence Community assessments, he is unable to determine whether the Soviet Union has exceeded the levels of strategic forces specified in clauses (i) and (ii) of subsection (f)(1)(C).

(h) DEFINITIONS.—For purposes of this section—

(1) the term "INF Treaty" means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermedi-

ate and Shorter-Range Missiles, done at Washington on December 8, 1987;

(2) the term "MIRVed" means equipped with multiple independently-targetable reentry vehicles; and

(3) the term "MIRVed strategic systems" means MIRVed ICBMs, MIRVed SLBMs, and heavy bombers equipped with air-launched cruise missiles.

LEAHY AMENDMENT NO. 2019

Mr. LEAHY proposed an amendment to amendment No. 2018 proposed by Mr. BUMPERS (and others) to the bill S. 2355, supra; as follows:

In the pending amendment, strike all after the words "Short Title," and insert the following:

This section may be cited as the "INF Treaty Reinforcement Act of 1988".

(b) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) the INF Treaty has been signed by President Reagan and endorsed by the Joint Chiefs of Staff, the Secretary of State, and the Secretary of Defense;

(2) the INF Treaty, which the President submitted to the Senate on January 25, 1988, for its advice and consent to ratification, is strongly supported by the Congress and the American people;

(3) the INF Treaty eliminates Soviet intermediate and shorter-range ballistic missiles targeted on the NATO allies of the United States in Europe;

(4) the military benefits of the INF Treaty to the United States and its NATO allies gained by the elimination of these classes of Soviet ballistic missiles could be undermined by the Soviet Union through the deployment of additional long-range nuclear weapons, the numbers of which are currently not subject to any legally binding limitations or informal mutual interim restraint measures;

(5) at present there are effectively no limits on the number of strategic weapons the Soviet Union or the United States may deploy;

(6) the achievement of a verifiable strategic arms agreement that strengthens the security interests of the United States and its NATO allies is an important security objective, and the Congress supports the President's continuing efforts to conclude such an agreement;

(7) it is possible that such an agreement may not be reached during 1988 or 1989;

(8) the Soviet Union is currently producing and deploying new SS-24 and SS-25 ICBMs and new SS-N-20 and SS-N-23 SLBMs, and will shortly be deploying modernized versions of the SS-18 ICBM, strategic ballistic missiles which are not restricted by the INF Treaty; and

(9) it is in the security interests of the United States and the NATO alliance to restrict the numbers of these and other Soviet strategic offensive weapons deployed by the Soviet Union, both to reinforce the INF Treaty and to limit the strategic threat to the United States and its NATO allies.

(c) PROHIBITION ON USE OF FUNDS.—Notwithstanding any other provision of law and subject to the provisions of subsection (f), 60 days after the date of enactment of this Act, no funds may be obligated or expended through September 30, 1989, to overhaul, maintain, operate, or deploy any MIRVed strategic nuclear weapons launcher or platform that would cause the United States to exceed the numbers of MIRVed ICBMs, MIRVed ballistic missiles, and MIRVed strategic systems that it had deployed on January 25, 1988. Not later than 30 days after the date of enactment of this Act, the President shall notify the Congress of his plans for carrying out the provisions of this subsection.

(d) REPORTING REQUIREMENT.—Not later than December 1, 1988, the President shall submit to the Congress a report, in both classified and unclassified versions, describing the numbers and types of operational strategic nuclear weapons launchers and platforms that the United States and the Soviet Union have dismantled since October 1972.

(e) POLICY ON INTERIM RESTRAINT REGIME—The Congress recognizes that alternative mutual interim restraint regimes are possible that would be in the security interests of the United States and its allies, and the Congress, therefore, hereby encourages the President to pursue such alternative approaches so that effective restraints on offensive nuclear forces are applied on a mutual basis until a new strategic offensive arms agreement can be concluded.

(f) WAIVER.—(1) The prohibition contained in subsection (c) shall not apply if the President notifies the Congress in writing that—

(A) a new strategic arms agreement between the United States and the Soviet Union has entered into force;

(B) the United States and the Soviet Union have agreed upon an alternative regime for interim restraint on strategic nuclear weapons; or

(C) the Soviet Union has deployed strategic launchers and platforms—

(i) in excess of the numbers of launchers of MIRVed ICBMs, or MIRVed ballistic missiles that it had deployed on January 25, 1988; or

(ii) in excess of the number of launchers and platforms of MIRVed strategic systems that the United States had deployed on that date.

(2) Such notification shall be accompanied by a report, in both classified and unclassified versions, providing information upon which the President bases his notification.

(g) TEMPORARY WAIVER.—The prohibition contained in subsection (c) shall not apply for any period of 30 days if the President notifies the Congress in writing that, based on the best agreed Intelligence Community assessments, he is unable to determine whether the Soviet Union has exceeded the levels of strategic forces specified in clauses (i) and (ii) of subsection (f)(1)(C).

(h) DEFINITIONS.—For purposes of this section—

(1) the term "INF Treaty" means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate and Shorter-Range Missiles, done at Washington on December 8, 1987;

(2) the term "MIRVed" means equipped with multiple independently-targetable reentry vehicles; and

(3) the term "MIRVed strategic systems" means MIRVed ICBMs, MIRVed SLBMs, and heavy bombers equipped with air-launched cruise missiles.

NOTICES OF HEARINGS

SUBCOMMITTEE ON FEDERAL SERVICES, POST OFFICE, AND CIVIL SERVICE

Mr. PRYOR. Mr. President, I would like to announce that the Subcommittee on Federal Services, Post Office, and Civil Service, of the Committee on Governmental Affairs, will hold a hearing on Monday, May 16, 1988. The subcommittee will hear witnesses from the Postal Rate Commission and the General Accounting Office on postal practices and policies.

The hearing is scheduled for 2 p.m., in room SD-342, Senate Dirksen Office Building. For further information, please call Ed Gleiman, subcommittee staff director, on 224-2254.

SPECIAL COMMITTEE ON AGING

Mr. MELCHER. Mr. President, I would like to announce for the public that the Special Committee on Aging has scheduled two public hearings to examine the special problems and challenges surrounding the provision of health care to rural communities, and to review recommendations and innovative strategies to deal with these problems.

The first hearing will take place on Monday, June 13, 1988, at 9:30 a.m. in room 628 of the Dirksen Senate Office Building in Washington, DC. This hearing will focus on rural hospital issues.

The second hearing will take place on Monday, July 11, 1988, at 9:30 a.m. in room 628 of the Dirksen Senate Office Building in Washington, DC. This hearing will examine issues related to rural physicians and other health care personnel.

For further information, please contact Max Richtman, at (202) 224-5364.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON ENVIRONMENTAL PROTECTION

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Environmental Protection, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Wednesday, May 11, 1988, to mark up pending legislation including the Shore Protection Act (S. 1751), the Indoor Air Quality Act (S. 1629), and Senate Resolution 389—expressing the sense of the Senate regarding future funding of the construction grants program of the Clean Water Act.

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that the Small Business Committee be authorized to meet during the session of the Senate on Wednesday, May 11, 1988. The committee will hold a markup on S. 1993, the Minority Business Development Program Reform Act of 1987 and on a 1-year authorization bill for the Small Business Administration which will be an original committee bill.

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, May 11, 1988, for a business meeting on pending calendar business.

The PRESIDING OFFICER. Without objection it is so ordered.

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Energy Research and Development be authorized to meet during the session of the Senate on Wednesday, May 11, 1988, to receive testimony on S. 1480, National Laboratory Cooperative Research Initiatives Act, and proposed amendment No. 16.

The PRESIDING OFFICER. Without objection it is so ordered.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Select Committtee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, May 11, 1988, to hold a hearing on S. 1976, the Indian Child Welfare Act amendments.

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

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Wednesday, May 11, 1988, to receive testimony on S. 1869, the Dairy Farm Protection Act, and milk marketing orders.

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

SPECIAL COMMITTEE ON AGING

Mr. BYRD. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session on the Senate on Wednesday, May 11, 1988, to hold a hearing on advances in aging research.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Wednesday, May 11, 1988, to conduct a hearing on Smart Start: The Community Collaborative for Early Childhood Development Act of 1988.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate on Wednesday, May 11, 1988, to conduct hearings on stockmarket reform and S. 2256, the Intermarket Coordination Act of 1988.

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

SUBCOMMITTEE ON ANTITRUST, MONOPOLIES, AND BUSINESS RIGHTS

Mr. BYRD. Mr. President, I ask unanimous consent that the committee on Antitrust, Monopolies, and Business Rights, of the Committee on the Judiciary, and the steel caucus, be authorized to meet during the session of the Senate on Wednesday, May 11, 1988, to hold a hearing on United States-Canadian free trade.

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

ADDITIONAL STATEMENTS

A QUICK-FIX LEGISLATIVE RESPONSE TO THE STOCK MARKET CRASH IS UNWISE

● Mr. DIXON. Mr. President, Congress has been criticized by the members of the Brady Commission and others for not enacting legislation to respond to last October's stock market crash. I agree with the Brady Commission members that the stock market crash was a frightening event—one that deserves our careful attention. However, I do not share their sense of alarm over the fact that there has been no legislative response.

I think the only way to respond to the problems highlighted by the crash is carefully and deliberately. A quick-fix solution directed solely at the operation of our markets duplicates the efforts of the President's Working Group—whose recommendations will be made next week—and, even more importantly, is very unlikely to prevent future episodes of volatility.

The Washington Post made this point very persuasively in an editorial in their Saturday edition entitled "Remember the Crash?" The Post pointed out that while "the financial markets' defects, as the crash revealed them, are 'still in place and need to be addressed'. * * * The delay—in responding—is not as outrageous as it looks."

The Post goes on to point out that "the remedies are not entirely obvious, and there's a strong case for moving cautiously." The Post concludes that "financial market reform belongs on the lengthening list of things probably best left until next January."

I share this view. I think we make a real mistake by acting too hastily. In spite of the many studies that have been done, we still do not understand enough about the fundamental changes that have occurred in our financial markets over the many years since our basic regulatory structure was set up, and that makes it difficult to fashion a proper response quickly. We have spent the last 6 years working on legislation amending the Glass-Steagall Act, which would enhance the power of bank holding companies to participate in many, but not all, securities activities. Congress has still not completed action on that issue. It is unreasonable, it seems to me, to suggest that we should act within 6 months on market reform.

I urge my colleagues in both the House and the Senate to take the Post editorial to heart. I think Congress should focus its attention on the fundamental changes that have occurred in the marketplace, rather than trying to fashion a quick-fix solution that simply will not and cannot do the job. Mr. President, I ask that the Post editorial be included at this point in the RECORD.

The article follows:

[From the Washington Post, May 7, 1988]

REMEMBER THE CRASH?

When the Brady Commission gave President Reagan its report five months ago on the October stock market crash, it expected to see action. Instead, the White House backed apprehensively away from the idea of expanded regulation. The regulators began quarreling over jurisdiction. And in Congress the sense of urgency cooled rapidly as stock prices leveled off and the economy strengthened.

Now the Brady Commission has published a statement reminding the world that the financial markets' defects, as the crash revealed them, are "still in place and need to be addressed." That's true, but perhaps the delay is not quite so outrageous as it looks. The remedies are not entirely obvious, and there's a strong case for moving cautiously.

It's in the nature of financial markets to swing up and down sharply, particularly in a country with growing debts and an unstable currency. The proper purpose of the reforms is not to prevent a downswing but to ensure that when it starts, it will not begin to feed on itself by generating malfunctions and bankruptcies that in turn make the market fall farther. The commission puts great emphasis on what it calls circuit breakers—that is, brief halts in trading to let people settle their accounts and let the panic evaporate. But the usefulness of trading halts is far from clear. The October crash, after all, took place over six days (including a weekend) in which the panic only mounted. Perhaps the circuit-breaker proposal will turn out to be helpful, but it belongs to the category of advice that needs to be considered carefully and tested.

Most of the Brady reforms require legislation, and the commission said last week that it would be a mistake not to keep pushing Congress to move. That, unfortunately, is also questionable. It's too late in this congressional year, and in this administration, for careful legislation. Particularly in the House of Representatives, the unmanageable turf struggles among the committees, and the nature of the committees to which financial legislation would be referred, suggest that the final product would be neither prompt nor reliably useful.

When the Brady report appeared in January, the administration wasted two valuable months before setting up its internal working group, headed by Undersecretary of the Treasury George Gould and including some

of the regulators, to develop its own position. Mr. Gould and his colleagues are to report within a few weeks. But despite the risks to which the Brady Commission justifiably points, financial market reform belongs on the lengthening list of things probably best left until next January.●

PHYLLIS WOODARD

● Mr. ARMSTRONG. Mr. President, for the past 17 years the Colorado State Capitol Building in Denver has come alive for thousands of visitors due to the director of public tours, Mrs. Phyllis Woodard. Later today in the State capitol she loves so much, she will be honored on her retirement from that position.

Mrs. Woodard was giving public tours of the State capitol when I served in the Colorado General Assembly. Over those many years, I was one of the many State legislators who marveled at Mrs. Woodard's many talents.

The Colorado State Capitol is truly one of the most beautiful State capitol buildings in the Nation. It is filled with the history of our State and its government. Mrs. Woodard's command of this history is only surpassed by her wonderful storytelling ability, her personal charm and grace, and her love of Colorado.

Thousands of Coloradans learned more about their State from this dedicated fellow citizen. And thousands of visitors from other States and nations learned about our great State from one of Colorado's finest ambassadors.

As Phyllis Woodard retires today, I wanted to join in thanking her for her years of service.●

REVEREND LAVERNE BUTLER

● Mr. MCCONNELL. Mr. President, I rise today to enter into the CONGRESSIONAL RECORD a Courier-Journal article about a good friend of mine, the Reverend LaVerne Butler. After 19 years as the leader of one of Jefferson County, KY's largest congregations, LaVerne has resigned as pastor and will become the president of Mid-Continent Bible College in Mayfield, KY. As the article notes, he will be deeply missed by the loyal supporters he has at the Ninth and O Baptist Church.

LaVerne has an outstanding record of achievement in his leadership in the church. Under LaVerne's direction, the Ninth and O membership has grown from 2,800 to 4,400 and its annual budget has increased from $240,000 to $1.2 million. Additionally, the church has established a school offering kindergarten through 12th grades, a day-care center, a television ministry, and a counseling center.

However, LaVerne's departure does not mean he is abandoning the cause of the conservative religious movement which he has helped lead. Mid-Continent will give LaVerne a chance to expand his ministry through the educational training of young people prepared to carry his message.

I spoke with LaVerne by phone this week and am pleased to report that he seems to be well prepared for the task ahead of him. I know of few people who are as qualified to accept such a challenge and I hope that my colleagues in this body will join me in wishing LaVerne Butler the best of luck in his new role.

I ask that the article to which I have referred be printed in the RECORD.

The article follows:

BUTLER LEAVING NINTH & O BAPTIST TO HEAD BIBLE COLLEGE

(By Clarence Matthews)

The Rev. LaVerne Butler, a leader of Kentucky's Southern Baptist conservative movement, has resigned as pastor of Louisville's Ninth & O Baptist Church.

He will become president of Mid-Continent Bible College, a Baptist oriented school in Mayfield, KY. He will begin his new duties July 15.

"I believe this is the Lord's will for me at this time," Butler said of his resignation after 19 years as leader of the 4,400-member congregation, one of the largest in Jefferson County. "I'm excited about the potential for ministry."

The Bible college, which has about 200 part-time and full-time students, is supported by 14 Southern Baptist associations representing 485 churches in Kentucky, Tennessee, Missouri, and Illinois. It recently was accredited by the Southern Association of Colleges and Schools.

Butler expects to continue his leadership in the conservative movement and sees the school presidency as a new opportunity to extend his beliefs to aspiring pastors.

"It represents a new challenge," he said. "I felt I could reproduce myself in young preachers. There are very few schools producing men who will preach the Bible."

Butler told members of Ninth & O, 2921 Taylor Blvd., of his decision at the close of Sunday morning's worship service.

Larry Lewis, chairman of the church's deacons, said Butler will be missed.

"My hope is to find some way to persuade him to stay," said Lewis, a 10-year member. "I think I speak for 98 percent of the congregation. He has near-unanimous support."

Butler is a Kentucky leader in the conservative movement. Conservatives rallied behind the issue of biblical inerrancy—the belief that every word in the Bible is literally true—to seize control of the 14.7 million-member Southern Baptist Convention, the nation's largest Protestant denomination.

He also has led several conservative battles, including the fight that ended in a switch of the Kentucky Derby Festival's mini-marathon from Sunday to Saturday morning.

He unsuccessfully opposed Sunday racing at Churchill Downs and in 1978 took then-Gov. Julian M. Carroll to task for telling reporters that "everyone bets on the Kentucky Derby, from Baptist preachers to Catholic priests."

Butler also has been active in anti-pornography and anti-abortion campaigns.

"He has been willing to stand up for things that he believed were not in the best interest of the church and community," said Juanita Downing, a longtime member of Ninth & O. "Whether people agree with him or not, they respect him."

Cedella Colbert, a member of the church for 11 years, was surprised by Butler's resignation.

"We love him; we think the world of him and hate to see him go," she said.

Butler 62, is a native of Henderson, KY. He graduated from Georgetown College and attended Southern Baptist Theological Seminary.

Under Butler's leadership, Ninth & O has grown from 2,800 to 4,400 members and its annual budget has increased from $240,000 to $1.2 million.

The church also has established a school offering kindergarten through 12th grades, a day-care center, a television ministry and a counseling center.

"Our emphasis has been reaching out to the whole man with the whole Gospel," Butler said.

The decision to leave Ninth & O was difficult, he said:

"I had put down roots and thought I would stay in Louisville," he said. "It was something I struggled with for six months" before reaching a decision. Butler said Mid-Continent offers a broader base from which to extend his ministry.

"The school will be sending our students to preach all over the convention," he said. "And I will have the opportunity to travel and preach, which I feel is my No. 1 calling."●

PISCATAWAY HIGH SCHOOL CONCERT CHOIR

● Mr. LAUTENBERG. Mr. President, I rise to commend the Piscataway High School Concert Choir, a national and international award winning musical group from New Jersey.

The concert choir is made up of 130 talented young musicians, selected through an audition process. Once selected, the members commit themselves to achieving and maintaining a level of excellence that is the foundation of their program.

In 1984, the choir competed in the International Music Festival held in Montreal, Canada. It was awarded a silver medal which placed it in the top 20 percent of the world's best concert choirs.

In 1985, it was 1 of 10 choirs chosen from 4 States to perform at the opening dedication ceremonies for South Street Seaport in New York City. That same year, the choir won first place in its division with superior ratings and best overall choir in the Big Apple Festival. Other competitions have followed, and the Piscataway High School Concert Choir continues to win awards for their superior talent.

The New Jersey State Legislature adopted a resolution in 1985 declaring it the "Official Choir of the New Jersey Legislature."

In addition to musical competitions, the choir is active performing on average 15 concerts each year. These include performances for local, county, and State organizations and major companies.

It is fitting that this outstanding group of young people will perform at

the National Shrine in our Nation's Capital on May 23, 1988. Mr. President, it is indeed an honor for me to recognize these fine young people for their accomplishments and for bringing their gift of music to others.●

HONORING CAB CALLOWAY

● Mr. D'AMATO. Mr. President, I rise today to honor the King of HI-DE-HO, Cab Calloway. For over 60 years Cab Calloway and his Hi-De-Ho Orchestra has entertained Americans young and old. His revolutionary jazz sound popularized such hits as "Stormy Weather" and "Jumpin' Jive," and introduced terms like "jive," "hip," and "hepster" into American lingo.

During the thirties Cab and his bigger-than-life stage show could be seen at the famed Cotton Club, where the downtown clientele would gather to take in many of the world's best known jazz artists. Calloway has continued throughout the years to give sterling performances which leave audiences spellbound.

Calloway, a native New Yorker, has had an enormous influence on scores of young entertainers. Kid Creole, Little Richard, and Prince, to name a few, credit Cab Calloway for his musical and artistic inspiration.

His music has endured decades of fickle fashion. Recently, many of his hits were reintroduced to music lovers in the movie "The Blues Brothers" in which Calloway performs perhaps his most famous song "Minnie the Moocher."

Through a long and distinguished career, Cab Calloway has left his mark on the hearts and minds of generations of Americans.

Mr. President, I tip my hat to Cab Calloway—an American institution.●

ABE STOLAR—PART III

● Mr. SIMON. Mr. President, in this second part of a series on behalf of Abe Stolar and his family, I would like to look at Abe's first attempt to leave the Soviet Union.

Abe first applied to emigrate with his family to Israel in 1974. In May 1975, the family received permission to leave and began making plans for their departure. They shipped their belongings to Israel and said their farewells. Immediately before boarding the plane to emigrate, the family was detained by Passport Control on the pretext that Abe's wife, Gita, had been engaged in secret work at the time of her retirement in 1973. The Stolar family was officially informed that the entire family would be unable to emigrate for 2 years on the grounds of security. This notice was given orally. Officials then promised that they would be able to leave the country after 1977.

Gita's alleged secrecy in previous work was clearly a pretext for preventing emigration. She had worked in a chemical laboratory in an institute under the Ministry of Geology, but was never involved in secret work. This was confirmed in writing to OVIR during the processing of their visa application. Furthermore, without such confirmation, Soviet officials would never have issued the original exit permits to the family. It should also go without saying that Gita had been retired from work for many years, which would have made any information obsolete.

So, the Stolars remained in the Soviet Union stripped of their Soviet citizenship and belongings. To this day, their belongings remain in the Haifa Customs Warehouse, waiting to be picked up by the Stolars. And the Stolars live in an impossible and intolerable limbo.●

VIETNAM WOMEN'S MEMORIAL PROJECT

● Mr. DURENBERGER. Mr. President, earlier today, the Senate Committee on Energy and Natural Resources reported Senate bill 2042 by the overwhelming vote of 16 to 1. As my respected colleagues know, this bill will authorize a statue to recognize and honor the service of American women in the Vietnam conflict. The Energy Committee's action is an important step toward the realization of the Vietnam Women's Memorial.

The committee adopted several technical amendments in the markup and also acted to strengthen the language preventing any new additions to existing memorials—a suggestion I made in my testimony before the Subcommittee on Natural Parks, Public Lands and Resources. I would also like to express my appreciation for the support and advice provided by Senator BUMPERS and the staff of the Subcommittee on Natural Parks, Public Land and Resources. S. 2042 will be eligible for consideration by the full Senate next week. I hope we can move swiftly to have this legislation considered at the earliest possible date.

The December 1987 issue of the Officer, the monthly publication of the Reserve Officers Association of the United States, contains an eloquent editorial supporting the merits of the Vietnam Women's Memorial project. The editorial, which is appropriately titled "Finish the Circle," concisely expresses the merits of the project and calls for the approval of the proposed statue.

The Reserve Officers Association has helped lead the fight to properly recognize the service of women in the Vietnam conflict. I commend their effort and appreciate their long recognized support for the memorial. Mr. President, I ask that the editorial "Finish the Circle" be printed in the RECORD.

The editorial follows:

FINISH THE CIRCLE

For all military and civilian women who served in Southeast Asia during the Vietnam Conflict, placing a nurse statue at the Vietnam Memorial would rightfully honor them and complete that chapter of their lives. The woman's sculpture would also compositionally "finish the circle" design at the memorial, which presently consists of the inscribed marble wall, the U.S. flag, and the statue of three fighting men.

The Vietnam Women's Memorial Project (VWMP), headquartered in Minneapolis, Minn., has spearheaded the nurse statue effort. ROA members recognized the need to honor women who served in Vietnam by adopting an ROA resolution at the 1986 National Convention supporting the statue and the VWMP.

In October the project received a positive recommendation from Secretary of Interior Donald Hodel. In the next step, the project was rejected by the US Commission on Fine Arts (FAC). Supporters of the nurse addition were disappointed but undaunted. The FAC's function—by law—is to review the artistic merit of a proposed sculpture. This it did not do.

On 10 November, a Senate bill (S.J. Res. 215) and a House bill (H. Res. 3628) were introduced in Congress. The bills would place more authority for the final decisions on the proposed nurse statue under the direction of the Secretary of the Interior and direct the FAC to carry out its lawful duty to provide comments only on the artistic nature of the statue.

To express approval for the nurse sculpture, supporters are urged to write to their congressional representatives; President Reagan; Donald Hodel, Secretary of the Interior, 18th and C Sts., N.W., Washington, D.C. 20240; and Charles Atherton, Secretary, Fine Arts Commission, 708 Jackson Pl., N.W., Washington, D.C. 20006. Copies of the letter should also be sent to FAC commissioners (at the FAC address above) Pachal Reagan, Neil Porterfield, Carolyn Deaver, Diane Wolf, Frederick Hart, J. Carter Brown, and Roy Goodman (the only commissioner who voted to approve the statue).

From Molly Pitcher at the cannon in the American Revolution—to women pilots in WWII—to the women who served in Vietnam in combat areas under direct fire—the active participation of women in national defense throughout our county's entire history needs to be visibly honored and recognized. Our country's appreciation of the dedication and supreme sacrifice of these women can be forever symbolized in a women's statue at the Vietnam Memorial to "finish the circle."●

NEVADA WETLANDS

● Mr. HECHT. Mr. President, several months ago I became aware of the Interior Department's intention to solve an endangered species problem by destroying vast areas of vital wetland habitat in northwestern Nevada.

The Stillwater National Wildlife Refuge, and thousands of acres of State-managed wildlife areas that surround it, are to be sacrificed to provide more water to the endangered cui-ui fish of Pyramid Lake. While I have

nothing against the cui-ui, I am absolutely amazed that the Interior Department reads the Endangered Species Act as forcing it to take an action that will destroy fish and wildlife habitat of such significance to Nevada, the United States, and indeed the Western Hemisphere. About 18,000 acres of vital wetland habitat will just dry up and blow away. The elevated levels of boron and arsenic in the remaining 7,000 acres of previously productive habitat will turn it into a toxic death trap for any birds foolish enough to venture near.

The wetland habitat in question is very important in the Pacific flyway, and is part of the International Hemispheric Reserve for Shorebirds. What's more, several species of birds that use these wetlands are considered sensitive by the Fish and Wildlife Service. This means they could become federally listed as threatened or endangered in the foreseeable future. These sensitive birds are the white-faced ibis, western snowy plover, American white pelican, Swainson's hawk, and the yellow-billed cuckoo. Speaking of cuckoos, taking an action to protect one endangered species that, in the process, possibly pushes five other species over the edge onto the endangered species list, is just about the most cuckoo thing I have ever heard of.

If that is truly what a reasonable interpretation of the Endangered Species Act forces the Interior Department to do, then something is very wrong with the Endangered Species Act.

Because of the value of the resources at stake here, I felt compelled several months ago to place a hold on the bill to reauthorize the Endangered Species Act as a way of focusing attention on the importance of the wetlands, and the fish and wildlife resources dependent on them. I hoped that this attention would result in a solution to the threat facing these resources.

Since placing a hold on the bill, my office has received considerable cooperation and assistance from the staffs of the Committee on Environment and Public Works, and the Select Committee on Indian Affairs. These committees have worked with me in developing an amendment that would require the Interior Department to examine other ways to help the cui-ui that would not also have the effect of wiping out the wetlands.

Several weeks ago, the Interior Department indicated to me that they will willingly conduct the studies that would have been required by my amendment. The Department is also planning to spend some money this year to improve the condition of the wetlands. Futhermore, the Department's action intended to help the cui-ui will not actually have any detrimental impact on the wetlands this year, because Nevada is already suffering drought conditions. Under the circumstances, I no longer feel it is appropriate or necessary for me to keep a hold on the bill to reauthorize the Endangered Species Act, nor need I pursue an amendment to the bill to require Interior to do what they have already agreed to do.

After consulting with the National Audubon Society, and a number of conservation groups based in Nevada, I have concluded that the one best way to protect these wetlands is for the Federal Government to acquire water rights from willing sellers for the benefit of the wetlands. Since a Federal law, the Endangered Species Act, has created the threat to the wetlands, it seems entirely appropriate that the Federal Government should bear the cost of eliminating that threat.

As the Senate begins the appropriations process, I will pursue the matter of purchasing water rights from willing sellers for the benefit of the wetlands. I hope that I will be able to rely on the assistance of the Environment Committee and the Indian Affairs Committee in this regard, so we can protect these fish and wildlife resources that are important to Nevada, our Nation, and indeed the entire Western Hemisphere.

Mr. President, I ask that an article from the New York Times of Tuesday, April 26, 1988, which discusses this tragic and bizarre conflict between the Endangered Species Act and the need to protect our fish and wildlife resources, be printed in the RECORD.

The article follows:

THE DILEMMA: SAVE A FISH OR A WETLAND

(By Lindsey Gruson)

FALLON, NEV.—A festering water dispute here is forcing environmentalists to choose between saving an endangered fish and preserving one of the country's most vital rest stops for migrating shorebirds.

The dilemma is caused by Federal efforts to protect the qui-ui, the last remaining genus of a family of suckerlike fish threatened with extinction because of falling water levels in its sole known habitat, Pyramid Lake, 60 miles northeast of Reno.

The Department of Interior last week unveiled a plan to raise the level of the lake to save the fish. But that would require reducing the trickle of life-sustaining water flowing into the wetlands of the Stillwater Wildlife Management Area.

The Stillwater wetlands are the vestige of a prehistoric sea that once spread across northwestern Nevada and into California. As recently as 25 years ago, Stillwater was a nutritious soup of algae and insects, aquatic weeds and fish. But now the wetlands are little more than naturally polluted pools permeated by the stench of death. Barren salt flats bake where tangles of bullrushes once thrived. Mass death of wildlife is almost as regular as the changing seasons.

The refuge, which in prehistoric times was under more than 500 feet of water, gained national notoriety early last year when millions of fish washed aground, ringing 40 miles of shoreline with a four-foot-wide band of rotting fish. Although the cause of the kill has not been pinpointed, pollution is suspected.

State wildlife officials and numerous environmentalists say the Federal plan would be the death blow for the embattled wetlands. It is a winter home of several endangered bird species, including peregrine falcons and bald eagles, and one of the hemisphere's key rest and feeding stops for birds migrating along the Pacific flyway.

"We'll still have an area with water, but it will be little more than a toxic waste dump," said Norman Saake, a waterfowl biologist with the Nevada State Department of Wildlife, "We've already reached the threshold; we've almost lost it. The question is, do we want the wetlands to exist? Do we want the Pacific flyway to exist?"

Also involved in the dispute are local Indians whose culture depends on the qui-ui.

An alternative to choosing between the fish and the wetlands has been proposed: buying water rights from farmers who appear willing to sell. But this, too, carries a high price that the Federal Government has not been willing to pay.

The threat to Stillwater illustrates a weakness in the tactics historically used to protect endangered species and environmentally sensitive areas such as rivers, wetlands, bogs and marshes.

In the past, conservationists successfully battled to preserve these delicate areas by persuading the Federal Government to designate them as wetlands or wilderness refuges. That protected the wildlife's natural habitat by imposing stiff restrictions on most types of development and commercial exploitation.

But too often lands were set aside without insuring access to the lifeblood of the arid West: scarce water. Since few of the region's protected wetlands own water rights, recent increases in demand by farmers or cities for Western water are drying up wildlife habitats and concentrating waterborne pollution downstream.

ALMOST ALL GONE

"It's like a steppingstone across a rapid," Dr. Myers said. "One by one, the stones are being uprooted and removed. They're almost all gone now in Nevada."

Like the nearby Lake Winnemucca refuge, which evaporated 50 years ago, the Fallon National Wildlife Refuge is expected to dry up altogether this year. Stillwater is not in much better shape, an 8,000-acre, fast-vanishing shadow of what was originally 33,000 acres of bogs and marshes, bullrushes and cattails.

Stillwater is fed by the runoff from upstream farms and as it shrinks, pollutants in the runoff, including boron, selenium, arsenic and mercury, are concentrated. Now great blue herons that feed in the marsh fall dead out of the sky. And biologists find American white pelicans with grotesque deformities, such as cinnamon-bun-shaped bills.

The problem grows out of the Newlands Project, the Bureau of Reclamation's first irrigation project. The network of dams and canals, completed in 1915, diverted water from the Truckee River, which flows from the Sierra Nevada through Lake Tahoe and into Pyramid Lake, to the rich but arid soil of the Lahontan Valley.

The level of the lake soon fell, stopping the spillover into Winnemucca Lake, an oasis for swirling clouds of waterfowl and dense schools of fish. By 1936, when Winnemucca Lake was declared a national wildlife

refuge, it was little more than a sun-baked desert. The Government soon revoked its status as a refuge.

Now the level of Pyramid Lake has fallen an estimated 80 feet, forming a barrier of shallow shoals across the mouth of the Truckee and blocking the qui-ui from their spawning grounds 25 miles upstream. In the past, the spring spawning runs were so thick that some fish were crowded out of the stream and onto the banks, providing a feast for the Kuyuidokado, Indians whose names means qui-ui eaters.

PLAN TOUCHES OFF PROTESTS

Acting in keeping with the Endangered Species Act, the Bureau of Reclamation proposed this year to raise the level of Pyramid Lake by reducing the amount of water diverted to area farmers by 42,000 acre-feet, the amount required to flood 42,000 acres under water a foot deep.

But storms of protest by farmers and environmentalists, who note that much of the water reaching the wetlands passes through farms first forced the agency to delay and reconsider.

The New proposal, which was recently announced at a Washington news conference by Earl E. Gjelde, Under Secretary of the Interior, would in effect put Truckee water into a bank account and impose a sliding cap on withdrawals. Fallon farmers could save or borrow from their allocation from one year to the next.

"We're being forced into a Solomonic choice between an endangered species and a wetland," said Cynthia Lenhart, a wildlife specialist for the National Audubon Society. "And that's no choice at all. The question is, do public lands have inherent water rights or do they have to depend on the largess of upstream users?"

The state and conservation groups want the Government to buy water rights from area alfalfa farmers and cattle ranchers. That would guarantee a minimum water flow, flush pollutants and spur the regeneration of vegetation. But it would cost $50 million just for Stillwater and billions for other threatened wetlands.

THAT'S A LOT OF MONEY

"In this era of high deficits, that's a lot of money," Ms. Lenhart acknowledged. "But this is a critical link in the flyway, the only gas stop for hundreds of miles. There's no other route for the birds. They've used it for millenniums. The only thing that will help the refuge is buying water rights."

The loss of Stillwater would erect an impassable barrier to migrating birds, which depend on the wetlands to rest, eat and gather strength, said Dr. J.P. Myers, the Audubon Society's senior vice president for science and sanctuaries, who estimated that 450,000 acres of wetlands, much of it in the West, vanish each eyar.

Each year, Stillwater shelters at least 250,000 migrating shorebirds, more than 30 percent of the entire populations of some species. It is so vital to migrating fowl that an international conservation group, the Western Hemisphere Shorebird Reserve Network, recently named it one of the country's six most import shorebird preserves.

GREATER LOSSES PREDICTED

Like the original proposal, the ultimate impact of the plan would be to give Pyramid Lake more water, raising its level six feet, and to give Fallon farmers less. That would reduce flows into the Stillwater Management area and dry up about 18,000 acres, Mr. Gjelde said. But state officials predit a much greater loss of wetland acreage.

Mr. Gjelde said the Department of Interior would mitigate the loss of wetland acreage by spending $200,000 on a series of dikes to create 400 acres of "high-quality wetlands." The department will also ask Congress to allocate $1.2 million for a variety of other physical improvements to the management area.

"You might as well throw it down the rat hole," Mr. Saake said. "To put it into structures when there won't be any water is idiocy."●

COTTONWOOD ELEMENTARY SCHOOL

● Mr. MELCHER. Mr. President, I call to the attention of Senators the critical construction needs of the Cottonwood Elementary School near Havre, MT, which have been caused by the reactivation of the Havre Air Force bombing range.

The Cottonwood Elementary School is a small country school located adjacent to the Havre Air Force Base in Montana. Before the base was reactivated in 1986, the student population at Cottonwood Elementary School numbered 16 students. Since the base has been reactivated, the student population has mushroomed to 50 students.

This influx of military-connected students has strained the school facilities to such an extent that the State board of public education placed Cottonwood School on probation for violations of school facility standards. The students at the school are being crammed into a facility which is dreadfully inadequate and, if the space shortages are not corrected, the school will lose its State accreditation.

Normally, schools in this dilemma are eligible for construction funds through the Impact Aid Program (Public Law 83-815). However, because of a technicality the Department of Education has denied Cottonwood's eligibility for assistance. This has created a crisis situation and the quality of education for all students at the school has declined. The local school board and the instructional staff is to be commended for carrying on in such difficult circumstances, but this cannot continue.

I had considered offering an amendment to the Defense appropriations bill on behalf of this small country school, but the Air Force assured me today in a letter that "This issue will receive the utmost attention until it becomes resolved at the earliest possible date."

In light of the Air Force pledge that this problem will be satisfactorily resolved, I am going to withhold my amendment, but I do want to clarify my understanding of what the Air Force has agreed to do.

I am pleased that the Air Force has agreed that it has a responsibility to work out this problem. According to my discussions with the Air Force and the letter which I am inserting for the RECORD, the Cottonwood School problem will receive the needed attention until the current situation is resolved and the Cottonwood elementary students can be educated in a facility which is safe and adequate for a quality education.

In light of the emergency situation, I believe it is critical that the construction at Cottonwood Elementary School be completed by the beginning of the 1989-90 school year. I will be working with the Air Force to make sure this is accomplished.

I thank the chairman of the committee for his support and assistance in addressing this problem.

I ask that the Department of the Air Force letter of May 11, 1988, be printed in the RECORD.

The letter follows.

DEPARTMENT OF THE AIR FORCE,
Washington, DC, May 11, 1988.

Hon. JOHN MELCHER,
U.S. Senate,
Washington, DC

DEAR SENATOR MELCHER: This is an interim response to your request for assistance for the Cottonwood Elementary School in Montana.

We wish to assure you we will work with all appropriate agencies/parties, and this issue will receive the utmost attention until it becomes resolved at the earliest possible date. The complete response to your inquiry should be completed the week of 16 May.

Our Air Force point of contact is Mr. Jack G. Williams, (202) 695-7321. He will coordinate all relevant activities with your staff.

We appreciate your personal interest in the Cottonwood School and trust this information is helpful.

Sincerely,

ERIC M. THORSON,
Deputy Assistant Secretary
(Manpower, Resources and Military Personnel).●

IMPLEMENTATION OF RECOMMENDATIONS OF THE COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF CIVILIANS

Mr. BYRD. Mr. President, on behalf of Mr. GLENN I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 442.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House disagree to the amendment of the Senate to the bill (H.R. 442) entitled "An Act to implement recommendations of the Commission on Wartime Relocation and Internment of Civilians", and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. Rodino, Mr. Frank, Mr. Berman, Mr. Shaw, and Mr. Swindall be the managers of the conference on the part of the House.

Mr. BYRD. Mr. President, I move that the Senate concur in the amendment of the House and agree with the conference requested by the other

body on the disagreeing votes, between the two Houses and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer [Mr. DASCHLE] appointed Mr. GLENN, Mr. PRYOR, Mr. MATSUNAGA, Mr. STEVENS, and Mr. RUDMAN conferees on the part of the Senate.

ORDER TO PRINT S. 1220

Mr. BYRD. Mr. President, I ask unanimous consent that S. 1220, the Acquired Immunodeficiency Syndrome Research and Information Act, be printed as passed by the Senate.

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

ORDER FOR BILL REFERRALS

H.R. 2615 AND S. 1602

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be discharged from further consideration of the following bills: H.R. 2615, a bill holding lands in trust for the Pechanga Band of Luiseno Mission Indians in California; and S. 1602, a bill holding lands in trust for the Potawatomi Indians. I ask unanimous consent that the committee be discharged from further consideration of those bills en bloc and that the bills be referred en bloc to the Select Committee on Indian Affairs.

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

REFERRAL OF A BILL—H.R. 2839

Mr. BYRD. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be discharged from further consideration of H.R. 2839 a bill dealing with the Goshute Reservation in Utah and that this bill be referred to the Committee on Energy and Natural Resources.

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

REFERRAL OF A BILL—S. 2366

Mr. BYRD. Mr. President, I ask unanimous consent that S. 2366, reported today by the chairman of the Select Committee on Intelligence, authorizing appropriations for U.S. intelligence activities for fiscal year 1989, be referred for a period of 30 days to the Committee on Armed Services. If at the end of such period, the Committee on Armed Services has failed to report such bill, it shall be automatically discharged from further consideration of such proposed legislation, in accordance with section 3(b) of Senate Resolution 400, 94th Congress.

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

EXECUTIVE CALENDAR

Mr. BYRD. Mr. President, I inquire of the distinguished acting Republican leader as to whether Calendar Order No. 546 on the Executive Calendar has been cleared on that side?

Mr. RUDMAN. I advise the distinguished majority leader it has been cleared on this side.

Mr. BYRD. I thank my friend.

EXECUTIVE SESSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider Calendar Order 546 on the Executive Calendar, that the nominee be confirmed, that the President be notified of the confirmation of the nominee, that the motion to reconsider be laid on the table, and that the Senate return to legislative session and that if any Senator wishes to have a speech appear in the RECORD in support of the nomination he may do so.

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

The nomination confirmed follows:

DEPARTMENT OF STATE

Edward Morgan Rowell, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Portugal, to which position he was appointed during the last recess of the Senate.

STATEMENT ON THE NOMINATION OF EDWARD M. ROWELL AS AMBASSADOR TO PORTUGAL

Mr. DOLE. Mr. President, I am pleased to join in enthusiastic support of the nomination of Edward M. Rowell as Ambassasor to Portugal.

Recently, while leading a Senate delegation to visit NATO southern flank countries, I had the opportunity to meet Ambassador Rowell in Lisbon. He has been there since early this year, serving with distinction as Ambassador under a recess appointment—an unusual procedure, but one justified in this instance by the sensitivity of our relations with the Portuguese at this point, and the long gap in filling this important post.

Based on my own observations in Lisbon, it is clear that Ed Rowell is doing an outstanding job. He is representing American interests with the Portuguese Government with skill and sensitivity, at an important time in our bilateral relations—with ongoing consultations on the future of our vital bases in Lajes.

I should also note that Ambassador Rowell is running a very "tight ship" at his mission, and—judging by the enthusiasm of his staff—is providing real leadership and good management.

Ed Rowell's success in Lisbon comes as no surprise. He has an extensive and impressive diplomatic background. He has been a member of the Foreign Service for more than three decades, and has served ably at posts in Central and South America; Europe; and at the State Department. And he is an expert in Iberian affairs, and a fluent speaker of Portuguese—facts made impressively clear in my own meetings with Portuguese officials in Lisbon.

I endorse this nomination without reservation. I congratulate Ed Rowell, his wife, Lenora, and his two children. And I urge unanimous Senate approval of this nomination.

STATEMENT ON THE NOMINATION OF EDWARD MORGAN ROWELL TO BE AMBASSADOR TO PORTUGAL

Mr. HELMS. Mr. President, I have been concerned by the appointment of Mr. Rowell to be Ambassador to Portugal in this one respect—that his appointment was made while the Senate was in recess.

The majority leader has been vigorous in ensuring that the administration does not take advantage of periodic recesses of the Senate in order to make such recess appointments. For reasons which remain unclear to this Senator, however, the administration earlier this year departed from its assurances to the Senate and Mr. Rowell was appointed just 1 week—I emphasize, just 1 week—prior to the Senate reconvening on January 25, 1988. Indeed, Mr. Rowell did not actually arrive in Portugal until January 23, 2 days before the Senate reconvened.

Mr. President, Mr. Rowell would have been confirmed long ago if the administration had followed the normal and proper procedure. The Committee on Foreign Relations was eager to consider the nomination, and did so expeditiously. There was no urgency to send Mr. Rowell prior to consideration of his nomination by the committee and by the Senate. The post had been vacant for over 1 year. The previous nominee for the post, Richard Viets, asked that his name be withdrawn. During the consideration of the Viets nomination, I raised a number of questions about Mr. Viets' previous conduct in other representational posts.

Certainly Mr. Rowell is not personally responsible for the decision to have been appointed during a recess. It is regrettable that this decision was made, and I hope that it will not be repeated.

Mr. President, I ask unanimous consent that questions which I posed Mr. Rowell in writing, and the answers thereto, be printed in the conclusion of my remarks.

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

(See exhibit 1.)

Mr. HELMS. I note, Mr. President, that Mr. Rowell responded to questions which I raised with regard to published reports that United States officials—specifically Secretary of Defense Carlucci—had met in Portugal

with regard to providing military aid to the Communist government of Mozambique and that the United States has been providing covert military aid to that Communist government. These allegations were denied.

EXHIBIT 1

ANSWERS TO QUESTIONS SUBMITTED BY SENATOR JESSE HELMS

RECESS APPOINTMENT

Q. For what reasons did the President appoint you to be Ambassador during a recess, just one week prior to the reconvening of the Senate?

A. In late December, 1987, Richard Viets asked that his name be withdrawn from consideration to be U.S. Ambassador to Portugal. Over one year had lapsed since the post had been occupied. In the interim U.S. interests in Portugal were suffering. Portuguese dismay about the vacancy had been expressed both by Portugal's President and the Prime Minister. In the aftermath of Mr. Viets' withdrawal, I was asked to become ambassador.

Portugal is an important NATO ally. We have vital interests there, including a military base key to our anti-submarine operations in the Atlantic and our re-supply operations in the Middle East. Our assistance levels have declined steadily for three years. The sharp reduction in U.S. aid, combined with the prolonged absence of an American Ambassador, had led to rising frustration and anger at top levels of the Portuguese government. The Portuguese interpreted this absence, together with declining security assistance, as evidence that the U.S. did not attach importance to the relationship and was taking Portugal for granted. Our ability to conduct business at senior levels in Lisbon was increasingly impaired. Several important matters, including consultations concerning future use of our extremely important military base in the Azores as well as high level visits by Secretary Carlucci and Portuguese Prime Minister Cavaco Silva, were coming to a head. It was essential to have a U.S. ambassador in Lisbon to protect and advance our security interests.

Q. On what date did you arrive in Portugal after your appointment?

A. January 23, 1988.

Q. Had the Senate leadership been assured that no recess appointments would be made? If so, for what reasons was this assurance violated?

A. I have no personal knowledge of such matters.

Q. Please provide a chronology and summary of all discussions with Members of Congress regarding the recess nature of your appointment. Please specify in which cases such discussions would qualify as "consultation" versus those which were essentially "notification."

A. I have had no personal discussions with members of Congress prior to my appointment.

MOZAMBIQUE

Q. The Heritage Foundation reported, in a research paper issued February 12, 1988, entitled "In Southern Africa, the State Department Bets Against the Reagan Doctrine":

"Just last week, senior U.S. representatives, including Secretary of Defense Frank Carlucci in Lisbon and Chief of Command of U.S. Forces in Europe Lt. General Howard Crowl in Maputo, possibly discussed further U.S. military assistance. Washington also has been reluctant to press Mozambican President Joaquim Chissano to live up to his promises to Ronald Reagan to open negotiations with RENAMO by last January 1. The reason for this violation of the Reagan Doctrine apparently is that the State Department believes, without offering any evidence, that Chissano and his FRELIMO regime can be 'weaned away' from Moscow."

Did Secretary Carlucci attend such a meeting with representatives of Mozambique?

A. Secretary Carlucci visited Lisbon on February 3 for talks with the Portuguese Government on our bilateral security relationship with Portugal and European security issues. He did not meet with representatives of the Mozambican Government in Lisbon.

Q. Specifically, I am told that he met with Mario Machungo, Prime Minister of Mozambique, in a meeting held at the U.S. embassy. Did such a meeting take place? What was the purpose? Please describe the discussions.

A. Prime Minister Machungo coincidentally was in Lisbon February 3-5 on a long-planned visit when Secretary Carlucci traveled to Lisbon, but the two never met nor did they have any discussion at the U.S. embassy or elsewhere in Portugal.

Q. Was the provision of military aid—U.S. or otherwise—discussed?

A. As stated in the answer above, Secretary Carlucci did not meet with or discuss military aid with the Mozambicans in Lisbon. Secretary Carlucci did discuss with Portuguese officials U.S. military assistance to Portugal in the context of our bilateral security relationship, but this was in no way related to Mozambique.

Q. Under what authority is the U.S. contemplating the provision of military assistance to Mozambique?

A. In 1985, the Administration proposed a modest program of non-lethal military assistance to Mozambique. This request was rejected by Congress. In light of the current Congressional prohibition on military aid to Mozambique, the United States Government has no plans to provide such assistance to Mozambique at this time.

Q. Does section 589 of P.L. 100-202 (the continuing resolution for fiscal year 1988) leave any ambiguity with respect to the fact that military aid to Mozambique is prohibited during fiscal year 1988? (Section 589 of the fiscal year 1988 continuing resolution (P.L. 100-202) provides, "Notwithstanding any other provision of law, none of the funds appropriated or otherwise made available pursuant to this Act may be used to provide military assistance to Mozambique.")

A. It is clear that section 589 prohibits military assistance under the continuing resolution, P.L. 100-202, during fiscal year 1988.

Q. Are there any funds other than those contained in the continuing resolution which are being, or could be, used for furnishing military assistance to Mozambique?

A. There are no U.S. Government funds, under the continuing resolution or otherwise, being used to furnish military assistance to Mozambique.

Q. Has the U.S. discussed with representatives of the Government of Portugal the provision of military aid to Mozambique?

A. We have encouraged all our allies, including Portugal, to assist the Government of Mozambique's efforts to restructure its economy toward private sector-oriented development and to move away from dependence on the Soviet Union and Eastern bloc.

Q. Has the U.S. Government funnelled military aid, directly or indirectly, through Portugal or any other country, to Mozambique?

A. Section 813 of the International Security and Development Cooperation Act of 1985 (P.L. 99-83) prohibited military assistance and international military education and training to Mozambique during Fiscal Years 1986 and 1987, unless the President certified that certain conditions had been met. No such certification was made. In addition, as you point out, Section 589 of the 1988 continuing resolution (P.L. 100-202) prohibits military assistance during Fiscal Year 1988. The Administration has not provided military assistance to Mozambique, either directly or indirectly, in violation of these legislative provisions.

Q. Has any U.S. Government aid to Portugal, military or economic, subsequently been furnished to Mozambique by the Portuguese?

A. No.

Q. Please provide a list of all recipients of Portuguese foreign aid (both military and economic) and the amounts of such aid, by category, for the past 3 years (by year).

A. The Portuguese Government does not maintain a centralized budgetary or administrative control mechanism to monitor its overseas assistance. Each ministry has its own department of international relations through which it conducts foreign assistance programs. Therefore, a definitive list of all Portuguese foreign aid recipients, the amounts—either cumulative or annual—and the types of aid is not available.

The Government of Portugal does provide significant amounts of assistance to the Southern Africa Development and Cooperation Council (SADCC). The SADCC allocates funds, resources, and personnel for regional economic development to numerous countries, including: Angola, Botswana, Lesotho, Malawi, Mozambique, Swaziland, Tanzania, Zaire, Zambia, and Zimbabwe. Portuguese Government contributions were approximately $30 million in calendar year 1987 and are expected to be $10 million in calendar year 1988.

Portugal also maintains bilateral assistance programs with some of these countries, most notably Angola, Mozambique, Zaire, and Zimbabwe. In addition, the Government of Portugal provides assistance to Cape Verde, Guinea-Bissua, Sao Tome and Principe, and Senegal.

Q. Specifically, please provide details on the Portuguese assistance furnished to Mozambique, especially military assistance. It has been reported, for instance, that the Portuguese have provided covert military assistance for several years. Please describe the type and level of such assistance.

A. Portugal does not have a military assistance program with Mozambique. There are, however, 17 Mozambican military students currently training at Portuguese army, naval, and medical institutions under a program initiated last year.

Like the U.S. Government, the Portuguese Government as a matter of policy does not confirm, deny, or comment upon intelligence matters, including possible covert military assistance. The U.S. is therefore not able to confirm or deny the possible existence of Portuguese covert military aid to Mozambique.

Portuguese Prime Minister Cavaco Silva told the Senate Foreign Relations Committee on February 24 that Portugal has provided Mozambique with $300 million in economic assistance. This figure probably

refers to all Portuguese aid to Mozambique since the latter's independence in 1975. It includes $200 million in Mozambican debt to Portugal, $120 million of which was rescheduled last year on favorable terms (20 years repayment with a 10 year grace period at 4 percent). The remainder appears to be medium to long term debt.

Q. Please provide a detailed description of the recently-announced military assistance program to Mozambique announced by Portugal, including the amount and types of such assistance.

A. As noted above, the Government of Portugal does not have a military assistance program with Mozambique, nor has one been announced. However, a Portuguese military team visited Mozambique in late January/early February to survey Mozambique's training and logistical needs with a view toward some future limited assistance in these two areas. Evaluation has not yet been completed.

LEGISLATIVE SESSION

Mr. BYRD. Mr. President, has the Senate returned to legislative session?

The PRESIDING OFFICER. The Senator is correct.

ORDERS FOR THURSDAY, MAY 12, 1988

RECESS UNTIL 9 A.M.

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9 o'clock tomorrow morning.

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

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that, following the recognition of the two leaders under the standing order on tomorrow, there be a period for morning business not to exceed the hour of 9:30 a.m., that Senators may speak during that period for not to exceed 5 minutes each, and that at the hour of 9:30 a.m. the Senate resume consideration of the DOD authorization bill.

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

PROGRAM

Mr. BYRD. Mr. President, there have been several amendments that have been enumerated previously which have been sequentially ordered with respect to the DOD authorization bill. At 9:30 tomorrow morning, the Senate will proceed to the resumption of the consideration of that bill and the pending question at that time will be on the amendment by Mr. KENNEDY. There will be rollcall votes tomorrow morning and throughout the day. It could be a late session.

It is hoped by the managers and by the joint leadership that action will be completed on the DOD authorization bill Thursday, tomorrow, but that is probably unlikely, in which case action will continue on the DOD authorization bill on Friday. And there could be a late session on Friday in an effort to complete action on the DOD authorization bill.

So all Senators are so informed, if they read the RECORD, which I am sure they do. And the staffs, in reading the RECORD or in hearing my voice at this time, would do well to inform their Senators of the likelihood of a late session even on Friday.

Mr. President, if my friend the acting leader on the other side of the aisle has any further statement or business he would like to transact, I would be glad to yield the floor.

Mr. RUDMAN. I thank the distinguished leader, but we have none. I believe that in the morning there will be some attempt to work out a unanimous-consent agreement on time that the leader had been working on earlier this evening.

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

RECESS UNTIL 9 A.M. TOMORROW

Mr. BYRD. Mr. President, I move, in accordance with the order previously entered, that the Senate stand in recess until the hour of 9 o'clock tomorrow morning.

The motion was agreed to; and, at 6:56 p.m., the Senate recessed until Thursday, May 12, 1988, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate May 11, 1988:

DEPARTMENT OF STATE

CHRISTOPHER W.S. ROSS, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC AND POPULAR REPUBLIC OF ALGERIA.

RICHARD LLEWELLYN WILLIAMS, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE MONGOLIAN PEOPLE'S REPUBLIC.

PHILIP D. WINN, OF COLORADO, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO SWITZERLAND.

BOARD FOR INTERNATIONAL BROADCASTING

EDWARD NOONAN NEY, OF NEW YORK, TO BE A MEMBER OF THE BOARD FOR INTERNATIONAL BROADCASTING FOR A TERM EXPIRING APRIL 28, 1991, REAPPOINTMENT.

SECURITIES AND EXCHANGE COMMISSION

CHARLES C. COX, OF TEXAS, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR THE TERM EXPIRING JUNE 5, 1993, REAPPOINTMENT.

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

WILLIAM R. ETNYRE, [redacted] U.S. MARINE CORPS.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

CHARLES H. PITMAN, [redacted] U.S. MARINE CORPS.

IN THE NAVY

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be admiral

ADM. HUNTINGTON HARDISTY, [redacted]/1310, U.S. NAVY.

IN THE ARMY

THE FOLLOWING-NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 3385:

ARMY PROMOTION LIST

To be colonel

CHARLES L. ATTAWAY, [redacted]
HOMER E. DAVIS, [redacted]
DANIEL L. ECCLES, [redacted]
LARRY K. ECKLES, [redacted]
ROSS S. FORTIER, [redacted]
EDWARD H. GERHARDT, [redacted]
WILLIAM T. HARRISON, [redacted]
RONALD L. HEIN, [redacted]
CHARLES E. HILLARD, JR., [redacted]
FRANK P. INTINI, JR., [redacted]
SAMUEL H. JEFFUS, [redacted]
SONNY D. JONES, [redacted]
JAMES O. KEATHLEY, [redacted]
RALPH B. KELLY, [redacted]
LEO A. LORENZO, [redacted]
PHILIP K. MOORE, [redacted]
THOMAS C. PUGH, [redacted]
THOMAS A. SPROELICH, [redacted]
JESSE T. STACKS, III, [redacted]
BRUCE R. WALTON, [redacted]
HERBERT O. WARDELL, JR., [redacted]

CHAPLAIN

To be colonel

DAVID A. HOYME, [redacted]

ARMY PROMOTION LIST

To be lieutenant colonel

ALLEN R. BOZEMAN, [redacted]
JOSE F. CAMPOSDELGADO, [redacted]
DANIEL W. COOK, [redacted]
WILLIAM J. DONOVAN, [redacted]
GARY C. DOUGHERTY, [redacted]
MARVIN B. DUNCAN, [redacted]
GARY L. ELLIOTT, [redacted]
RICKY D. ERLANDSON, [redacted]
NEIL S. ERWIN, [redacted]
JACK R. FOX, [redacted]
JOSEPH E. GODDARD, [redacted]
DAVID E. GOFF, [redacted]
ROBERT F. GUNTER, JR., [redacted]
CHARLES E. HENRY, [redacted]
ROBERT B. JAMES, JR., [redacted]
RICHARD A. JORGENSEN, [redacted]
THOMAS J. KESTER, [redacted]
MICHAEL K. KOELLER, [redacted]
JOHN W. KREGER, [redacted]
ELWYN L. KROPUENSKE, [redacted]
LYLE D. LALIM, [redacted]
DONALD A. LAND, [redacted]
FRED A. LEISTIKO, [redacted]
MAURICE J. MAYFIELD, [redacted]
JOSEPH W. MEJASKI, JR., [redacted]
GEORGE MENDOZA, JR., [redacted]
JAMES F. PERRY, JR., [redacted]
JOHN A. RAINEY, [redacted]
MICHAEL A. REYNOLDS, [redacted]
RICHARD E. ROWLANDS, [redacted]
DONALD L. SINGER, [redacted]
JOHN W. STRAHAN, [redacted]
MICHAEL A. STROJNY, [redacted]
JAMES W. TANEYHILL, [redacted]
RONNIE R. VANWINKLE, [redacted]
JERRY B. WILLIAMS, [redacted]
WILLIAM D. WOFFORD, [redacted]
JAMES R. WOOTEN, [redacted]

CHAPLAIN

To be lieutenant colonel

MARVIN E. DAILEY, [redacted]
EDWARD D. MCCABE, [redacted]

ARMY NURSE CORPS

To be lieutenant colonel

BRENDA G. COOK, [redacted]

MEDICAL CORPS

To be lieutenant colonel

JOHN M. ANDREWS, [redacted]
ROBERT P. MARLER, [redacted]
JONATHAN H. SALEWSKI, [redacted]

MEDICAL SERVICE CORPS

To be lieutenant colonel

ROYCE D. JONES, [redacted]

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES, IN THEIR ACTIVE DUTY GRADE, UNDER THE PROVISIONS OF TITLE 10 UNITED STATES CODE, SECTION 531, 532, AND 533:

MEDICAL CORPS

To be colonels

BAUMAN, DAVID T., xxx-xx-xxxx
BURTON, CHARLES, xxx-xx-xxxx
BUSTOS, OSVALDO, xxx-xx-xxxx
CRAST, FRANK W., xxx-xx-xxxx
DURANDHOLLIS GABRIEL, xxx-xx-xxxx
GUSHWA, RICHARD, xxx-xx-xxxx

To be lieutenant colonels

PRABHA, CHANDRA, xxx-xx-xxxx
QUINLAN, ELIZABETH, xxx-xx-xxxx
VASALLO, PAULINO, xxx-xx-xxxx

To be majors

FRANCIS, GARY L., xxx-xx-xxxx
SILBERMAN, WARREN, xxx-xx-xxxx

To be captains

ALLEN, THOMAS W., xxx-xx-xxxx
ARRINGTON, EDWARD D., xxx-xx-xxxx
BOLT, JODIE L., xxx-xx-xxxx
BOLT, STEPHEN L., xxx-xx-xxxx
BRADLEY, KENT L., xxx-xx-xxxx
BRESLEY, THOMAS D., xxx-xx-xxxx
BYERS, JOHN P., xxx-xx-xxxx
CANFIELD, ANTHONY J., xxx-xx-xxxx
CHAPMAN, DOUGLAS E., xxx-xx-xxxx
CHARETTE, JOHN D., xxx-xx-xxxx
CHO, JOHN N., xxx-xx-xxxx
CIRANGLE, PAUL T., xxx-xx-xxxx
CLARK, GARY W., xxx-xx-xxxx
CLARK, JOSEPH Y., xxx-xx-xxxx
CLOSE, HEIDI L., xxx-xx-xxxx
COMBS, JAN M., xxx-xx-xxxx
COTHERN, BRIAN E., xxx-xx-xxxx
CROYLE, DAVID J., xxx-xx-xxxx
CUTTING PAUL J., xxx-xx-xxxx
DAHL, JAMES A., xxx-xx-xxxx
DOUKAS, WILLIAM C., xxx-xx-xxxx
FAREER, GERALD L., xxx-xx-xxxx
FIALA, LOIS A., xxx-xx-xxxx
FLORINE, ROBERTA A., xxx-xx-xxxx
FRACISCO, SUSAN D., xxx-xx-xxxx
GALAPON, DERRICK B., xxx-xx-xxxx
GANNON, MICHAEL H., xxx-xx-xxxx
GARVER, THOMAS H., xxx-xx-xxxx
GIUSEPPETTI, MARY M., xxx-xx-xxxx
GREEN, COLIN M., xxx-xx-xxxx
GROSSO, NICHOLAS P., xxx-xx-xxxx
HADLEY, STEVEN C., xxx-xx-xxxx
HAYDA, ROMAN A., xxx-xx-xxxx
HOWDEN, JAMES K., xxx-xx-xxxx
JOHANSEN, LUTHER B., xxx-xx-xxxx
KELLAM, LAURA L., xxx-xx-xxxx
KELLEY, COLIN T., xxx-xx-xxxx
KING, ANDREW W., xxx-xx-xxxx
KINGSLEY, THOMAS E., xxx-xx-xxxx
KLINE, MARK D., xxx-xx-xxxx
LAWSON, JEFFREY A., xxx-xx-xxxx
MACLELLAN, ANDREW J., xxx-xx-xxxx
MCCLELLAN, DONALD R., xxx-xx-xxxx
MCVAY, WILLIS A., xxx-xx-xxxx
NASH, BARRINGTON N., xxx-xx-xxxx
OAKS, HOWARD G., xxx-xx-xxxx
PARKER, JOSEPH M., xxx-xx-xxxx
PARKER, MARY F., xxx-xx-xxxx
PETERMANN, GREGORY W., xxx-xx-xxxx
PORAMBO, ALBERT V., xxx-xx-xxxx
PRICE, ROBERT W., xxx-xx-xxxx
PUCKETT, TEDD R., xxx-xx-xxxx
RIGGINS, JIMMIE W., xxx-xx-xxxx
ROWE, JOHN R., xxx-xx-xxxx
SCHAFER, CHRISTINE M., xxx-xx-xxxx
SEAY, WALLACE J., xxx-xx-xxxx
STRACENER, JANICE C., xxx-xx-xxxx
TERRIO, JAMES D., xxx-xx-xxxx
TOROK, PETER G., xxx-xx-xxxx
UNWIN, BRIAN K., xxx-xx-xxxx
WINGO, SUSAN T., xxx-xx-xxxx

DENTAL CROPS

To be lieutenant colonels

ROCKMAN, ROY A., xxx-xx-xxxx
SMITH, DAVID W., xxx-xx-xxxx

To be majors

CHILDERS, BLAKE, xxx-xx-xxxx
CHILDERS, ESTHER, xxx-xx-xxxx
DEMIZIO, PETER L., xxx-xx-xxxx
ENGIBOUS, PAUL J., xxx-xx-xxxx
HERMAN, DAVID A., xxx-xx-xxxx
MCCARTHY, JAMES, xxx-xx-xxxx
MOYER, MICHAEL, xxx-xx-xxxx
RAKER, THOMAS C., xxx-xx-xxxx
SCHUMAKER, PAUL, xxx-xx-xxxx
THEBERG, DANIEL, xxx-xx-xxxx
TOLSON, GEORGE E., xxx-xx-xxxx
WOLFF, GERALD K., xxx-xx-xxxx

To be captains

FERRER, NICHOLS MARIA C., xxx-xx-xxxx
GLENN, ROGER D., xxx-xx-xxxx
HOKETT, STEVEN D., xxx-xx-xxxx
KOSIOREK, DAVID, xxx-xx-xxxx
LUZADER, JEFFERY, xxx-xx-xxxx
NICHOLS, ROBERT, xxx-xx-xxxx
STANKO, RONALD S., xxx-xx-xxxx

VETERINARY CORPS

To be majors

MCCULLEN, ALBERT, xxx-xx-xxxx
NUZUM, EDWIN O., xxx-xx-xxxx

To be captains

ANGULO, FREDERIC, xxx-xx-xxxx
BANKS, RONALD, xxx-xx-xxxx
BRYANT, MARK A., xxx-xx-xxxx
COUCH, DON L., xxx-xx-xxxx
CUMMINGS, JAMES C., xxx-xx-xxxx
PIXLEY, CHARLES, xxx-xx-xxxx
SEVERIN, SCOTT, R., xxx-xx-xxxx
WHITE, BRYAN S., xxx-xx-xxxx

MEDICAL SPECIALIST CORPS

To be majors

COLLIER, EDWARD, xxx-xx-xxxx
LUSTER, STEPHEN, xxx-xx-xxxx
WRIGHT, ROSE A., xxx-xx-xxxx

To be captains

DABILL, CAROL L., xxx-xx-xxxx
WARD, DON J., xxx-xx-xxxx

ARMY NURSE CORPS

To be lieutenant colonels

HAGEY, ANTIONETT, xxx-xx-xxxx
MORRILL, KENNETH, xxx-xx-xxxx

To be majors

BENCE, PRISCILLA, xxx-xx-xxxx
BOYD, BETTINA, xxx-xx-xxxx
ENZEL, LENORE, xxx-xx-xxxx
JOLLY, SALLIE J., xxx-xx-xxxx
KRIMBILL, CHRIST, xxx-xx-xxxx
PHILLIPS, JILL S., xxx-xx-xxxx
WEST, IRIS J., xxx-xx-xxxx

To be captains

BOULLIE, PATRICIA, xxx-xx-xxxx
BRUMBACK, MARK A., xxx-xx-xxxx
JENNINGS, LILLIAN L., xxx-xx-xxxx
PRICE, PAULA, xxx-xx-xxxx

To be first lieutenants

CHAPMAN, THOMAS, xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be majors

BERRY, PHILLIP C., xxx-xx-xxxx
BLANDING, ZENOLA, xxx-xx-xx...
DAVIES, JEFFREY, xxx-xx-xxxx
HARBACH, RALPH E., xxx-xx-xxxx
LINTHICUM, KENNETH J., xxx-xx-xxxx
STEWART, DENNIS, xxx-xx-xxxx
THORNBURGH, J.H., xxx-xx-xxxx

To be captains

BAUMANN, GRETA, xxx-xx-xxxx
BROCKER, DONALD, xxx-xx-xxxx
DRESCHER, ROBIN, xxx-xx-xxxx
DUBAY, ROBERT, xxx-xx-xxxx
HARPER, ISIAH M., xxx-xx-xxxx
KAMINSKY, MICHAEL, xxx-xx-xxxx
KAMMERER, RICKY, xxx-xx-xxxx
MARTIN, SUZANNE, xxx-xx-xxxx
NEWHOUSE, ROBERT, xxx-xx-xxxx
PARKER, MARY R., xxx-xx-xxxx
PIPKIN, ROBERT W., xxx-xx-xxxx
PURKETT, RICHARD, xxx-xx-xxxx
REED, CHERYL A., xxx-xx-xxxx
REYES, ROMAN B., xxx-xx-xxxx
SHAMBURGER, CLIFFORD, xxx-xx-xxxx
TUCKER, CHARLES, xxx-xx-xxxx
VRENTAS, GREGORY, xxx-xx-xxxx

To be first lieutenants

CUTLER, THERESA, xxx-xx-xxxx
HUNTSINGER, CHARLES, xxx-xx-xxxx
IRVIN, MARK A., xxx-xx-xxxx
PHILLIPS, RICHARD, xxx-xx-xxxx
THOMAS, TERESA, xxx-xx-xxxx
VITAKIS, PHILLIP, xxx-xx-xxxx

JUDGE ADVOCATE GENERAL'S CORPS

To be captains

FOUNTAIN, FRANK W., xxx-xx-xxxx
HARVEY, STEPHEN D., xxx-xx-xxxx
HENDERSON, MARK E., xxx-xx-xxxx

INFANTRY

To be major

PETERS, DAVID M., xxx-xx-xxxx

FIELD ARTILLERY

To be second lieutenants

BILLEAUD, ROBERT L., xxx-xx-xxxx
MOORE, MICHAEL C., xxx-xx-xxxx

ADJUTANT GENERAL'S CORPS

To be second lieutenant

WARREN, JILL M., xxx-xx-xxxx

MILITARY INTELLIGENCE

To be captains

PERKINS, DAVID D., xxx-xx-xxxx
WALLACE, STEVENSON M., xxx-xx-xxxx

THE FOLLOWING-NAMED DISTINGUISHED HONOR GRADUATE OF OFFICER CANDIDATE SCHOOL, FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES, IN THE GRADE OF SECOND LIEUTENANT, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 531, 532, AND 533:

FOLEY, DANA J., xxx-xx-xxxx

THE FOLLOWING-NAMED RESERVE OFFICERS' TRAINING CORPS CADETS FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES, IN THE GRADE OF SECOND LIEUTENANT, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 531, 532, AND 533:

ADAMS, JAMES A., xxx-xx-xxxx
ALEXANDER, SCOTT E., xxx-xx-xxxx
ALLEN, ANTHONY, xxx-xx-xxxx
ALLEN, WILLIAM E., xxx-xx-xxxx
ALLISON, DAVID A., xxx-xx-xxxx
ANDREWS, ARDIS W., JR., xxx-xx-xxxx
ANTI, MICHAEL E., xxx-xx-xxxx
ARCHER, STEPHEN L., xxx-xx-xxxx
ARMENDARIZ, LOUIS M., xxx-xx-xxxx
ASHMORE, DANIEL G., xxx-xx-xxxx
ASHURST, KEVIN J., xxx-xx-xxxx
ASSARO, LOUIS A., xxx-xx-xxxx
BABB, DOUGLAS R., xxx-xx-xxxx
BAKER, JEFFREY S., xxx-xx-xxxx
BAKER, TIMOTHY L., xxx-xx-xxxx
BARNES, DANIEL E., xxx-xx-xxxx
BASHAM, DAVID N., xxx-xx-xxxx
BATTLE, THOMAS A., xxx-xx-xxxx
BEATTY, WILLIAM L. II, xxx-xx-xxxx
BECK, JOHN D., xxx-xx-xxxx
BELL, DOUGLAS L., xxx-xx-xxxx
BENNETT, DAVID J., xxx-xx-xxxx
BERTRANG, JEFFREY E., xxx-xx-xxxx
BETANCOURT, CARLOS J., xxx-xx-xxxx
BIAGIOTTI, ALDO P., JR., xxx-xx-xxxx
BISHOP, LAURENCE R., xxx-xx-xxxx
BLACKMUN, RICHARD L., JR., xxx-xx-xxxx
BLAIN, DALMA, E., xxx-xx-xxxx
BLANCO, JAMES A., xxx-xx-xxxx
BLANKENSHIP, JEFF, xxx-xx-xxxx
BOEHNLEIN, ROBERT D., xxx-xx-xxxx
BOLTINHOUSE, CHARLES J., xxx-xx-xxxx
BONTRAGER, PAUL, xxx-xx-xxxx
BOYETTE, ROBERT A., xxx-xx-xxxx
BOYLES, ROBERT W., xxx-xx-xxxx
BOZEMAN, ANTHONY C., xxx-xx-xxxx
BOZEMAN, CURTIS W., xxx-xx-xxxx
BRADBERRY, EDMOND W., JR., xxx-xx-xxxx
BRANCH, REAGOR L., xxx-xx-xxxx
BRICE, WILLIS D., xxx-xx-xxxx
BRIGGS, TODD J., xxx-xx-xxxx
BRISTOL, CLARK M., xxx-xx-xxxx
BRITT, BENITA R., xxx-xx-xxxx
BROWN, DUANE E., xxx-xx-xxxx
BROWN, HALBERT, xxx-xx-xxxx
BROWN, JAMES K., xxx-xx-xxxx
BROZEK, DENNIS W., xxx-xx-xxxx
BUCK, KENNETH T., III, xxx-xx-xxxx
BUCKINGHAM, DAVID W., xxx-xx-xxxx
BUCKLIN, WILLIAM M., xxx-xx-xxxx
BULLWINKEL, EDWARD C., xxx-xx-xxxx
BUMGARNER, MART E., xxx-xx-xxxx
BUNKER, CONSTANCE G., xxx-xx-xxxx
BURDICK, JAMES D., xxx-xx-xxxx
BUSH, GARRY B., xxx-xx-xxxx
BUSTAMANTE, CHRISTINA M., xxx-xx-xxxx
BUTLER, CLARENCE D., xxx-xx-xxxx
BUTLER, MARK D., xxx-xx-xxxx
CABALLERO, LEO F., xxx-xx-xxxx
CALLAHAN, MARION K., xxx-xx-xxxx
CALLION, CATHY J., xxx-xx-xxxx
CARBONE, CHRISTINE M., xxx-xx-xxxx
CARBONE, JOSE A., xxx-xx-xxxx
CARCHEDI, JAMES, JR., xxx-xx-xxxx
CARNEY, DUANE T., xxx-xx-xxxx
CASTILLO, GILBERTO, JR., xxx-xx-xxxx
CASTILLO, LAURA L., xxx-xx-xxxx
CATLETT, DENNIS W., JR., xxx-xx-xxxx
CHAMBERLAIN, ELIZABETH A., xxx-xx-xxxx
CHAMBERS, TERRELL M., xxx-xx-xxxx
CHAMBERS, ZANE D., JR., xxx-xx-xxxx
CHIAVACCI, ROY A., xxx-xx-xxxx
CIOCHON, RICHARD E., xxx-xx-xxxx
CLUTTS, DAVID L., xxx-xx-xxxx
COFFMAN, CARL R., JR., xxx-xx-xxxx
COLLINS, ROBERT E., xxx-xx-xxxx
CONRAD, JAMES W., xxx-xx-xxxx
COOK, DONALD M., xxx-xx-xxxx
COOPER, THOMAS R., xxx-xx-xxxx
CORISH, JOHN R., xxx-xx-xxxx
CROSS, CHRISTOPHER G., xxx-xx-xxxx

CROSSWAIT, GLENN M., xxx-xx-xxxx
CROW, BRIAN P., xxx-xx-xxxx
DAYLEY, BRANT V., xxx-xx-xxxx
DEAN, STEVEN G., xxx-xx-xxxx
DECKER, SEAN C., xxx-xx-xxxx
DEDRICH, CAROL M., xxx-xx-xxxx
DELAINE, BUANE B., xxx-xx-xxxx
DEMITH, LAURA, xxx-xx-xxxx
DIAZGONZALEZ, RICHARD J., xxx-xx-xxxx
DICKINSON, CRAIG M., xxx-xx-xxxx
DIGGS, JAMES E., xxx-xx-xxxx
DODGE, RONALD C., JR., xxx-xx-xxxx
DOMINGUEZ, MARIE A., xxx-xx-xxxx
DONALDSON, STEVEN L., xxx-xx-xxxx
DUMAS, ALEXANDER L., xxx-xx-xxxx
EAKES, KENNETH J., xxx-xx-xxxx
EASTER, DUANE P., xxx-xx-xxxx
EASTWOOD, FRED R., III, xxx-xx-xxxx
ECKLER, LAURA L., xxx-xx-xxxx
EDIN, ERIC E., xxx-xx-xxxx
EDWARDS, DERIC B., xxx-xx-xxxx
EDWARDS, SEAN P., xxx-xx-xxxx
EISEMAN, BRENDA K., xxx-xx-xxxx
ELSASSER, LAURA K., xxx-xx-xxxx
EMERO, MICHAEL F., xxx-xx-xxxx
EMERY, EDWARD E., JR., xxx-xx-xxxx
EPPLEY, DANE E., xxx-xx-xxxx
ERST, FREDERICK J., xxx-xx-xxxx
EVANS, JACQUELINE A., xxx-xx-xxxx
FOX, THEODORE J., xxx-xx-xxxx
FRANCIS, JOHN E., xxx-xx-xxxx
FRAZIER, GREGORY O., xxx-xx-xxxx
FRENCH, STEVAN J., xxx-xx-xxxx
FROM, JEFFREY D., xxx-xx-xxxx
GANTT, THOMAS M., xxx-xx-xxxx
GARMAN, THOMAS A., xxx-xx-xxxx
GASKIN, LOMAX, xxx-xx-xxxx
GEHLER, GREGORY A., xxx-xx-xxxx
GETTER, TERESA M., xxx-xx-xxxx
GERLACH, CHRIS D., xxx-xx-xxxx
GIBBONS, RICHARD T., xxx-xx-xxxx
GONZALEZ, ALBERTO C., xxx-xx-xxxx
GOODWIN, SCOTT A., xxx-xx-xxxx
GOULD, RICKY F., xxx-xx-xxxx
GRAESE, MICHAEL S., xxx-xx-xxxx
GRANGER, BRETT A., xxx-xx-xxxx
GRECO, THOMAS J., xxx-xx-xxxx
GREENE, MELVIN L., xxx-xx-xxxx
GUFFEY, RICHARD K., xxx-xx-xxxx
GUILFORD, DANIEL J., xxx-xx-xxxx
GUYSE, PAUL A., xxx-xx-xxxx
HALEY, TIMMY E., xxx-xx-xxxx
HANNAMAN, EDGAR M., xxx-xx-xxxx
HANSEN, STANLEY D., xxx-xx-xxxx
HARE, MICHELLE, xxx-xx-xxxx
HARRIS, HUGHIE B., xxx-xx-xxxx
HEATH WORNER O., III, xxx-xx-xxxx
HEDEGAARD, MICHAEL L., xxx-xx-xxxx
HEESCHEN, JAMES M., xxx-xx-xxxx
HELLER, KIM F., II, xxx-xx-xxxx
HEPFNER, SAMUEL A., JR., xxx-xx-xxxx
HIGDON, BRIAN S., xxx-xx-xxxx
HILL, DONALD J., xxx-xx-xxxx
HOLLADAY, BRETT, N., xxx-xx-xxxx
HOLMES, VERNON D., xxx-xx-xxxx
HOLTON, CRAIG A., xxx-xx-xxxx
HOSSENLOPP, PAUL, xxx-xx-xxxx
HOUGH, ROBERT A., xxx-xx-xxxx
HOWARD, DONNA M., xxx-xx-xxxx
HUDSON, CLIFTON B., xxx-xx-xxxx
HUNT, KENNETH A., xxx-xx-xxxx
IMIG, PAUL A., xxx-xx-xxxx
INFANTI, MICHAEL, xxx-xx-xxxx
IOOSS, STEVEN P., xxx-xx-xxxx
IRLAND, CRAIG R., xxx-xx-xxxx
IRVIN, JOHN A., xxx-xx-xxxx
ISAACSON, DAVID H., xxx-xx-xxxx
JACKSON, BRIAN L., xxx-xx-xxxx
JAMES, STEVEN, xxx-xx-xxxx
JEFFERSON, JOSEPH, xxx-xx-xxxx
JENSEN, CHRISTOPHER B., xxx-xx-xxxx
KALSCH, PHILLIP A., xxx-xx-xxxx
KAMINSKY, DONNA M., xxx-xx-xxxx
KENNARD, RODNEY W., xxx-xx-xxxx
KESTLE, MELISSA J., xxx-xx-xxxx
KEY, TODD E., xxx-xx-xxxx
KIENTZ, BRYAN C., xxx-xx-xxxx
KILGO, JEFFREY W., xxx-xx-xxxx
KILGO, MITCHELL L., xxx-xx-xxxx
KING, JEFFREY S., xxx-xx-xxxx
KING, LISA M., xxx-xx-xxxx
KING, RODNEY L., xxx-xx-xxxx
KINSNER, DEBORAH L., xxx-xx-xxxx
KIRBY, JOHN J., IV., xxx-xx-xxxx
KITE, LAWRENCE W., xxx-xx-xxxx
KIVETT, RYAN, xxx-xx-xxxx
KNESS, LENNY J., xxx-xx-xxxx
KNOTT, TAMMY L., xxx-xx-xxxx
KOELTZOW, SHERYL M., xxx-xx-xxxx
KORDENBROCK, JEFFREY C., xxx-xx-xxxx
KOTVAS, JOHN E., III, xxx-xx-xxxx
KRAEMER, JOANNE, xxx-xx-xxxx
KRAMER, RANDALL P., xxx-xx-xxxx
KRUCZEK, RICHARD, xxx-xx-xxxx
KUESTER, CAROL L., xxx-xx-xxxx
KUROSU, SHIRLEY M., xxx-xx-xxxx
LACOCK, CHRISTOPHER D., xxx-xx-xxxx
LAFOLLETTE, STEPHEN J., xxx-xx-xxxx
LAGANUSKY, VAUGHN T., xxx-xx-xxxx
LANDERS, JAMES, xxx-xx-xxxx
LANEY, DONALD B., xxx-xx-xxxx
LANGELAND, TODD W., xxx-xx-xxxx
LARSON, DAVID J., xxx-xx-xxxx
LAX, THOMAS J., xxx-xx-xxxx
LEGG, ADAM J., xxx-xx-xxxx
LEWIS, BURTON W., xxx-xx-xxxx
LEWIS, DAVID F., xxx-xx-xxxx
LIMB, RODNEY D., xxx-xx-xxxx
LINK, GARY E., xxx-xx-xxxx
LOFREDDO, SCOTT J., xxx-xx-xxxx
LOPEZ, JOSEPH, xxx-xx-xxxx
LOUDEN, GREGORY D., xxx-xx-xxxx
LUTZ, ROBERT J., xxx-xx-xxxx
MACK, CHARLES C., xxx-xx-xxxx
MANN, ANDERSON L., xxx-xx-xxxx
MARINAKIS, CHRISTOPHER A., xxx-xx-xxxx
MARTIN, RICHARD A., JR., xxx-xx-xxxx
MARTINSON, PHILIP A., xxx-xx-xxxx
MAYER, ROGER K., xxx-xx-xxxx
MCCLANAHAN, MICHAEL, xxx-xx-xxxx
MCCLINTOCK, BRIAN L., xxx-xx-xxxx
MCCUTCHEON, KIMBERLY G., xxx-xx-xxxx
MCDONALD, KAMMERA K., xxx-xx-xxxx
MCDOWELL, CLIFFORD D., xxx-xx-xxxx
MCDOWELL, TIMOTHY S., xxx-xx-xxxx
MCELROY, DAN, xxx-xx-xxxx
MCGAHAN, ROBERT J., xxx-xx-xxxx
MCGINLEY, SHAWN P., xxx-xx-xxxx
MCGREGOR, OTIS W., III, xxx-xx-xxxx
MCGUINNESS, MICHAEL J., xxx-xx-xxxx
MCGUINNESS, SEAN P., xxx-xx-xxxx
MCKEONE, DAVON L., xxx-xx-xxxx
MCTASNEY, ROBERT J., xxx-xx-xxxx
MECCA, JOHN M., xxx-xx-xxxx
MEDINA, ASHAWN D., xxx-xx-xxxx
METTS, MEL M., xxx-xx-xxxx
METZ, PHILIP J., xxx-xx-xxxx
MEYER, EILEEN A., xxx-xx-xxxx
MICKLES, PHILLIP T., xxx-xx-xxxx
MILLER, BILLY L., xxx-xx-xxxx
MILLER, KENNETH J., xxx-xx-xxxx
MILLER, MICHAEL G., xxx-xx-xxxx
MINER, DOUGLAS D., xxx-xx-xxxx
MIYAMOTO, INEZ M., xxx-xx-xxxx
MOFFATT, JAMES A., xxx-xx-xxxx
MOHLER, LENNA M., xxx-xx-xxxx
MONSIVAIS, DANIEL R., xxx-xx-xxxx
MOORE, ALLAN J., xxx-xx-xxxx
MOORE, CHARLES G., xxx-xx-xxxx
MORAN, TERESA L., xxx-xx-xxxx
MORRIS, KEVIN C., xxx-xx-xxxx
MORRIS, TAMARA C., xxx-xx-xxxx
MOSLEY, LEROY, xxx-xx-xxxx
MOTT, BRETTNEY D., xxx-xx-xxxx
MOTT, JOHN G., xxx-xx-xxxx
MURPHY, JOHN D., xxx-xx-xxxx
MURPHY, MICHAEL T., xxx-xx-xxxx
MURPHY, TERRYNE F., xxx-xx-xxxx
NAVARRO, CARLOS, xxx-xx-xxxx
NEAVERTH, MICHAEL P., xxx-xx-xxxx
NORRIS, JOHN G., xxx-xx-xxxx
NORRIS, RICHARD M. JR., xxx-xx-xxxx
NORWOOD, PAMELA S., xxx-xx-xxxx
OCONNOR, JAMES D., xxx-xx-xxxx
OGLESBEE, AARON K., xxx-xx-xxxx
OJEDA, SENEN, xxx-xx-xxxx
OLIVER, MICHAEL D., xxx-xx-xxxx
ORTEGA, DANNY R., xxx-xx-xxxx
OSBORNE, ROSS T., xxx-xx-xxxx
OTT, PAUL A., xxx-xx-xxxx
OVERHOLSER, RANDY R., xxx-xx-xxxx
OWEN, CHRISTOPHER W., xxx-xx-xxxx
OWEN, WILLIAM E., xxx-xx-xxxx
PEREZ, JORGE N., xxx-xx-xxxx
PHILLIPS, CALVIN, L., xxx-xx-xxxx
PHILLIPS, LORENZO R., xxx-xx-xxxx
PONTIUS, MARK J., xxx-xx-xxxx
POULIOT, LISA M., xxx-xx-xxxx
POWELL, GLADYS L., xxx-xx-xxxx
PRUITT, WILLIAM F., xxx-xx-xxxx
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WEATHERSBY, STEVEN T., xxx-xx-xxxx
WEBB, KEITH D., xxx-xx-xxxx
WEBER, MICHAEL A., xxx-xx-xxxx
WEBSTER, CHARLES R., xxx-xx-xxxx
WEED, SHAWN C., xxx-xx-xxxx
WEISLER, GREGORY A., xxx-xx-xxxx
WHELAN, JOSEPH F., xxx-xx-xxxx
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WHITE, ERIC L., xxx-xx-xxxx
WILDER, KENNETH S., xxx-xx-xxxx
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WILLIAMS, THOMAS M., xxx-xx-xxxx
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WITTEVEEN, DAVID M., xxx-xx-xxxx
YAKAWICH, JOSEPH, xxx-xx-xxxx
YANDELL, TOMMY D., xxx-xx-xxxx
YATES, TROY R., xxx-xx-xxxx
ZIPPAY, EDWARD J., xxx-xx-xxxx

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 3383:

ARMY PROMOTION LIST

To be colonel

RONALD M. ABE, xxx-xx-xxxx
HERBERT AH YO, JR., xxx-xx-xxxx
MICHAEL C. ARCHIBALD, xxx-xx-xxxx
JERRY DUKE, xxx-xx-xxxx
JOHN S. GALT, xxx-xx-xxxx
JAMES F. GATZKE, xxx-xx-xxxx
BLAIR A. HOLMAN, xxx-xx-xxxx
DONALD M. ISENHATH, xxx-xx-xxxx
GERALD KATAHARA, xxx-xx-xxxx
HIROSHI KATO, xxx-xx-xxxx
CARL T. MASAKI, xxx-xx-xxxx
THOMAS A. OKIMOTO, xxx-xx-xxxx
JAMES R. WHITLEY, xxx-xx-xxxx
DANA J. WINKLER, xxx-xx-xxxx

CHAPLAIN

To be colonel

CHAMP T. BREEDEN, JR., xxx-xx-xxxx
DONALD E. GNEWUCH, xxx-xx-xxxx

HARRY W. HALLMAN, xxx-xx-xxxx
WALTER G. HED, xxx-xx-xxxx
JERRY M. POTEET, xxx-xx-xxxx
PHILIP J. SECKER, xxx-xx-xxxx

DENTAL CORPS

To be colonel

ROGER M. WEED, xxx-xx-xxxx

MEDICAL CORPS

To be colonel

ROBERT D. HODGELL, xxx-xx-xxxx
YELLESHPUR JAYARAM, xxx-xx-xxxx
CARL D. MERKEL, xxx-xx-xxxx
MICHAEL MITTLEMANN, xxx-xx-xxxx
GEORGE J. MOLNAR, xxx-xx-xxxx
T. J. RUNDLE, xxx-xx-xxxx
JONATHAN SUSSMAN, xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be colonel

ELDON J. JAGER, xxx-xx-xxxx
DOMENICO LAROSA, xxx-xx-xxxx
HOWARD V. PAYTON, JR., xxx-xx-xxxx
JOHN L. SUTHERLAND, xxx-xx-xxxx
DONALD F. WOOLSON, xxx-xx-xxxx

ARMY PROMOTION LIST

To be lieutenant colonel

JAMES R. ADAMS, xxx-xx-xxxx
BERTIE S. ALEXANDER, xxx-xx-xxxx
BARRY L. ARBUCKEL, xxx-xx-xxxx
RICHERT T. AU HOY, xxx-xx-xxxx
WILLIAM BARKER, xxx-xx-xxxx
GERALD A. BYRD, xxx-xx-xxxx
JOHN J. CLEARY, xxx-xx-xxxx
FRED C. COVEY, JR., xxx-xx-xxxx
RUSSELL DALLAS, xxx-xx-xxxx
DENNIS T. DOI, xxx-xx-xxxx
ORRIE C. DONLEY, JR., xxx-xx-xxxx
MACARIO S. DORADO, xxx-xx-xxxx
BERTIE S. DUEITT, xxx-xx-xxxx
PETER M. DUGRE, xxx-xx-xxxx
ROBERT N. FARKAS, xxx-xx-xxxx
ALAN A. FUJIOKA, xxx-xx-xxxx
ROBERT W. GEORGE, xxx-xx-xxxx
CHARLEY W. GREEN, JR., xxx-xx-xxxx
GREGORY K. GUERREIRO, xxx-xx-xxxx
DALE W. HANSEN, xxx-xx-xxxx
KENNETH R. HARTLEIN, xxx-xx-xxxx
ROBERT M. HARTLEY, xxx-xx-xxxx
FRANCIS H. HILLS, JR., xxx-xx-xxxx
ROBERT M. HIPPENSTIEL, xxx-xx-xxxx
TIMOTHY H. ISENBERG, xxx-xx-xxxx
GARY M. ISHIKAWA, xxx-xx-xxxx
VINCENT P. IWAHASHI, xxx-xx-xxxx
CLEASTOR W. JENNINGS, xxx-xx-xxxx
ALLEN M. KAMEMOTO, xxx-xx-xxxx
EDWARD R. LACHEY, xxx-xx-xxxx
DENNIS J. LAICH, xxx-xx-xxxx
WARREN H. LEE, xxx-xx-xxxx
LARRY J. LIGHT, xxx-xx-xxxx
JOHN H. LOUGHRIDGE, JR., xxx-xx-xxxx
DAVID M. LOWRY, xxx-xx-xxxx
JOHN Y. MA, xxx-xx-xxxx
BRIAN K. MIYAGI, xxx-xx-xxxx
HOMER D. NELSON, xxx-xx-xxxx
MICHAEL L. NEVEAUX, xxx-xx-xxxx
JOSE A. OKADA, xxx-xx-xxxx
FRANK G. OLIVEIRA, xxx-xx-xxxx
KENNETH M. PADGETT, xxx-xx-xxxx
GIGG M. POWERS, xxx-xx-xxxx
RONALD L. RASCH, xxx-xx-xxxx
WILLIAM C. REITAN, xxx-xx-xxxx
WILLIAM P. SCHMIDT, xxx-xx-xxxx
ROGER K. SMITH, xxx-xx-xxxx
WILLIAM R. SPENS, xxx-xx-xxxx
FREDERICK M. SPIELMAN, xxx-xx-xxxx
NICHOLAS L. STRAFFON, xxx-xx-xxxx
RAMON Q. SUDO, xxx-xx-xxxx
PAUL Y. TAMAYOSE, xxx-xx-xxxx
MARK D. THEIS, xxx-xx-xxxx
DAVID J. TRAUTMAN, xxx-xx-xxxx
MICHAEL P. WONG, xxx-xx-xxxx
FRANK K. YAP, JR., xxx-xx-xxxx
JOHN C. YOUNGS, xxx-xx-xxxx
JOHN M. ZOSCAK, JR., xxx-xx-xxxx

CHAPLAIN

To be lieutenant colonel

JIMMY R. WILLIAMS, xxx-xx-xxxx

ARMY NURSE CORPS

To be lieutenant colonel

PATRICIA A. TUCKER, xxx-xx-xxxx

MEDICAL CORPS

To be lieutenant colonel

RIZAL R. DELGADO, xxx-xx-xxxx
DANTE J. DIMARZIO, JR., xxx-xx-xxxx
JOHN D. DUNCAN, xxx-xx-xxxx
ROLAND NAVARRO, xxx-xx-xxxx
JAMES M. VEAZEY, JR., xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be lieutenant colonel

VINCENT J. BARRECA, JR., xxx-xx-xxxx
ROBERT S. POPE, xxx-xx-xxxx
GARY D. RUSSI, xxx-xx-xxxx

ARMY MEDICAL SPECIALIST CORPS

To be lieutenant colonel

LOUISE C. NORTON, xxx-xx-xxxx

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, UNITED STATED CODE, SECTION 3370:

ARMY PROMOTION LIST

To be colonel

RAFAEL A. ACEVEDO, xxx-xx-xxxx
JOEL M. ADAMS, xxx-xx-xxxx
CLARENCE M. AGENA, xxx-xx-xxxx
WILLIE A. ALEXANDER, xxx-xx-xxxx
GARY R. ALLEN, xxx-xx-xxxx
JOHN E. ALLEN, xxx-xx-xxxx
JOHN W. ALLEN, JR., xxx-xx-xxxx
JOSE M. ALVAREZ, xxx-xx-xxxx
RONALD D. ANDREEN, xxx-xx-xxxx
STEPHEN E. AREY, xxx-xx-xxxx
CHARLES R. ARGO, xxx-xx-xxxx
FARRIS G. ARWOOD, xxx-xx-xxxx
JORGE ARZOLA, xxx-xx-xxxx
DAVID P. AYCOCK, xxx-xx-xxxx
JON H. BAAKE, xxx-xx-xxxx
HEINRICH N. BABB, xxx-xx-xxxx
MARK R. BAILEY, xxx-xx-xxxx
ROBERT R. BALDWIN, xxx-xx-xxxx
GEORGE A. BANNON, xxx-xx-xxxx
ANTHONY F. BARBONE, xxx-xx-xxxx
NORMAN S. BARCHI, xxx-xx-xxxx
PAUL Z. BARNES, xxx-xx-xxxx
RAYMON BARRERASRIVERAS, xxx-xx-xxxx
DENNIS BARTON, xxx-xx-xxxx
GLENN W. BARTSCH, xxx-xx-xxxx
WILLIAM T. BAUGH, xxx-xx-xxxx
LARRY C. BEAM, xxx-xx-xxxx
MICHAEL W. BEASLEY, xxx-xx-xxxx
CHARLES M. BECHTEL, xxx-xx-xxxx
JAMES E. BELL, xxx-xx-xxxx
GARY N. BENMARK, xxx-xx-xxxx
JERRY C. BENNETTE, xxx-xx-xxxx
ROBERT M. BENSON, xxx-xx-xxxx
GARY M. BENTSEN, xxx-xx-xxxx
RONALD G. BERRY, xxx-xx-xxxx
JOHN J. BIESE, xxx-xx-xxxx
ROBERT E. BLACK, xxx-xx-xxxx
GEORGE J. BLYSAK, xxx-xx-xxxx
DONALD L. BONEY, xxx-xx-xxxx
JOHN M. BOSTDORF, xxx-xx-xxxx
LOUIS BRACKETT, xxx-xx-xxxx
ROBERT F. BRACKI, xxx-xx-xxxx
RICHARD C. BRACKNEY, xxx-xx-xxxx
CHARLES S. BRAIN, xxx-xx-xxxx
KENNETH E. BRANDT, xxx-xx-xxxx
DONALD C. BRASWELL, xxx-xx-xxxx
ROGER L. BRAUTIGAN, xxx-xx-xxxx
FRANK R. BRAY, xxx-xx-xxxx
ABBOTT A. BRAYTON, xxx-xx-xxxx
JOE K. BRIDGFORTH, xxx-xx-xxxx
DONALD J. BRINGOL, xxx-xx-xxxx
NORMAN S. BRINSLEY, xxx-xx-xxxx
CHARLES BRODERICK, xxx-xx-xxxx
HUGH S. BRYANT, xxx-xx-xxxx
PATRICK J. BUFFA, xxx-xx-xxxx
DOUGLAS B. CARDIS, xxx-xx-xxxx
STANLEY E. CARLSON, xxx-xx-xxxx
JAMES L. CARNEY, xxx-xx-xxxx
DANIEL J. CARRO, xxx-xx-xxxx
DANIEL F. CARROLL, xxx-xx-xxxx
THOMAS C. CARROLL, xxx-xx-xxxx
ANTHONY F. CARUANA, xxx-xx-xxxx
ROSENDO J. CASTILLO, xxx-xx-xxxx
FRANK A. CATALANO, xxx-xx-xxxx
THOMAS H. CATO, xxx-xx-xxxx
JAMES R. CAZIER, xxx-xx-xxxx
GERALD T. CECIL, xxx-xx-xxxx
GARY M. CHAMBERS, xxx-xx-xxxx
CARROLL D. CHILDERS, xxx-xx-xxxx
RICHARD R. CLARK, xxx-xx-xxxx
CHARLES E. CLIFTON, xxx-xx-xxxx
DONOVAN M. COLLINS, xxx-xx-xxxx
MAXWELL S. COLON, xxx-xx-xxxx
DAVID T. CONNOR, xxx-xx-xxxx
CARL B. COOPER, xxx-xx-xxxx
ROBERT S. COOPER, xxx-xx-xxxx
JAMES N. COPELAND, xxx-xx-xxxx
JERRY N. CORBIN, xxx-xx-xxxx
EDWARD L. CORREA, xxx-xx-xxxx
JOHN R. COX, xxx-xx-xxxx
RONALD A. CRAIG, xxx-xx-xxxx
JOHN E. CREWS, xxx-xx-xxxx
EDWIN A. CRISPIN, xxx-xx-xxxx
RICHARD CROSSLAND, xxx-xx-xxxx
JAMES O. CULVER, xxx-xx-xxxx
DENNIS M. CUNNEEN, xxx-xx-xxxx
RONALD T. CYR, xxx-xx-xxxx
DAVID C. DAHLKE, xxx-xx-xxxx
STEPHEN DANGERFIELD, xxx-xx-xxxx
PETER M. DAVENPORT, xxx-xx-xxxx
CHARLES R. DAVIES, xxx-xx-xxxx
JAMES D. DAVIS, xxx-xx-xxxx
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WILLIAM G. DERIS, xxx-xx-xxxx
JAMES G. DEROPP, xxx-xx-xxxx
EDWIN W. DESMOND, xxx-xx-xxxx
WILEY M. DEWITT, JR., xxx-xx-xxxx
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JOHN P. DUFFY, xxx-xx-xxxx
DALE T. DUMMER, xxx-xx-xxxx
JERRY M. DUNCAN, xxx-xx-xxxx
JIMMY W. EASTERLING, xxx-xx-xxxx
RANDALL T. ELLIOTT, xxx-xx-xxxx
RONALD L. ELLIOTT, xxx-xx-xxxx
ANDREW J. ESCHEN, xxx-xx-xxxx
CLIFFORD A. ESTES, xxx-xx-xxxx
JOHN B. FARLEY, xxx-xx-xxxx
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JOHN E. FITZGERALD, xxx-xx-xxxx
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RICHARD J. FRIEDMAN, xxx-xx-xxxx
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GEORGE A. GATES, xxx-xx-xxxx
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MARK R. GOAR, xxx-xx-xxxx
MARSHALL J. GOBY, xxx-xx-xxxx
BOBBY R. GOIN, xxx-xx-xxxx
HAROLD M. GOLDSTEIN, xxx-xx-xxxx
JOSEPH A. GONZALES, xxx-xx-xxxx
ROYAL T. GOODDEN, xxx-xx-xxxx
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NORMAN T. HAINES, xxx-xx-xxxx
ALVIN J. HALEY, xxx-xx-xxxx
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WILLIAM F. HANNA, xxx-xx-xxxx
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WILLIAM E. HARMAN, xxx-xx-xxxx
JAMES D. HARRIS, xxx-xx-xxxx
KEITH F. HARRIS, xxx-xx-xxxx
JOHN A. HAYS, xxx-xx-xxxx
CHARLES HEBERLE, xxx-xx-xxxx
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JAY D. HIRSCH, xxx-xx-xxxx
AUGUST E. HOCEVAR, xxx-xx-xxxx
NORMAN A. HOFFMAN, xxx-xx-xxxx
WILLIAM HOLLEY, xxx-xx-xxxx
PETER H. HOLLISTER, xxx-xx-xxxx
FLOYD J. HOPSON, xxx-xx-xxxx
ROBERT M. HOWARD, xxx-xx-xxxx
THOMAS A. HUGHES, xxx-xx-xxxx
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NORMAN J. HUNT, JR., xxx-xx-xxxx
GEORGE A. HUTCHISON, xxx-xx-xxxx
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CHARLES A. INGRAM, xxx-xx-xxxx
GARVIN J. INGRAM, xxx-xx-xxxx
RODNEY D. IREY, xxx-xx-xxxx
DAVID R. IRVINE, xxx-xx-xxxx
JAMES L. IRWIN, xxx-xx-xxxx
RONALD J. IVERSON, xxx-xx-xxxx
PAUL W. IVORY, xxx-xx-xxxx
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LAWRENCE J. JOHNSON, xxx-xx-xxxx
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MICHAEL M. JONES, xxx-xx-xxxx
SONNY D. JONES, xxx-xx-xxxx
JAMES P. KALKE, xxx-xx-xxxx
HERBERT L. KEESEE, xxx-xx-xxxx
DONALD L. KEIL, xxx-xx-xxxx
DAVID M. KELLER, xxx-xx-xxxx
RALPH B. KELLY, xxx-xx-xxxx
JOHN P. KEMPTON, xxx-xx-xxxx
ROBERT M. KENNEMER, xxx-xx-xxxx
JAMES T. KERR, xxx-xx-xxxx
JOSEPH D. KILGALLON, xxx-xx-xxxx
JOHN C. KINGSLEY, xxx-xx-xxxx
JAMES E. KLEIN, xxx-xx-xxxx
RONALD G. KLOET, xxx-xx-xxxx
ERNEST O. KLUKOW, xxx-xx-xxxx
ERSKINE W. KLYCE, xxx-xx-xxxx
BUFORD R. KOEHLER, xxx-xx-xxxx
JAMES B. KOHNEN, xxx-xx-xxxx
PETER KOSTAKIS, xxx-xx-xxxx
HAROLD R. KOUGH, xxx-xx-xxxx
JOHN D. KRAUS, JR., xxx-xx-xxxx
JOHN T. KUELBS, xxx-xx-xxxx
JOHN F. KUTCHER, xxx-xx-xxxx
CLIFFORD W. LANT, xxx-xx-xxxx
DAVID W. LARSON, xxx-xx-xxxx
GARY E. LEBLANC, xxx-xx-xxxx
CHARLENE H. LEE, xxx-xx-xxxx
ROBERT E. LEE, xxx-xx-xxxx
MICHAEL D. LEHMANN, xxx-xx-xxxx
ROSS B. LEIDY, xxx-xx-xxxx
DON L. LEINWEBER, xxx-xx-xxxx
EUGENE A. LEONARD, xxx-xx-xxxx
LARRY A. LEONARD, xxx-xx-xxxx
PAUL J. LIESS, xxx-xx-xxxx
FREDERICK W. LILLEY, xxx-xx-xxxx
GEORGE M. LIND, xxx-xx-xxxx
DONALD R. LINKE, xxx-xx-xxxx
JOSEPHINE LINKER, xxx-xx-xxxx
EDWARD G. LINSKEY, JR., xxx-xx-xxxx
JAMES H. LIPSCOMB, xxx-xx-xxxx
PHILLIP LIPSMEYER, xxx-xx-xxxx
WILLIAM S. LITTLE, xxx-xx-xxxx
EUGENE V. LOMBARDO, xxx-xx-xxxx
GARY D. LONG, xxx-xx-xxxx
DONALD L. LONGERO, xxx-xx-xxxx
GLENN W. LOSEL, xxx-xx-xxxx
FRED K. LOVELESS, xxx-xx-xxxx
CHARLES A. LOWERY, xxx-xx-xxxx
JAMES P. LOWSLEY, xxx-xx-xxxx
JOHN M. MACHEN, xxx-xx-xxxx
JOHN L. MADDEN, xxx-xx-xxxx
PAUL D. MAHAFFY, xxx-xx-xxxx
JAMES E. MALLORY, xxx-xx-xxxx
JOHN F. MANN, xxx-xx-xxxx
JOSEPH E. MARCOTTE, xxx-xx-xxxx
DAVID H. MARSHALL, xxx-xx-xxxx
CLIFFORD MASSENGALE, xxx-xx-xxxx
RAMON MAURAS, xxx-xx-xxxx
THOMAS J. MCCAFFERY, xxx-xx-xxxx
ROBERT MCCARTHY, xxx-xx-xxxx
SAMUEL T. MCCLURE, xxx-xx-xxxx
BRIAN C. MCCONNELL, xxx-xx-xxxx
JAMES W. MCCONNELL, xxx-xx-xxxx
JOHN A. MCFARLAND, xxx-xx-xxxx
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MARGARET J. MCGEE, xxx-xx-xxxx
HOWARD F. MCKENZIE, xxx-xx-xxxx
GARY D. MCLAUGHLIN, xxx-xx-xxxx
JAMES L. MCLAUGHLIN, xxx-xx-xxxx
HARRY F. MEHRMANN, xxx-xx-xxxx
JAMES W. MERCHANT, xxx-xx-xxxx
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To be lieutenant colonel

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IN THE ARMY

THE FOLLOWING-NAMED CADETS, GRADUATING CLASS OF 1988, UNITED STATES MILITARY ACADEMY, FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES, IN THE GRADE OF SECOND LIEUTENANT, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 531, 532, 533 AND 4353:

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RHONDA S. ZIEGLER, xxx-xx-xxxx
SCOTT J. ZIGMOND, xxx-xx-xxxx
FRANCISO ZUNIGA, xxx-xx-xxxx

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES, IN THE ACTIVE DUTY PROMOTION GRADE, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 531, 532, AND 533:

To be major

JOSEPH H. SANKER, xxx-xx-xxxx

THE FOLLOWING NAMED DISTINGUISHED HONOR GRADUATE OF OFFICER CANDIDATE SCHOOL FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, UNITED SATES CODE, SECTION 531, 532, AND 533:

To be second lieutenant

VIRGIL H. FLINK, xxx-xx-xxxx

THE FOLLOWING NAMED CADETS, GRADUATING CLASS OF 1988, UNITED STATES AIR FORCE ACADEMY, FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES, IN THE GRADE OF SECOND LIEUTENANT, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 531 AND 541:

To be second lieutenant

GERALD R. DIOTTE, JR., xxx-xx-xxxx
MICHAEL R. MATTHEWS, xxx-xx-xxxx
GEORGE R. SAVOY, II, xxx-xx-xxxx
NATHAN K. WATANABE, xxx-xx-xxxx

CONFIRMATION

Executive nomination confirmed by the Senate May 11, 1988:

DEPARTMENT OF STATE

EDWARD MORGAN ROWELL, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF PORTUGAL.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.