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SENATE—Monday, September 26, 1983

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

PRAYER

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

Let us pray.

Praise ye the Lord, Praise, O ye servants of the Lord, praise the name of the Lord. Blessed be the name of the Lord from this time forth and for evermore. From the rising of the sun unto the going down of the same the Lord's name is to be praised. The Lord is high above all nations, and his glory above the heavens.—Psalm 113: 1-4.

God of Abraham, Isaac, and Jacob, Lord of all peoples and all nations, help Thy servants in Congress and the White House to find the way which transcends all prejudice and partisanship. In the effort to find peace internationally, help us not to make war among ourselves.

Let there be nothing in the heart and mind of any Senator which will prevent hearing those whose position is contrary. Remove all hindrances which would cause Thy servants to ignore the voice of the Holy Spirit speaking the wisdom of God to their consciences. Dear God, in the search for peace for others, may we be at peace among ourselves. In the name of the Prince of Peace. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.
Mr. BAKER. I thank the Chair.

SENATE SCHEDULE

Mr. BAKER. Mr. President, this is the beginning of a new week and Senators should be on notice that it will be a long and perhaps difficult week. In a moment I will ask unanimous consent to extend the time for the transaction of routine morning business until 2 p.m. to coincide with the time I am told that the war powers resolution will reach us from the Senate Committee on Foreign Relations. By statute, when that matter has been filed with the legislative clerk, it will become the pending business.

I have had preliminary conversations with the minority leader on how we will handle that matter obedient to the requirements of the statute, such as the division of time, such as the arrangement for the days of debate, and those negotiations are still underway.

I hope, Mr. President, that we can dispose of the matter with debate on Monday, Tuesday, and Wednesday, with a vote to occur sometime in the afternoon or evening on Wednesday at the latest. I anticipate that many Senators will wish to speak, however, and every effort will be made to accommodate their requirements.

Mr. President, this week we must also deal with the continuing resolution, for the fiscal year ends at midnight on Friday. There are a number of appropriation bills that have not yet been completed by both Houses and signed by the President.

I have talked with the Speaker of the House this morning, and it would appear that we are not likely to receive a continuing resolution from the House of Representatives until Thursday, maybe Friday, which will make it very difficult for us to complete action on that measure before midnight on Friday; maybe impossible. But in any event, I am obliged to say to Senators that a Saturday session is all but certain. If it is possible for us to complete the continuing resolution and to complete the extension of unemployment benefits, which also expires at midnight, before Saturday, I suppose we could avoid it. But I would say that has one chance out of a hundred, so I urge Senators to arrange their plans and schedule to be here on Saturday.

Mr. President, we will have the war powers resolution, continuing resolution, and unemployment benefits extension to deal with this week.

I do not plan to ask the Senate to return to the consideration of the State authorization bill this week in light of these other urgent requirements.

Mr. President, I will try to have a further announcement on the schedule of the Senate as the situation becomes more final in the course of the day, particularly as to the management of the time under the act for the debate on the war powers resolution and as I receive further information from the House on the continuing resolution and the unemployment benefits extension.

EXTENSION OF TIME FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BAKER. Now, Mr. President, I ask unanimous consent that the time for the transaction of routine morning business be extended until 2 p.m.; that Senators be permitted to speak therein for not more than 10 minutes each.

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

Mr. BAKER. Once again, Mr. President, at 2 p.m. it is anticipated the

Senate will turn to the consideration of the war powers resolution. I do not believe that today will be a late day, but we will stay as long as reasonably necessary to permit Senators to speak. As of this moment, I do not anticipate votes on the war powers resolution today. It is not impossible that that will occur or that a vote would occur in respect to a procedural matter such as to establish the presence of a quorum by an instruction of the Sergeant at Arms, but I do anticipate a full day tomorrow and Wednesday on that matter.

Mr. President, I believe I have nothing further to say at this moment.

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

Mr. BAKER. Yes, I yield.

Mr. BYRD. The majority leader does not rule out the possibility that an amendment or amendments to the resolution would be in order—there is no question about the possibility that they would be in order, but he does not rule out the possibility that there could be a vote or votes on such amendment?

Mr. BAKER. No.

Mr. BYRD. Or the tabling thereof?

Mr. BAKER. No. Mr. President, I do not rule that out. All I say is I do not anticipate votes on that measure today.

Mr. BYRD. Second, Mr. President, if the majority leader continues to yield—

Mr. BAKER. Yes.

Mr. BYRD [continuing]. I would ask the Chair, by beginning on the resolution at 2 p.m. today, does that not mean that the final vote on the resolution would have to occur no later than 2 p.m. on Thursday?

The PRESIDENT pro tempore. That is correct.

Mr. BYRD. I thank the Chair.

Mr. BAKER. Mr. President, if I have any time remaining under the standing order, I yield it to the minority leader, if he wishes, or I will yield it back.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The minority leader is recognized.

Mr. BYRD. Mr. President, I do not have any need for it. I thank the majority leader. I yield back my time.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, there is a special order in favor of the distinguished senior Senator from Washing-

ton (Mr. GORTON), who is not present in the Chamber. I ask unanimous consent that I may suggest the absence of a quorum, without it being charged against his time.

The PRESIDING OFFICER (Mr. KASTEN). Is there objection?

Mr. BYRD. Mr. President, I have no problem with that.

If the majority leader will yield, morning business will extend until 2 p.m. today. If Senators do not seek to utilize that morning business for speeches or if the majority leader has no transaction of business during that period, if he is agreeable, I might use that time, which would otherwise be lost, to make one of my statements on the Senate.

Mr. BAKER. By all means.

Mr. President, I ask unanimous consent that the limitation of time on Senators not apply to the distinguished minority leader.

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

Mr. BAKER. Mr. President, I renew the request that I may suggest the absence of a quorum without it being charged against the time of the Senator from Washington.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

THE CALENDAR

Mr. BAKER. Mr. President, there are two items on the calendar under "Bills and Joint Resolutions Read the First Time" which were placed there in pursuit of the provisions of rule XIV, in order to take these items off the calendar. Since we adjourned on Friday and this is a new legislative day, I think we might as well proceed with those two items.

UNION DUES FOR POLITICAL PURPOSES

Mr. BAKER. Mr. President, I now ask for second reading of S. 1881.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1881) to prohibit use of compulsory union dues for political purposes.

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of that item.

Mr. BYRD. Mr. President, I object, and I ask that there be no further action on this item.

The PRESIDING OFFICER. The bill will be placed on the calendar.

COMMUNITY RENEWAL EMPLOYMENT ACT

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

Mr. BAKER. I yield.

Mr. BYRD. Mr. President, does the Chair wish to automatically trigger the other action?

The PRESIDING OFFICER. The bill will be cited by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1036), the Community Renewal Employment Act.

Mr. BAKER. Mr. President, I object to further proceedings in this matter.

The PRESIDING OFFICER. The bill will be placed on the calendar.

RECOGNITION OF SENATOR GORTON

Mr. BAKER. Mr. President, I see that the distinguished Senator from Washington is in the Chamber, and I yield the floor.

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

BUDGET SITUATION/PNB ARTICLE

Mr. GORTON. Mr. President, in the last week, the press has made much of the spectacle of the President's two top economic advisers—Treasury Secretary Regan and Chairman of the Council of Economic Advisers Feldstein—openly disagreeing about the degree to which high deficits are linked to high interest rates. Flatly contradictory assertions by Cabinet-level officials make for good headlines.

I would suggest, however, that by focusing on the narrow question of the linkage between deficits and interest rates, the press has missed the real message in this story. This is not to suggest that the relationship of deficits to interest rates is unimportant. As business investment picks up, it is simply impossible for me to believe that the competition for funds which the private sector will face from the Federal Government will not bid up interest rates to a point far higher than would be the case with a significantly lower deficit. I recognize, however, that confusion over effects on real versus nominal interest rates, the timing of such effects, and the interference of other business cycle factors at least create room for some debate over these issues.

The real concern we should take from this exchange, however, is not

over the narrow technical question of the empirical relationship between deficits and high interest rates. I suspect that in his heart, Mr. Regan would like to shrink the Federal deficit every bit as much as Dr. Feldstein. The problem is that Secretary Regan doesn't believe that tax increases will be used for this purpose. He said, and I quote:

It's true that increased taxation will—temporarily—increase Federal revenues, and that a portion of such revenues may actually be sprinkled on the deficit. But the bulk of any increased tax revenues . . . will . . . be transformed into new spending . . .

In other words, Treasury Secretary Regan has lost faith in the ability of Congress not merely to cut spending, but even to hold the line on spending increases. He believes that the dangers of a large deficit are of a lower magnitude than the dangers associated with giving Congress more revenue subject to its disposition. This is a point which deserves careful consideration. I believe that Secretary Regan's loss of faith is premature. Unfortunately, however, time to prove him wrong is running short.

Mr. President, I used to fear that our huge deficits would soon lead to an abrupt and dramatic economic reversal. Now I almost fear that there will not be such a landmark event. If a near cataclysm were upon us, I have no doubt that Congress would act promptly and decisively. But if, instead, the deficits result in a prematurely slowed economy, in stagnation, and in an economy that moves in fits and starts, as I suspect may be the case, then the temptation will be strong to try to "muddle through." A dramatic reversal of our economic fortunes would at least provide some incontrovertible evidence of the immediacy of the problem at hand. But stop-start growth, and spotty weakness throughout the economy, especially in the credit-sensitive sectors, may not be sufficient to prod Congress to act. Or worse, they may prod Congress to act in the wrong ways—by enacting a host of programs designed to create special assistance for this or that sector of the economy, or so-called jobs bills which are likely to destroy as many jobs as they create. This course would make it easier to ignore the fact that the best jobs bill we could possibly enact would be to insure economic growth by reducing Federal credit demands.

We are all searching for the magic formula that will lead us out of this impasse. We all want a reduction in the deficit. Why have we not been able to find it?

One problem, I think, is that while all of us want to solve the deficit problem, none of us has made it his or her first priority. Each of us regards something else as more important. Liberal

Democrats want lower deficits, but not at the expense of entitlements or any other domestic spending program; conservative Republicans decry deficits, but will not consider tax increases as even part of the solution. This is a prescription for deadlock and disaster.

Mr. President, I have been depressed in recent weeks to see headlines trumpeting marginally lower deficit projections as if they were actually grounds for realistic optimism. What solace can there possibly be in a deficit which is only \$190 billion, rather than \$210 billion?

Deficits of this order of magnitude are a threat to the current economic recovery. Recent economic indicators suggest that the strong recovery of the second quarter, led by consumer spending, is being followed, not unexpectedly, by more modest growth. Now observers are waiting for the "second stage" of the recovery to ignite. The key factor in this second stage must be business investment, as historically it is in all recoveries. Traditionally a lagging indicator, historical patterns would now have business investment increase significantly and spark further growth.

But what a terrible moment of tension this is. For it is precisely this event—the increase in business investment—which will precipitate the collision of public and private financing needs in our credit markets. In past recoveries, there always has been a pool of savings available to private investors to use to retool factories, buy equipment, and put people back to work. Now that pool is not there, for it is being absorbed by the Government's unprecedented demand for credit.

Of course, there will still be some investment. But to the extent it is not confined to maintenance and replacement of existing capital, it will be financed largely by foreign credit flowing to our shores, attracted by the high interest rates which must inevitably result from the Government's heavy borrowing. And what is the consequence of this fact? As foreign investors seek dollars to lend in our credit markets, they bid up the dollar's value, weakening our export industries, and resulting in still further loss of employment.

So the immediate impact of deficits is to threaten the current economic recovery. But there is an even more invidious threat in these deficits. Based on recent Commerce Department estimates, the total net domestic private savings generated by the U.S. economy this year will be approximately \$178 billion. If we had a balanced budget, this would mean \$178 billion to be spent on retooling our factories, on adding to the housing stock, on new plants and equipment. Instead, we, in Congress, will absorb this entire amount and more in borrowing to finance Government activi-

ties. Most of these Government activities are either current consumption or income transfers, almost all of which, in turn, will be spent on current consumption.

For 200 years, our economy has grown, enriching each successive generation, because we saved, and applied our savings to productive investments. Now we are running in place. We are not yet reducing our capital stock. But we have broken a pattern that has been ours since this country's founding—the pattern of every year passing on an increased stock of capital for ourselves and our children to work with. Unless we reverse this trend, our children will be clearly and noticeably poorer than they otherwise would be, and the fault will be ours.

This issue transcends the current economic recovery, important though that recovery is. Indeed, it strikes at the very foundations of our society. It calls into question the ability of people to plan and save for a better future, for themselves, and for their children.

The picture is indeed not a pretty one. It must be changed. But if we are to change it, all of us must be willing to consider measures that individually we find unattractive.

Mr. President, earlier this year, Congress passed a budget resolution which, though the Senate version carried my name, was almost no one's first choice—not even mine. But we did find a resolution which was acceptable to a majority. We must look again for such a compromise which will allow us decisively to reduce the deficit, and to live up to the terms of this resolution.

Clearly, this will require many of us to support measures we find distasteful. Even to come to a solution in this Chamber will be difficult, and everyone knows that the House of Representatives will approach this problem with a very different set of values. If a solution is to be found—and it is imperative that we find one—it will be found in the center.

I, for one, am willing to approach this problem with an open mind. I am willing to consider all serious proposals for compromise, and I will reexamine all of my own preferences and positions in this search. I ask that my colleagues do likewise: That we not allow our positions to harden into intransigence. The stakes are simply too high. I believe that this Chamber must take the lead in proposing a way out of the deficit maze. Experience has shown that it is the Senate, rather than the House, which is capable, at times like this, of generating a proposal with broad appeal.

In closing, I offer seven suggestions for steps which I believe Congress should consider in its search for a way to shrink the deficit. I believe that these principles can be guides to a spe-

cific budget proposal which, while not satisfying any individual completely, nevertheless addresses the overall problem in a fashion which should be acceptable to a majority.

First, we must examine closely—even ruthlessly—discretionary social programs that benefit largely the non-needy. If the growth of spending is to be curbed, fairness demands that we abolish giveaways to those who do not need them.

Second, we must curb the projected growth of entitlement programs. The social security reform measure enacted earlier this year is proof that this can be accomplished, and the nearly disastrous rates of growth of some of these programs are evidence that we must.

Third, we must renew examination of our defense spending. Any Member of this body who is, as I am, a veteran of the armed services, knows full well that the Defense Department has its share of wasteful and unnecessary programs. We must avoid, however, unrealistic demands that the defense budget bear draconian cuts. With a deficit almost equal in size to the entire defense budget, reason tells us that the amount of savings we can reasonably expect to find here will make only a modest contribution to solving the problem.

Fourth, Congress must commit itself seriously to a broad program of tax reform and simplification. No one has more respect for the distinguished chairman of the Finance Committee than I. I thank our good fortune that the Senator from Kansas is watching over the tax system, because I know that without him, the situation would be much worse. But even the distinguished Senator must be overwhelmed by the special advantages and tax expenditures that have invaded our Tax Code.

Many of these tax preferences were created out of the best of intentions. But in enacting these loopholes, we have created a monster. Not only are the direct costs of monitoring and enforcing the Tax Code unnecessarily high, but the indirect costs are even higher, as businesses and individuals undertake questionable economic activities and redirect resources in socially disadvantageous ways, solely for the purpose of exploiting this or that loophole in the code. Even more important is the loss of faith in the equity of our tax system which arises inevitably out of this mountain of special privileges woven through the Tax Code. If Federal assistance is to be given to a particular special interest, then let us do it by authorizing and appropriating funds to do so, and not by contaminating and eroding the Government's revenue-producing mechanism.

Fifth, we must redouble our efforts at making the Government operate more efficiently. The recent Grace

Commission identified a long list of ways in which substantial public sector savings were possible. I do not agree with all of its recommendations. But even if we adopt only a small share of them, the deficit reduction can be substantial.

I take this opportunity to announce that, through the generous cooperation of private foundations in Washington State, I plan to make a special effort in this area. These foundations have agreed to provide support so that Mr. Glenn Pascall, an observer of Government budgeting with long experience in analyzing and evaluating the cost-effectiveness of Government programs, can apply his expertise to the problem of the Federal budget deficit. Mr. Pascall will be studying the Grace Commission report and other information, and formulating specific workable, passable proposals which can be drafted as legislation and considered during the budget process. I look forward to cooperating closely with Mr. Pascall.

Sixth, we must face the fact that revenue increases will be necessary beyond those which can be achieved by closing tax loopholes. Revenue increases on the order of \$12 to \$15 billion over 3 years will not do the job. The budget resolution adopted by Congress only 4 months ago called for revenue increases of \$73 billion over 3 years. We had the budget debate then. It was a serious debate, which occupied this Chamber for several weeks. And nothing in our economic situation has changed to render the conclusion of that debate obsolete. It is time now to live up to our own resolution.

We must be realistic about the degree to which we expect to be able to shrink the budget deficit through spending cuts. We have not been able to build a consensus around spending cuts sufficient to eliminate a significant portion of the deficit, nor do I see any signs that such a consensus is about to emerge. We have already dealt with social security. I expect that we soon will extend Federal supplemental unemployment compensation. We will not dramatically cut medicare at any time in the foreseeable future. Yet these are the three largest entitlement programs.

On the defense side, we have voted to increase defense spending for the third year in a row. That leaves discretionary domestic spending—only 17 percent of the entire budget. Does anyone seriously believe that we will find further cuts in that 17 percent of the budget sufficient to yield a significant reduction in the deficit?

The conclusion is clear: There is no way in which the budget can be balanced without tax increases on the order of magnitude of those called for by the first concurrent budget resolution matched by spending cuts of approximately the same amount. Instead

of asking whether we should raise taxes, we should be asking how we should find those new revenues.

Along these lines, together with the lines of spending discipline, I have noted with interest the recent proposal of the distinguished Senators from Missouri (Mr. DANFORTH), Oklahoma (Mr. BOREN), and Wyoming (Mr. WALLOP). This proposal would reduce further both the tax-indexing adjustment and the cost-of-living-adjustment for non-means-tested programs to 3 percentage points below the rate of change in the consumer price index. It would raise \$57 billion over 4 years. While I do not formally endorse their proposal, I congratulate those Senators for laying before the Senate a proposal worthy of serious consideration. It asks for some sacrifices across-the-board in every element in American society. This is an example of the kind of thinking we are going to require more of if we are serious about reducing the deficit.

Finally, Mr. President, and perhaps most importantly, we need to undertake the task of educating our constituents about their stake in this issue, and of recultivating in ourselves the public-spiritedness necessary to deal with it.

As I have said repeatedly, I know this all will not be easy. We have many difficult choices before us. But we are all in this together. Should we fail to deal with the budget crisis confronting us, history will not treat us gently. But we have the opportunity now to avoid history's harsh judgment, if only we will take it.

RECOGNITION OF SENATOR WILSON

The PRESIDING OFFICER. Under the previous order, the Senator from California is recognized for not to exceed 15 minutes.

Mr. WILSON. I thank the Chair.

CENTRAL AMERICA

Mr. WILSON. Mr. President, I rise today at the suggestion of colleagues to place in the RECORD a letter which I sent to my colleagues reporting my recent visit to Central America.

An appendix to that letter is the recent statement by Mortimer B. Zuckerman, the chairman of the Atlantic Monthly, that was printed in the New York Times of Thursday, September 1, 1983. It is an extraordinary statement. I will recite just the opening paragraphs which I think quite clearly set the tone.

Because of enormous public confusion over the United States' involvement in Central America, I recently visited the region with a delegation of Congressmen to see it first-hand. I went holding political views of El Salvador and Nicaragua shared by many liberals and centrists in our nation. I returned impressed with the effectiveness of

United States policy and convinced that we need to be involved.

I had thought that in El Salvador we were engaged in wrong-headed and dangerous military action on behalf of a repressive Government, and that Washington had failed to address economic and political grievances built up after decades of injustice. I went with the impression that the guerrillas seemed to have won popular support for their efforts to revolutionize the political system. My instinct was that this was only an internal struggle, not an East-West competition, and that once again we were backing the wrong side for the wrong reason.

But I returned home with the sense that United States military support was critical for physical security in the countryside, which, in turn, is necessary to guarantee ordinary Salvadorans' ability to make free choices. I also concluded that our military support is essential if we are to persuade the Salvadoran Government to democratize the political process and implement a program of agrarian reform and economic development. The guerrillas seem to have no larger a popular base than the Government does: Both sides command support with guns.

Mr. Zuckerman then goes on to detail the aggression that he encountered by the Sandinistas in Nicaragua.

It was his statement further that:

It is the pressure of the United States backed threat of a military confrontation that has produced the Sandinistas' first clear willingness to negotiate a genuine agreement not to destabilize their neighbors.

Mr. Zuckerman's conclusion is that:

Our interests are involved because what happens in Nicaragua and El Salvador can affect Mexico or the Panama Canal. Central America is on our strategic doorstep. We cannot remain above the fray.

Mr. President, I commend all the paragraphs in between those that I have read. This is an extraordinary statement, a statement of intellectual honesty. It is a keen analysis of the situation as it genuinely exists within that region that Mr. Zuckerman so correctly views as essential to American interests.

My own Dear Colleague letter contains specific recommendations for what I think should be the U.S. course of action within Central America. Those neighbors of Nicaragua can be counted on to drive the Contadora process provided they feel that the United States will be a reliable ally, not in providing troops, which they have not requested and which President Reagan indicated will not be sent, but rather what they are asking us is an adequate level of support, militarily, economically, and diplomatically to provide them the kind of support necessary so that they can quite properly assure their own destiny as secure nations seeking to arrive painstakingly at the democratic reforms that have so long been absent from all of Central America, with the notable exception of its one true democracy, Costa Rica.

I quite agree with Mr. Zuckerman. An American presence is required if

Central America is to achieve its promise. It provides the safety against the export of violence and subversion throughout Central America by the Sandinista terrorists, the revolution without boundaries, and it also provides the leverage so that the United States, not just here in the Congress, but all across this land, can be assured that we will maintain progress toward democratic institutions and human rights.

Mr. President, I ask unanimous consent that the entirety of my Dear Colleague letter, including the two appendices, the first being that which I noted by Mr. Zuckerman, be printed in the RECORD.

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

U.S. SENATE

Washington, D.C., September 20, 1983.

DEAR COLLEAGUE. Having recently returned from an eight day factfinding tour to all the Central American countries except Belize, I am more firmly convinced than ever that the course set by the Reagan Administration is the only effective one.

I met with heads of state, foreign and defense ministers, opposition political parties, members of the media, the clergy, private citizens and independent human rights organizations. I discovered I was the first U.S. Senator to visit Sandinista Nicaragua during the 18-month tour of Ambassador Quainton. (See Appendix B for list of persons with whom I met.)

I found that there exists among Honduras, El Salvador, Costa Rica and Guatemala, a new cohesion and unity in response to the threat these countries perceive from Sandinista terrorism and subversion, and almost uniformly strong support for Administration policies.

There was, however, very grave concern with regard to whether the Congress will allow the Administration to sustain a credible American presence in Central America. If the leaders of these nations are confident of continuing adequate levels of military, economic and diplomatic support, the Friendly Four will insist upon driving the Contadora process, as indeed, they should. It is their future which is at stake. They have the right to insist that it is they who must determine their own destiny. They are highly apprehensive that the Contadora process will seek to accommodate the Nicaraguans and Cubans by achieving a negotiated "peace" that will simply buy time for a currently beleaguered Sandinista regime and ultimately threaten the same result which a U.S.-negotiated "peace" brought to South Vietnam and Cambodia.

Based upon my observation and conversations with both the governments and their opposition and the private sector in each of the Friendly Four, I offer the following specific suggestions that would help further U.S. interests in Central America and lead to real and enduring peace.

1. The U.S. should increase the number of American advisors in El Salvador based on legitimate requirements up to some practical limit, say 200. The current requirement that no more than 55 advisors be present is absurd; it has produced great hardship and needless contortions in rotating needed personnel out of the country to allow others in so as to not exceed the arbitrary and artificial limit of 55. To put this figure in con-

text, the D.C. Police Academy retains a full-time faculty of 48 to handle student loans that peak at 500 cadets. By comparison, the Salvadoran army currently numbers almost 30,000 for a nation of 5 million contrasted with a city of 600,000. Our advisors are doing a superb job, but are simply spread much too thin.

2. The U.S. should continue to sustain a military presence in the form of the present exercises by the carrier battle groups, joint exercises such as AHUAS TARA II, and the Regional Military Training Center established some months ago in Honduras.

3. The U.S. should encourage and support the Friendly Four in reviving the Central American Defense Community, CONDECA (a mutual defense pact between El Salvador, Costa Rica, Honduras and Guatemala), at the earliest possible date, to achieve military cooperation and political cohesion. Guatemala is eager to resume its role as host.

4. The U.S. should encourage the Friendly Four to act in concert and to insist for their protection upon negotiations that produce a specific and verifiable guarantee of their security by a specified date soon; or, if the Contadora process fails to produce that required early result, they should be encouraged to take appeal from a failed Contadora process to the Organization of American States. For obvious reasons, the venue for appeal must be the OAS which is responsible for regional affairs and not the UN Security Council.

5. The OAS should be encouraged to reconvene as an item of unfinished business the special session on Human Rights in Nicaragua. You will recall that during the Somoza regime, the OAS took the unprecedented step of interfering with the sovereignty of a member state and offered support and recognition to the Sandinista regime on the basis of written promises that the revolution would bring human rights and democratic institutions. The issue of human rights, specifically that of free elections in Nicaragua, should be a central theme of the Friendly Four, first within Contadora and, if necessary, later at the OAS. The Sandinista leadership, which took power in July 1979 with the backing of an overwhelming majority of the population, has yet to hold an election. In sharp contrast, Costa Rica is a fully functioning democracy; Honduras has a democratically elected government; and in El Salvador, another revolutionary government which came to power at the same time, as did the Sandinistas in Nicaragua, held a free and honest election monitored by hundreds of foreign observers and journalists in March 1982. You will recall that more than 80 percent of the voting population exercised its rights, despite a campaign of terrorism to frighten them away from the polls.

6. The United States should resume military aid to Guatemala and increase economic assistance from \$40 million to at least \$50 million requested by Ambassador Chapin. These people deserve our help.

7. Our present level of support in Central America is inadequate. Were we to increase it by half again as much to \$1.2 billion, it would still represent a modest investment in comparison with what we spend elsewhere where American vital interests are less, and much less immediately threatened. More to the point, failure to provide adequate military, economic and diplomatic support now will simply defer the need to do so to a time when it will become far more costly and far more dangerous.

8. U.S. aid should continue to be accompanied by U.S. pressure for progress on human rights issues. In particular, it is essential that early, open and honest elections proceed in order for the Friendly Four to insist upon the same performance by Nicaragua on the quite accurate rationale that only genuine pluralism within Nicaragua can provide realistic assurance of peace for the entire region.

9. Both the government and the opposition within Costa Rica recognize the threat of Sandinista subversion through the workings of an existing fifth column. Present U.S. military assistance to Costa Rica to enable modernization of Costa Rican internal security forces is inadequate. I recommend that we provide the Costa Ricans needed and desired assistance up to \$7.5 million.

Central America need not become another Vietnam. But it has the potential, if the Congress of the United States does not provide adequate support to Administration initiatives on the economic, military and diplomatic fronts.

The United States has vital interests within Central America which we did not have in Southeast Asia.

Several significant military differences make it possible for El Salvador to prevail over anti-government terrorists in ways that distinguish this situation from Vietnam.

The Central American nations to whom we are providing economic, military and diplomatic assistance in our own interests, are—with adequate United States support—in a position to prevent the violent exporting of the Soviet-Cuban-backed Sandinista revolution beyond the borders of Nicaragua. The United States owes adequate support to El Salvador, Honduras, Costa Rica and Guatemala, not because these nations are perfect democracies, but because it is required by the same U.S. self-interest that prompted President Harry Truman to insist upon U.S. aid to less than perfect democracies in Greece and Turkey when those nations were threatened with violent Communist takeovers following World War II.

What is more, progress is being made toward achieving a decent observance of human rights and the strengthening of democratic institutions in these nations which depend upon our assistance, but that progress is threatened directly by subversion from Havana and Managua. It would also be distinctly threatened by withdrawal of the American assistance that provides our missions in Central America the leverage by which we can insist upon and obtain reform.

The Friendly Four, Costa Rica, Honduras, El Salvador and Guatemala, are—I repeat—the nations whose future is at stake. They have the right to insist that it is they who must determine their own destiny. Hopefully, they will be able to do so by negotiation within a framework provided by the Contadora group. If the negotiations under the Contadora process do not provide these threatened neighbors of Nicaragua with a mechanism that assures their verifiable security, they will, instead, produce a false promise of peace and will buy time for Sandinistas and their backers to expand Marxism by further violence and subversion throughout Central America.

A negotiated "peace" which does not provide real and verifiable security against the threat of Sandinista "revolution without frontiers" would, indeed, produce in time another Vietnam.

To avoid this and to provide encouragement to a new unity among the fledgling democracies of Central America, the United States must demonstrate staying power on all three fronts—economic, military and diplomatic.

The United States Congress must support the Administration's initiatives if Congress is not itself to be guilty of creating a self-fulfilling prophecy by producing another Vietnam when, in fact, that result can be avoided—but only by adequate and sustained demonstrations of U.S. staying power within the region.

I have attached, as Appendix A, a recent New York Times guest column on Central America, written by Mortimer Zuckerman, the distinguished editor of *Atlantic Monthly*. It recounts the changed views towards the Central American situation that occurred to Mr. Zuckerman, after his recent trip to the region.

Sincerely,

PETE WILSON.

[From the New York Times, Sept. 1, 1983]
ON U.S. LATIN POLICY
(By Mortimer B. Zuckerman)

Because of enormous public confusion over the United States' involvement in Central America, I recently visited the region with a delegation of Congressmen to see it first-hand. I went holding political views of El Salvador and Nicaragua shared by many liberals and centrists in our nation. I returned impressed with the effectiveness of United States policy and convinced that we need to be involved.

I had thought that in El Salvador we were engaged in wrong-headed and dangerous military action on behalf of a repressive Government, and that Washington had failed to address economic and political grievances built up after decades of injustice. I went with the impression that the guerrillas seemed to have won popular support for their efforts to revolutionize the political system. My instinct was that this was only an internal struggle, not an East-West competition, and that once again we were backing the wrong side for the wrong reason.

But I returned home with the sense that United States military support was critical for physical security in the countryside, which, in turn, is necessary to guarantee ordinary Salvadorans' ability to make free choices. I also concluded that our military support is essential if we are to persuade the Salvadoran Government to democratize the political process and implement a program of agrarian reform and economic development. The guerrillas seem to have no larger a popular base than the Government does: Both sides command support with guns.

In Nicaragua, the Sandinista revolution carried the hope for a better and freer life after the feudal tyranny of the United States-supported Somoza regime. Yet what I found was a Government busily consolidating a left-wing totalitarian state internally, and aggressively involved in attempting to overthrow its neighbors. It is the pressure of the United States-backed threat of a military confrontation that has produced the Sandinistas' first clear willingness to negotiate a genuine agreement not to destabilize their neighbors.

In El Salvador, the masses have not been angered to the point of largescale popular uprising like those in Nicaragua or Colombia, popular revolt accompanied the guerrillas offensive in 1980-81, and last year's election showed that at least two-thirds of the

people objected to being "liberated" by the revolutionary left. The guerrillas do not appear to have widespread popular support. In this situation, a military solution to control an insurgency is feasible.

To this end, the United States is training and equipping the Salvadoran Army for infantry and small-unit tactics and keeping the soldiers in the field to engage, harass and exhaust the guerrillas. We will have trained about 50 percent of the officers and noncommissioned officers by the end of 1983 in an effort to substitute effective combat leaders for those appointed for political loyalty. As a result, the Army has improved its morale and field performance and engaged in its most sustained and aggressive campaign. It has captured the momentum and substantial military control in much of the eastern provinces, particularly in San Vicente and Usulután. The rebels have withdrawn to remote areas, have not counter-attacked, have limited themselves to hit-and-run attacks and appear to have increasing logistical and manpower problems.

In San Vicente, the Government has coordinated its military presence with programs in health, education, agriculture, transportation and reconstruction to retain the area's loyalty after the army leaves. This is a phase in an overall National Plan for Reconstruction. The cost of this program has been minimal by United States standards; only \$65 million in military aid and \$230 million in economic aid. Even the guerrilla political leader Ruben Zamora acknowledged to us that if this aid continues, the rebels can no longer hope to win the war.

The aid program also serves as leverage against the right-wing military. Only the United States can influence it to move away from a feudal political heritage of violence and vigilantism.

The left feeds off the rigidity of the right and military oppression and develops popular support by promising to redistribute the wealth. It also benefits when rightist oligarchies buckle under economic pressures. The best way to diminish popular support for a violent Communist revolution is to open up the political channels and institute agrarian and economic reform. This can take place only when there is no widespread military insurgency.

Our pressure brought about last year's Salvadoran election and this year's negotiations for drafting a new constitution leading to presidential elections in 1984. Elections may be only "one note in the song of democracy," as a Salvadoran clergyman put it, but they represent legitimization of potential civilian control over military and paramilitary forces. Both have perpetrated atrocities that, if allowed to continue, will turn the masses implacably hostile. Our pressure is thus necessary on two counts: to prevent an extremist left-wing takeover while pushing the Government toward rights and democracy.

However, no amount of change will end the Salvadoran conflict if Nicaragua, which regionalized the conflict in Central America, continues to fuel it. When they took over, the Sandinistas feared and hated the United States because of its patronage of Anastasio Somoza Debayle and military invasions over the past 130 years. The Sandinista hymn is "We fight against the Yanqui, enemy of humanity." President Jimmy Carter attempted to offset this by extending economic aid and friendship, but the Sandinistas remained convinced that the revolution would be safe from our intervention only if governments

similar to their own were installed elsewhere in Central America. The Sandinistas set out to implement their slogan "revolution without boundaries."

In 1980, the Sandinistas, with Cuban advisers, brought the five main guerrilla factions from El Salvador together in Managua, worked out a unity pact, set up joint command and control structures, organized training and logistical support on Nicaraguan soil and provided initial arms supplies. A Salvadoran rebel leader, Mario Aguinada, told us that support for training, logistics and command continues.

In Costa Rica, we were told that the Sandinistas are engaged there in a major propaganda campaign and are encouraging unrest, including infiltration in the northern provinces. The attempt to destabilize Costa Rica, a democracy without an army since 1948, is the clearest indication of Sandinista intentions.

Inside Nicaragua, the Sandinistas began and continued a program of totalitarian consolidation of power. The elements of the broader anti-Somoza coalition were discarded one by one—the Roman Catholic Church, other political parties, the press. The only Jewish community center and synagogue were seized and burned. The Sandinistas built the largest military force in Central America. A Cuban-style pattern, with a widespread Cuban presence, has emerged.

To contain an interventionist Nicaragua, Washington sought—unsuccessfully—negotiations four times to bring about noninterference in neighboring territory and limits on Nicaragua's military buildup and the institution of democratic opposition to create internal brakes on aggression. Rebuffed diplomatically, the United States move militarily, ordering exercises, including fleet deployment. The Central Intelligence Agency expanded its support of the "contras"—the anti-Government guerrillas that harass the countryside. We continue to train and equip the Honduran Army which Nicaragua considers its most dangerous regional military adversary. A border shootout in May with Nicaragua brought about full mobilization of the Honduran Army, signaling its participation in any military crisis in the region.

The cumulative military pressure organized by the Reagan Administration has resulted in a major shift in Sandinista policy. In our meetings with the Sandinista leadership, we were told that Nicaragua was prepared to negotiate verifiable nonintervention in neighboring territories, especially El Salvador. This change appeared to be due exclusively to the perception that the United States had been provoked to the point that a military confrontation was possible.

The United States has long supported repressive rightist regimes, sometimes by using our troops. We must develop an alternative to such regimes—and those of the left—by opening up Latin American political and economic processes. Our interests are involved because what happens in Nicaragua and El Salvador can affect Mexico or the Panama Canal. Central America is on our strategic doorstep. We cannot remain above the fray.

APPENDIX B—PARTIAL LIST OF PERSONS WITH WHOM SENATOR WILSON MET DURING CENTRAL AMERICAN TRIP

PANAMA

Minister Juan José Amado III, Minister of Foreign Relations and General Paul

Gorman, USA, Commander in Chief, U.S. Southern Command.

HONDURAS

Minister Edgardo Paz Barnica, Secretary of State for Foreign Affairs; Minister Carlos Roberto Flores Facussé, Secretary of State for Presidency; General Gustavo Adolfo Alvarez Martinez, Commander in Chief, of the Armed Forces; Members of the Directorate of the Nicaraguan Democratic Force (FDN), a Nicaraguan group opposed to the Sandinista regime.

EL SALVADOR

President Alvaro Alfredo Magana Borja, Provisional President; General Carlos Eugenio Vides Casanova, Minister of Defense and Public Security; Minister Fidel Chavez Mena, Minister of Foreign Affairs; Mr. José Napoleón Duarte Fuentes, Former President, (currently the Christian Democratic Party candidate, for President); Mr. Amando Calderon, Party Secretary, National Republican Alliance (ARENA); Mrs. Hernandez, Office of Legal Counsel to the Archbishop, Archdiocesan Commission of Justice and Peace; Officials of Unidad Popular Democratica, an El Salvadoran trade union.

COSTA RICA

President Luis Alberto Monge Alvarez; Vice President Alberto Falt Lizano, First Vice President; Minister Fernando Volio Jimenez; Minister of Foreign Relations; Minister Rodolfo Silva Vargas, Presidential Minister and Counselor for Finance and International Economic Negotiations; Mr. Rafael Angel Calderon Fournier (former Minister of Foreign Relations and Presidential Candidate, current head of Republican Calderonist Party); Mr. Alfonso Robelo (former member of Sandinista 5-member ruling junta, current leader of the Revolutionary Democratic Alliance (A.R.D.E.), a Nicaraguan group opposed to the Sandinista government).

NICARAUGA

Commandante Daniel Ortega Saavedra, Coordinator, Junta of the Government of National Reconstruction; Father Miguel D'Escoto Brockman, Minister of Foreign Affairs; Sub-Commandante Rafael Soliz, Secretary, Council of State; His Excellency Msgr. Miguel Obando y Bravo, Archbishop of Managua; Mrs. Miriam Arguello, National Coordinator, Conservative Democratic Party.

GUATEMALA

General Oscar Humberto Mejia Victores, Head of State and Minister of Defense; Mr. Fernando Andrade Diaz-Duren, Minister of Foreign Affairs-Designate; President Jorge Serrano Elias, President, Council of State; General Hector Mario Lopez Fuentes, Chief of Staff, Guatemalan Army; Most Reverend Jose Ramiro Pellecer Samayoa, Acting Archbishop of Guatemala City.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business with statements therein limited to 10 minutes each.

WHAT IS THE STATUS OF OUR NUCLEAR ARMS CONTROL EFFORTS

Mr. PROXMIRE. Mr. President, many Americans feel that the most

important contribution this Government can make to the survival of our Republic and, indeed, of all mankind is to bring the nuclear arms race under control. I share that view. Editorial comments appeared over the weekend that dramatized how pitifully feeble our arms control efforts are, and how thin an understanding we have in this country, even among one of the wisest and best informed commentators.

On Saturday the New York Times carried a letter from Kenneth L. Adelman, the Director of the Arms Control and Disarmament Agency in which he defended the meager resources devoted to our prime arms control agency which he directs. He admitted that ACDA's budget had dropped from the last full Carter year when it was \$17.3 million to \$16 million this year, but he said next year it will rise to \$18.5 million. The New York Times, in an editorial accompanying Adelman's letter, notes that Adelman's figures ignore inflation, and brushes off the nearly 25 percent reduction in staff to the lowest level since 1962. Adelman concedes that his Agency's research budget has dropped from \$3.5 million to about \$1 million per year. That is a million, Mr. President, not a billion.

Mr. President, these figures are absolutely appalling. I recognize that we cannot solve problems by throwing money at them. And I certainly would not expect the arms control budget to be in the same league as the military budget. But the resources we are putting into this, the most crucial program for our survival, are so ridiculously infinitesimal as to be obscene.

Think of it—the entire budget of our arms control agency is little more than one-half the cost of a single one of our thousands of fighting planes. But the real killer is the contrast between the \$1 million we spend on arms control research and the \$25 billion—billion—we spend on military research and development.

That is literally \$25,000 on military research for every single dollar we spend on arms control research. Now, some will argue that our military budget itself constitutes our real peacekeeper, our prime deterrent, that it is the military strength of this country and the billions we pour into our nuclear submarines, our nuclear armed air fleet, and our Minuteman missiles which keeps the Soviet Union from instigating world war III.

Well, I agree that we need most of that deterrent. And I agree that that deterrent has been the prime factor that has made the likelihood of a planned, premediated Soviet attack on this country very likely. But let us not forget that while such an attack is now one of the least likely causes of a nuclear war, there are other far more threatening prospective causes which the ACDA can and should help us meet. Furthermore, that massive and

highly expensive military deterrent does little or nothing to deter what are the far more likely causes of a nuclear holocaust.

With the colossal, hair trigger build-up on both sides, the prospects of war by accident increase. Arms control research can search for and find ways of preventing war through mistake. With the continuation of the arms race, advancing nuclear arms technology will devise nuclear weapons that because in some cases they are cheaper and simple will be more readily available to more and more countries. The Arms Control Agency can and should be expending resources to devise strategies to prevent this.

Because a third world war could far more easily develop between a nuclear armed Libya or Syria and any number of its neighbors, or between India and Pakistan, or between South Africa and other African nations, or between Brazil, Argentina, and any number of enemies or potential enemies, the ACDA could contribute greatly to our chance of survival by working in depth to develop ways to stop nuclear proliferation.

Last year, Senator PELL pointed out that we employed six times as many people in military bands as we employ in the ACDA. That is right, in military bands. Today the ratio has gotten even worse.

The New York Times wisely disputes the Reagan administration's commitment to arms control in the editorial accompanying the Adelman letter.

But, then, Mr. President, on Sunday the Washington Post carried an editorial that, by Washington Post standards, was certainly a shocker. In effect, it asked, "What is the big fuss about the inadequacy of the Reagan arms control efforts compared to the Democrats' efforts?" It argued, after all, both Democrats and Republicans agree that the Russians behaved outrageously in shooting down the unarmed Korean airliner, and argued that President Reagan handled the vicious act by the Soviets right. And I agree he did indeed. The Post argued the President's handling was right in part because it did not deter him from pursuing arms control with the U.S.S.R. Again, I agree. But then the Post goes on to ask, So what is the difference on arms control? The Post then proceeds to give the commitment of the Democratic Party to the nuclear arms freeze by Democratic National Chairman Charles Manatt a "So what?" brushoff.

Maybe this is because the Post somehow does not recognize that the support of the Democratic Party—six of its seven Presidential candidates and our party chairman—to a comprehensive, mutual, verifiable nuclear freeze is anything special or especially differ-

ent from what President Reagan is proposing.

Mr. President, the difference is like the difference between the research budget for the Defense Department and the research budget of the ACDA. That is about 25,000 to 1. The freeze would rightly or wrongly propose to stop the arms race, stop it cold. The Reagan proposals would limit some phases of the arms race, that is, intermediate missiles in Europe, the overall number of strategic warheads deployed by the United States and the U.S.S.R. But it would let the arms race itself and especially the most dangerous part of the arms race, the technological competition, speed ahead full blast.

It is too bad the Post cannot understand this. I think the great majority of the American people do.

Mr. President, I ask unanimous consent that the Saturday, September 24 editorial from the New York Times and the accompanying letter from Director Adelman be printed at this point in the RECORD, and that the editorial from the Sunday, September 25 issue of the Washington Post, to which I have referred, also be printed at this point in the RECORD.

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

MR. ADELMAN PROTESTS

We may have been wrong about the new director of the Arms Control and Disarmament Agency, Kenneth Adelman, as his letter below insists. We envisioned a constructive recovery from the Administration's repeated budget cuts, personnel purges and damaging reorganizations that took place before his appointment. By denying any such butchery, he apparently sees little need for major improvements.

Mr. Adelman compares budget figures that are not comparable and pretends that 1984 dollars have the same value as 1980 dollars. The Administration's original 1984 request was \$16.4 million, one-third less than the sum needed to match the 1980 authorization. The \$2 million added last month doesn't close the gap. He also understates the research cut, again ignoring inflation, and seriously misstates its significance. He fudges the even more serious reduction in computer analyses of defense matters.

Although he had said his goals for the agency were "to staff it up and settle it down from the personnel turmoil," he now glosses over a reduction in authorized permanent staff, by last May, from 199 to 154, the lowest level since 1962. Officials with civil service tenure may not have been "fired," but many of ACDA's professionals were removed.

Our main and hopeful point was that Mr. Adelman, whose appointment we opposed, would improve research and make more negotiable the Administration's bargaining positions. His defense of the damage done to the agency before he arrived is not reassuring.

LETTER: FROM ACDA

BUILDING A BASE FOR ARMS CONTROL

WASHINGTON, SEPTEMBER 16, 1983.

TO THE EDITOR: Your editorial of Aug. 27 noted the constructive steps President

Reagan is taking to "rearm" the Arms Control and Disarmament Agency (ACDA) to insure that it is a strong and effective force in formulating and implementing U.S. arms control policies. We are very well pleased with the concrete steps the President has taken to strengthen ACDA's funding, staff and clout. The Time's caution regarding these moves may be fair at this stage, but the false and incomplete reports in the editorial are not fair to your readers.

Yes, ACDA has regrettably had more than a fair share of woes over the years, including some recent problems. But The Time's claims that the agency has experienced a 30 percent cut in the budget, "bureaucratic butchery," purges and a wipeout of its central records office under the Reagan Administration are simply not true. Your comments on the computer, library and research budget give an incomplete and inaccurate picture as well.

The budget reductions in fiscal years 1981, 1982 and 1983 were nowhere near 30 percent. Today ACDA's budget is \$16 million compared with expenditures of \$17.3 million for the last full Carter year (1980). Our budget request for next year will take us to \$18.5 million. Moreover, despite much ado about an impending "purge" at ACDA, no career ACDA official has been fired during the Reagan Administration.

All needed computer programs and a core computer staff were retained, while other key analytical personnel from that division were integrated into the ACDA bureaus they support. One of our computers was moved into the State Department building where ACDA is housed, and we have contracted for outside computer time to fulfill our additional needs.

The ACDA library was not dismantled or "shipped off." Part of the collection was moved under our roof while another part is now close by in the George Washington University library. Apart from significant cost savings, moving the collection has made it much more convenient for ACDA users and scholars.

Finally, The Times states that our research budget was cut from \$6 million a year to \$1 million. In fact, ACDA's research budget was cut from about \$3.5 million to just over \$1 million a year. Yet from what I have seen, no essential research has been sacrificed to save these tax dollars. If our level of research proves inadequate, it will be boosted.

Sound arms control is critical to world stability, and ACDA is a central force for successful arms control. With the momentum of a reinvigorated agency, I am confident that we can effectively pursue what is one of the most comprehensive arms control programs offered by a U.S. administration.

KENNETH L. ADELMAN,
Director, Arms Control and
Disarmament Agency.

A HAUNTING ANNIVERSARY

Mr. PROXMIRE. Mr. President, the year 1983 marks the 50th anniversary of Adolf Hitler's rise to power. Within 12 short years, the Nazi government he headed had exterminated perhaps 8 million people. This anniversary keeps echoing across the half century because we are often reminded of its legacy.

Former Nazi officials in charge of extermination still turn up; some are even harbored within this country.

Look at the cases of Klaus Barbie and Romanian Orthodox Archbishop Valearian Tirfa. Barbie, known as the Butcher of Lyons, was a S.S. officer charged with atrocity after atrocity. Tirfa was a member of a Romanian pro-Nazi organization, who concealed his past, and rose to a powerful position in the Romanian Orthodox Church in America.

Recent publicity about the Hitler diaries, which turned out to be forgeries, kept attention on Hitler and the movement he led to power. Several months ago, ex-S.S. officers held a reunion which ended in violence. These continuing events should keep us ever mindful of what happened 50 years ago, and what could happen again.

The world must be informed about the dangers of genocide. Too often, people have a tendency to ignore, obscure, overlook, or just plain forget what happened. Some, a malignant few, wish to rewrite history and whitewash Hitler. Perhaps others are ashamed that mankind could be capable of such horrible acts or believe it could not happen again. But we must not ignore the evidence. In fact, this evidence provides the most powerful reason to use every resource at our command to eliminate the possibility of genocide.

We must take two complimentary actions. Public education will help keep alive the searing memories of past genocides and warn us that we must be vigilant to prevent the spread of this dread disease. But we can do more by creating an international law which outlaws genocide. Such a law would demonstrate that all nations believe that genocide is abhorrent and not to be tolerated.

In 1948, in response to the horrors of the Nazi regime, this Nation led the way in drafting such a law. Shall we now abandon our leadership? I answer "no" and urge the Senate to ratify the treaty.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

THANKSGIVING

Mr. HELMS. Mr. President, at a time when much of the world is engulfed with waves of humanism, I find myself remembering Thanksgiving morning of 1982 when I attended a little Anglican Church in Bern, Switzerland. I had gone abroad at the suggestion of the President, to attend the

GATT Ministerial at Geneva. While in Switzerland, I visited Zurich and Bern.

Mr. President, the minister at St. Ursula's Anglican Church in Bern is Rev. John S. Keefer, an attractive and eloquent man. I was inspired by the manner in which he drove home the point that the freedom of mankind is inseparably linked to our Creator. After the service, noting that the Reverend Mr. Keefer had preached extemporaneously, I asked if he would reconstruct his sermon paper so that I might share it with my colleagues, and with others who read the CONGRESSIONAL RECORD.

He has done so, and now that we are but 2 months away from Thanksgiving Day 1983, I think this splendid sermon will be all the more meaningful as we approach the day set aside each year for Thanksgiving.

Mr. President, I ask unanimous consent that the text of the Reverend Mr. Keefer's sermon be printed in the RECORD at the conclusion of my remarks.

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

ST. URSULA'S ANGLICAN CHURCH BERN,
SWITZERLAND

"Let the words of my mouth and the meditation of my heart, be always acceptable in Thy sight, O Lord, my strength and my redeemer. Amen"

This Thanksgiving morning I would like to draw your attention in particular to the Old Testament lesson in Deuteronomy, chapter 28, upon which, I am told, the President lays his hand when he takes his oath of office. We have read only the first fourteen verses of this chapter, which tell those things which would bring blessing to the nation of Israel long ago. Moses spoke these words to Israel right before she was ready to march into Canaan, the Promised Land:

"And it shall come to pass, if thou shalt hearken diligently unto the voice of the Lord thy God, to observe and to do all His commandments which I command thee this day, that the Lord thy God will set thee on high above all nations of the earth; and all these blessings shall come on thee, and overtake thee, if thou shalt hearken unto the voice of the Lord thy God."

Then follows the catalog of blessings we have just heard read. But it must and should be added that there is a similar catalog of curses immediately following the blessings! Moses continued:

"But it shall come to pass, if thou wilt not hearken unto the voice of the Lord thy God, to observe to do all His commandments and His statutes which I command thee this day, that all these curses shall come upon thee, and overtake thee. Cursed shall thou be in the city, and cursed shalt thou be in the field. Cursed shall be thy basket and thy kneading-trough. Cursed shall be the fruit of thy body, and the fruit of thy land, the increase of thy cows, and the flocks of thy sheep. Cursed shalt thou be when thou comest in, and cursed shalt thou be when thou goest out."

And it goes on and on! What is so sobering is that the list of curses goes on for 54 verses whereas the blessings comprise only 14 verses (though, thanks be to God, listed first).

But before we can proceed further and apply these blessings and curses either to ourselves or to any other land, we must ask the fundamental question whether we or any other nation are allowed to apply what was intended for a nation 3500 years ago to our situation today? Is it allowed that we are gathered together here at St. Ursula's Church in Bern and all across the great land of America to give thanks to Almighty God for his blessings bestowed upon us—not just as individuals but as a nation, as a land? Is it proper for example, that there is a cross on the top of the Swiss Parliament building here in Bern? Or that the English pray for their "Christian Sovereign" that God may spare her, scatter her enemies and make them fall? In other words, dare we (or any other nation) assume (or better put, presume) that we are a 20th century version of ancient Israel, called by God's Name, and, therefore, as recipients of His rich blessings, bound to render Him the thanks and honor due His Name and, in return, repent for those things of commission and omission we have done so that we would be spared, in turn, the curses? Many especially in our own land, would say a definite "NO!" They would argue that we have no right to assume the prerogatives of ancient Israel nor does any other land. God is not dealing with "nations" anymore as He had with ancient Israel but rather only with individuals, calling them out of all nations, tribes and tongues from the four corners of the earth into the everlasting Kingdom or nation of His dear Son. Therefore, no nation, as a nation, can call itself a Christian land. Only individuals are Christian. Likewise, there is no proper concept of a "national righteousness"—only righteous individuals amidst a rather lost and fallen nation and world.

While granting certain aspects of this view, I, nonetheless, think it is fitting that we, as a land, are gathering together to render to Almighty God the thanks due His Name for all His manifold blessings to us. I think it is also fitting, for example, that we stamp on our money, "In God We Trust." I believe, furthermore, that there are both theological and historical reasons to make the claim that the God of our Land is indeed the God of Abraham, Isaac, and Jacob, the God of ancient Israel, and that we are responsible to Him in all things—including those that involve national life and righteousness. One could say much on this subject—too much for this occasion (so you can all breathe a sigh of relief!)—but I would like to present some theological and historical arguments in favor of my thesis.

First of all, God has always been concerned for entire peoples and nations and not just individuals. He chose Israel, in fact, as a nation; for we know that even in Israel there were individuals who were not worthy to be called Israelites (Romans 9:6-7). The prophet Isaiah depicting the greatness of God and man's insignificance could say (40:15): "Behold, the nations are like a drop from a bucket, and are counted as the small dust of the balance. . . ." God sent Joseph to the land of Egypt that through his wisdom both Israel and Egypt might be spared from famine. God sent the prophet Jonah to Ninevah that he might preach repentance to a city that was facing imminent danger because of its exceeding wickedness. Much to Jonah's disappointment, everyone in this Gentile city repented, from the king to the least of the people; and God spared the city. Jonah, of course, was angry; and God rebuked him for his unmercifulness (4:11): "And should not I spare Ninevah, that great

city, in which are more than 120,000 persons that cannot discern between their right hand and their left hand; and also much cattle?" Recall how God used Daniel in the court of Nebuchadnezzar and Darius to guide the destiny of all the nations and peoples of the civilized world. Or later, how God executed His will for Israel through Cyrus the King and would call him by the prophet Isaiah (44:28ff), "My Shepherd, My anointed, whose right hand I have held to subdue nations before him." The same prophet Isaiah predicted, according to St. Paul, the Gospel coming to the Gentiles (Romans 15:12): ". . . there shall be a root of Jesse, and he that shall rise to reign over the nations; in him shall the nations trust." Notice that Christ came not merely to reign over individuals but over all nations of the earth. Hence His title: "King of Kings and Lord of Lords". All history looks forward to the day (regardless of one's eschatology or doctrine of last things) when the kingdom(s) of this world shall become the Kingdom of our Lord and of His Christ and He shall reign forever and ever. Just as ancient Israel as a nation, St. Paul tells us, was removed for a season from the covenant of Abraham, allowing those blessings to come upon the Gentiles, so it allows, I believe, that the Gentile nations could be grafted into (or removed from!) the covenant tree as God sees fit. Can we deny, for example, that in A.D. 312 Constantine, the Roman general, saw the sign of the Cross in the sky with the words, "In this Sign conquer", went on to defeat his rival Maxentius at the Milvian bridge in Rome, and thus established Christianity as the official religion of the Roman empire, of which we in Europe and America are the descendants?

The "formal" discoverer of the Americas was Christopher Columbus, whose entire world view was firmly grounded upon biblical prophecies concerning the climax of world history and the personal return of the Lord Jesus Christ. He believed that Christ's return and the formation of His universal Kingdom could not take place until all nations and tribes of the distant isles had been evangelized. Only then could the promised new age come into being. As Columbus urges his near-mutinuous sailors to sail on through uncharted seas in the Fall of 1492, his zeal and assurance were not derived from love of adventure or greed for gold and glory but were founded upon the revealed Word of God in Scripture. He regarded the successful outcome of his voyage as confirmation of the truth of Scripture and the faithfulness of the sovereign God who had graciously decreed the opening of new lands and tribes to the Gospel of the Savior Jesus Christ. And so he named this first landfall "San Salvador" ("Holy Savior"). Thinking more specifically of our great land that stretches from sea to shining sea, one is reminded of the Spanish settlement in St. Augustine, Florida, with its Castillo de San Marcos and chapel therein. Or Sir Francis Drake's chaplain reading a Service from the English Prayer Book on St. John the Baptist's Day, June 24, 1579, near what would later become the beautiful city named for St. Francis. One also thinks of the first permanent English settlement at Jamestown, Virginia, on the other side of the continent, where the Prayer Book service was instituted. Or of the Spanish priests and missionaries who evangelized the Southwest, who, when they saw those western mountains turn a deep red as the sun set upon them, called them the Spanish equivalent of "Blood of Christ". But perhaps this histori-

cal connection between our Land and God is shown most dramatically in the coming of the Pilgrim fathers in 1620, whose religious beliefs molded and formed our ideals and institutions so strongly and to whom we owe this national feast day of Thanksgiving. They, of all the peoples who colonized America, had a burning conviction that they had a special mission to fulfill in life. They sincerely believed they had a "divinely appointed destiny" and thought of themselves as "being chosen for a special mission in the world". They suffered many hardships in their journey across the stormy Atlantic Ocean, yet when they waded ashore at Plymouth, Massachusetts, according to their first governor, William Bradford, "they fell upon their knees and blessed the Lord of Heaven who had brought them over the vast and furious ocean, and delivered them from all the perils and miseries thereof . . ." Before they had landed, they had drawn up what is known as the Mayflower Compact, which begins:

"In the name of God, Amen. We whose names are under-written . . . having undertaken, for the glory of God and advancement of the Christian Faith and honor of our King and country, a voyage to plant the first colony in the northern parts of Virginia . . ."

Our nation was, therefore, founded "for the glory of God and advancement of the Christian Faith"! Later, when God blessed their efforts, they came together and held a great feast to give thanks for His bounteousness to them. We, their children, celebrate that occasion today. Later in 1630, John Winthrop, governor of the Massachusetts Bay Colony, wrote:

"We shall find that the God of Israel is among us, when ten of us shall be able to resist a thousand of our enemies, when He shall make us praise and glory . . . For we must consider that we shall be as a City upon a Hill . . ."

This same Mr. Winthrop gave as his foremost motive for founding a settlement in America, "the carrying of the Gospel into America and erecting a bulwark against the kingdom of Antichrist." Later, when the Articles of Confederation were drawn up, they began: "Whereas, we all come into these parts of America with one and the same end; namely to advance the Kingdom of our Lord Jesus Christ and to enjoy the liberties of the Gospel in purity . . ." It is obvious, therefore, that the First Amendment to our Constitution was never intended as a separation between God and the State; rather, only a separation between an established Church such as existed in Europe and England and the State. This we must never forget, as our forefathers did not.

Alexis de Tocqueville (a French scholar and historian) made a tour of our land during the 1830's in order to study the American experiment in freedom. He traveled as far east as Boston, as far west as Green Bay, as far north as Sault Ste. Marie and Quebec, and as far south as New Orleans. By steamer and stagecoach where possible, on horseback through the wilderness regions of the northern, western and southern frontiers, he traversed over 7,000 miles of this country and Canada before sailing again for France. He was fascinated with what he saw and made a number of predictions about us, one of which was that America would always be a land of freedom whereas he saw Russia always being ruled by some form of totalitarian, brutal government (then the Czars, now the Communists). (Interestingly, he also saw the two

lands rising to power at the same time in history!)

After his tour of America, he wrote down his impressions of us and attempted to show why America was so great. He had seen her fertile lands, her many and great rivers and streams, all her geographical advantages; but that was not where America's greatness lay because many other countries had the same. He thought to find the secret of our greatness in our growing cities, factories, and manufacturing and rich mineral resources; but therein alone did not lie her greatness, for many other lands also had these. He carefully studied her laws and democratic institutions but was not convinced that here was where her secret lay, for some of the laws he felt actually endangered her existence. Finally, he concluded that the secret to America's greatness lay in the manners and customs of her people, that is, to the whole moral and intellectual condition of her people. He went into our churches, where he heard the preaching of righteousness; and there he discovered why America was great. He said that on his arrival in the United States the religious aspect of the country was the first thing that struck his attention and that there was no country in the world where the Christian religion retained a greater influence over the souls of men than in America! America was great because America was good; and if America ceased to be good, she would cease to be great. That is saying only in other words what the Puritan fathers believed and what God through Moses had said to Israel long ago before they entered the Promised Land (Deut. 30:19):

"I call heaven and earth to record this day against you, that I have set before you life and death, blessing and cursing; therefore, choose life, that both thou and thy seed may live."

I take you forward in history now to recent events of our land and the world: that of space and moon exploration. Had another nation done in space what we have done, would the world have heard the glory of God being proclaimed from space by the reading of Genesis 1, "In the beginning God . . ." Surely not by the astronauts of the other superpower, one of whom boldly and foolishly proclaimed God did not exist because he had looked around out there and did not see Him! Many of us remember the astronauts reading from the Bible on Christmas Eve as they sped toward the moon; but I suspect few of us knew what Buzz Aldrin, a devout Christian, did upon landing on the moon: he took Holy Communion! He describes it this way (The Anglican Digest, XXIV (Transfiguration A.D. 1982), 39 citing Guideposts):

"So I unstowed the elements in their flight packets. I put them and the Scripture reading in the little table in front of the abort guidance-system computer. Then I called back to Houston. 'Houston, this is Eagle. This is LM Pilot speaking. I would like to request a few moments of silence. I would like to invite each person listening in, wherever and whomever he may be, to contemplate for a moment the events of the past few hours and to give thanks in his own individual way.'

"For me, this meant taking Communion. In the blackout I opened the little plastic packages which contained bread and wine. I poured wine into the chalice my parish had given me. In the one-sixth gravity of the moon, the wine curled slowly and gracefully up the cup. It was interesting to think that the very first liquid ever poured on the

moon, and the first food eaten there, were consecrated elements. Just before I partook of the elements, I read the words which I had chosen to indicate our trust that as man probes into space, we are in fact *acting in Christ* [Italics not in the original]. I sensed especially strongly my unity with our church back home, and with the Church everywhere. I read: 'I am the vine, you are the branches. Whoever remains in me, and I in him, will bear much fruit; for you can do nothing without me.'

Somehow, when I read that, it made me feel good and good for America as a land having a claim to being grafted into the True Vine; for without Him we could not have accomplished this certainly marvelous achievement for all mankind. Moreover, through various expressions of the astronauts we, as a land, gave God, the Creator of the heavens and the earth, the honor and thanks due His Name. Thus, it is indeed our bounden duty and service as a nation to set aside a day of national Thanksgiving to Almighty God for His manifold blessings to us as a nation and as individuals, to ask His forgiveness for our national and personal sins, and to implore His continued guidance, protection, and blessing upon our land, families, and people as we seek to do His will and be that "City set upon a Hill".

In closing I would like to add that it is easy to criticize your country just as your own family because you live with all the faults everyday; and we have our share of faults. Furthermore, from what I can gather the problems back home are in a pretty "healthy" state. (It makes one wonder if we are not the recipients of some of the curses instead of the blessings.) But having lived outside the United States for awhile and experienced how other people act and think, I find myself saying again and again, "God bless America". We at least are trying to do something right; we intend to do what is right. We shall be singing the hymn, "America, the Beautiful", and I would like to draw your attention particularly to those words which are my prayer and aspiration for our land:

"America; America; May God thy gold refine,

Till all success be nobleness, and every gain divine."

Let us pray: Almighty God, who hast given us this good land for our heritage; we humbly beseech thee that we may always prove ourselves a people mindful of thy favour and glad to do thy will. Bless our land with honorable industry, sound learning, and pure manners. Save us from violence, discord, and confusion; from pride and arrogance, and from every evil way. Defend our liberties, and fashion into one united people the multitudes brought hither out of many kindreds and tongues. Endue with the spirit of wisdom those to whom in thy Name we entrust the authority of government, that there may be justice and peace at home, and that, through obedience to thy law, we may show forth thy praise among the nations of the earth. In the time of prosperity, fill our hearts with thankfulness, and in the day of trouble, suffer not our trust in thee to fail; all which we ask through Jesus Christ our Lord. Amen.

A CHOICE WE MUST MAKE

Mr. HELMS. Mr. President, recently I had the privilege of reading the text of a sermon delivered by a splendid

young minister in my State, Rev. Robert F. Simms, pastor of Green Memorial Baptist Church in Charlotte.

The Reverend Mr. Simms was born in Williamston, N.C., and attended Wake Forest University and Southwestern Baptist Theological Seminary. He holds the master of divinity degree. He has served pastorates in Texas, South Carolina, and North Carolina.

Mr. President, the sermon by the Reverend Mr. Simms that so impressed me was entitled, "A Choice We Must Make." It is based on Acts 5: 29.

In a moment, Mr. President, I shall ask unanimous consent that the text of this splendid sermon be printed in the RECORD because I believe it is entirely relevant to issues that simply must be confronted by Congress. But before I do that, Mr. President, let me quote just one paragraph from the Reverend Mr. Simms' remarks:

It has come as a great eye-opener to me that some of us Christians have helped along . . . government persecution and denial of religious freedom by being more concerned with cries about separation of church and state than we have been with the preservation of our own religious freedom.

Mr. President, I urge Senators to study this sermon, and I ask unanimous consent that its full text be printed in the RECORD at the conclusion of my remarks.

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

A CHOICE WE MUST MAKE

(By Rev. Robert F. Simms, Pastor, Green Memorial Baptist Church, Charlotte, N.C.)

Some choices are extremely difficult to make. There are times when a course of action must be taken, selecting between two options, but we do not want to forsake either for the other. I have come to the point at which I believe it is likely that Christian Americans will have to make one of those difficult choices. It is a choice between to familiar goals, both of which command the respect of hosts of people. It is a choice to side with the forces which have declared themselves as guardians of one of two treasures and seem dedicated to show undivided loyalty to them. One is the goal of preserving the proverbial separation of church and state; and the other is the quest to preserve, or rather to establish, America as one nation under God. Most Christians I know would like to have both as strong realities; but I am afraid that given current development, it is nearly impossible to pursue both—at least as they are perceived at the present time.

It has not always been impossible to be on the side of both liberty and godliness. When our nation was founded, religion was strong, the Christian faith dominated, and it was not perceived to be a threat to freedom of religion that the country's founding documents spoke of God and his creation, or that elected officials were strong churchmen, or that those who were exercised leadership on the basis of their faith and its morality. But the frightening trend at this moment is to interpret the constitution as virtually prohibiting even the mention of God in any publically funded institution,

much less the overt involvement of public funds or buildings themselves in any religious activity. And this trend is no fad: It is a well-established policy, becoming firmer daily by the precedents being set in courtrooms and council chambers across the land.

It has come as a great eye-opener to me that some of us Christians have helped along that kind of government persecution and denial of religious freedom by being more concerned with cries about separation of church and state than we have been with the preservation of our own religious freedom. To some, "separation of church and state" means the same thing as "religious freedom." But they are not identical. Separation speaks mostly to the government's obligation to make "no law respecting an establishment of religion." Freedom speaks mostly to the people's right to pursue their religious convictions. These two parts of the First Amendment must be kept in balance least either be misinterpreted, or interpreted in the extreme.

What has happened is that the government, at the urging of various parties, has begun to pry into the affairs of the states, their institutions, and even the auxiliaries of churches, to find points of contact between religion and public life—as if there were anything illegal about religion influencing people's lives or the government's operation; and, in the process of trying to "keep the government out of religion," they have gotten themselves into it in a negative way—the restriction of religious freedom.

The issue is clouded by rhetoric on both sides, and it is not likely that it will be resolved by debate, or that the balance between the two emphases of the First Amendment will be restored by simply trying to see both sides of the issue.

I am coming to be convinced that the time is upon us to choose which is more important to us—preservation of the principle of church/state separation as it is currently interpreted, or one nation under God—and follow that course with all fervor.

I hasten to say that I believe firmly in both the religious goal of our nation being godly, and in the democratic principle that the government not be entangled in religion. But I am convinced that in order to restore both, we must work from a solid establishment of one of them. More to the point, freedom of religion in this country was established because of the strong convictions of the people who founded and inhabited it. But the First Amendment, which originally helped inspire the flourishing of religion in America, has now come to be interpreted in a way which inhibits the same. And, since the official word from the government is that "the constitution is what the Supreme Court says it is," we who believe in the continued right of religious people to affect and influence their country, seem to be on a collision course with law and bureaucracy. That predicament necessitates our making the hard choice to resolve to pursue what is right in the sight of God no matter what is handed down to us in the form of regulations or restrictions.

I find basic inspiration for this conviction in the words of Peter when he was confronted by the Sanhedrin, as recorded in Acts 5:29. Here was the overt conflict of Government and religion. In that moment, Peter gave us a motto for perilous times such as these: "We must obey God rather than men." We would prefer that the time did not come when we had to make a choice between obeying God and obeying man: we

wish the governments of men always required those things we would do any way, as a matter of Christian duty. And we wish we were prohibited from doing only those things we are commanded by God not to do. But we are entering days in which we are not only prohibited from doing what our faith would convince us is right, but required to do that which our God says is wrong. We must choose whom to obey.

WHY THIS CHOICE IS NECESSARY

I know there are some classic objections to being anything less than supremely diligent in safeguarding the separation of church and state. It is argued that if we lose religious freedom we will not enjoy the privileges which enabled us to become one nation under God. On the other hand, when the current purge of religion from anything remotely public or governmental has ended, what makes anybody think that the government will any longer guarantee the freedom of religion?

I am afraid that if we do not choose to favor one over the other goal, we shall speedily lose both objectives. More to the point, if we do not put ourselves more to the task of injecting the witness of God into the nation by whatever means we can—culture, education, and public life—we can bid farewell to religious freedom as we have known it, and we will find ourselves in a nation that knows not God.

One reason things have gotten this way is that Christians (as well as members of other faiths) were not sufficiently watchful when the trend against religion in public life began. The Scopes trial of 1925, where evolutionists argued for, and won, the right to teach evolution in schools, should have sounded a loud warning-bell in the church's ear. But instead of hearing a rising up to the challenge, religion has turned increasingly inward since those days, and by the sixties and seventies it seems that most Christians apparently believed that religion is a private thing that has no place outside the home or the four walls of the church building. That attitude, of course, has just fed the onslaught of anti-religious thinking, and hastened the day of persecution.

Undeniably, we are under persecution, now. What else can it be called when the government has taken away tax-free status from a religious school—as if they had the right to remove it? What other name is there for government intrusion into the hiring practices of seminaries? What do you call the prohibition of a prayer group in an unused classroom before school hours? All these things are happening, and their occurrence is increasing.

Of course, the ultimate power behind the movement of humanism and atheism is Satan. The subtlety of his plan has apparently been to confuse the issue of religious freedom in such a way that many Christians have worshipped at the shrine of the Bill of Rights while ignoring the onslaught of hostility against religion; as a result, we now face a time when the prevailing interpretation of our First Amendment rights leads us away from what we thought we were protecting—which is our free exercise of religion. Consequently, the only reward we get for supporting the separation of church and state is the development of a godless state and a persecuted church.

I think many Christians are laboring under the misconception that everybody who cries, "Keep church and state separate!" is our friend. Not so. Such organizations as the American Civil Liberties Union

have frequently shown themselves to be antagonistic toward religious interests; when they claim their cause stems from the First Amendment, they mean something far different from what I believe that amendment to be saying. The ACLU is just one of many sources instigating legal action against supposed violations of "religious freedom" or "civil rights" which have the underlying purpose of eliminating hated religious views from a particular place.

Yet, many Christians have joined the bandwagon of freedom fighters, just because they carry the banner of an amendment which the church has held dear for two hundred years of American History. Unwittingly, those Christians have hurt their own cause, by forgetting their first rightful priority.

If, by favoring every cause that claims to befriend religious freedom I actually play into the hands of those who eventually persecute religion, what good have I done?

If, by carrying the separation of church and state so far I help to insure the hostility of government and society at large to religious institutions, whom have I helped?

If I press for neutrality in officialdom on religious matters, do I not rob them of their religious freedom? And whose liberty have I preserved?

Granting the fact that there may have been some genuine violations of religious liberty which have been corrected, the main effect of the governmental vendetta against religious influence has been not the extirpation of an ideal neutrality toward all religious persuasions; it is not that innocent. Rather, in effect, we are experiencing the establishment of an anti-religion religion, or, more properly identified, Religions Humanism. The choice to pursue the godliness of America over the relatively minor issues of keeping religion out of public institutions becomes more obviously a wise one in the light of the poison that Religious Humanism is. The problems of tuition tax credits, or fears of state-written prayers, pale in the face of the gargantuan enemy Humanism.

Hamanists have identified themselves as being essentially religious in nature. The Humanist Manifestos of 1933 and 1973 give that label to their signers and advocates; and it is significant that the Supreme Court of our land acknowledged the religious nature of humanism in court cases tried over twenty years ago. And yet, that same court has continued to make decisions which yield to humanist doctrines over those of some other religion. In so doing, the court has established a religion.

The chief difference between this religion and traditional religions is that humanism has no supreme being—man is its god. But this does not mean that there is no doctrine or systematic beliefs; on the contrary, these things are well established. The Manifestos outline these beliefs in shocking clarity, identifying one of the main goals of Humanism as the alteration of all religion to reflect only the supremacy of man and his perception of his needs. This is the deadliness of Humanism: it has no churches that one would recognize; it is ecumenical and non-denominational; and it masquerades as simple logic or common sense. That Humanism has often been mistaken for rational, clear thinking has kept many people unaware of its rapid growth or its true nature. In fact, many people have become humanists without realizing it. It is that subtle.

This fact only serves to intensify the need to take a decisive stand for the Christian faith and for the witness of God in public

life, in order to combat the pervasive cancer of Humanism, which is already solidly entrenched in the halls of government and in the policies of many institutions which have bowed to government pressure and have adopted humanistic government guidelines.

WHAT THE CHOICE INVOLVES

In essence, what America needs is a counter-revolution. We are already in the last stages of a revolution, one of values, morals, and ethics. Laws are being changed, as much by court precedent as by legislation, to reflect this revolution, which is taking us helter-skelter into a future knowing no absolutes, except the gratification of man in his conceit. A counter revolution is called for, one in which Christians in particular both diligently seek the conversion of millions of Americans and also get involved in politics to stop the bureaucratic and judicial flow of humanistic lava which threatens to inundate us all.

I believe the time has come to take an unapologetic stance and resist any further elimination of religious language from public life and institutions. We must fight any attempt to rob any religious agency or auxiliary of its right to tax-free status, and staunchly resist interference from government in affairs rightly governed by religion. And, we must insist that our government abide by the definition our own constitution affirms: that "we have been endowed by our Creator with certain unalienable rights," which include liberty in the matter of religion. God gives us these rights; the government only recognizes them.

Further, I believe it is imperative that Christian Americans press on to regain lost freedoms, and to reestablish certain lost guarantees. I call on our congress to pass an amendment to the Constitution guaranteeing the right of persons to pray or otherwise exercise their religion in any public place, including public schools.

Concerning such an amendment, I am aware that it is argued that it would be misinterpreted by states and courts. For that reason, I would want the wording of the amendment to be extremely clear. But a violence to our rights and our Constitution has been done because of the Supreme Court decisions of the 1960's, and that violence needs to be corrected and reversed. Even if it seems redundant to propose an amendment concerning religion in the presence of the First Amendment, I believe the symbolism of passing such an amendment is far more important than the risk of being wordy. A prayer amendment would say, "We want to have what we had before the courts began tampering with it; we want the country we had before those who are so concerned with our religious liberty made us afraid to exercise it."

WHAT WILL BE THE RESULT OF OUR CHOICE?

I am not sure I am personally prepared to be so confident in our ability to accomplish this monumental task that I could easily and glibly say, "We can do it if we try." It may be that the die is cast. But if we could only stem the tide, it would buy time for many persons to hear the gospel in a still-free country. In any event, whether or not we might succeed is not relevant to the choice we must make. We must do what is right in the sight of God. We must obey God rather than man. We must call the nation to God without fear of contradicting a corrupted understanding of church/state separation. God help us to come to the point at which we cannot help but do these things.

PRIVATE SECTOR INITIATIVES TO FEED AMERICA'S POOR

Mr. HELMS. Mr. President, recently I was privileged to preside over an Agriculture Committee hearing on private sector initiatives to feed America's poor, the purpose of which was to gather information about some of the diverse feeding efforts being undertaken by the private sector.

The hearings produced some encouraging testimony. Eleven articulate and enthusiastic witnesses described the splendid programs being operated by their churches and other private organizations. The creativity of the private efforts is most commendable. These and other private efforts underscore that there is still great personal compassion in this country, there is still a willingness to assume personal responsibility, including personal involvement.

The hearing record will be made available, when printed, so that other interested Americans will be able to assess whether similar programs could be undertaken with similar success in their communities.

One of the private sector efforts which has demonstrated great diversity is a church in western North Carolina.

Rev. Parker T. Williamson, minister of the First Presbyterian Church in Lenoir, N.C., outlined the many activities sponsored and supported by his congregation.

Mr. President, I ask unanimous consent that the Reverend Williamson's testimony and an editorial, "Helping Others Is What It's About," from the Lenoir, N.C., News-Topic be printed at the conclusion of my remarks.

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

STATEMENT OF REV. PARKER T. WILLIAMSON,
MINISTER, FIRST PRESBYTERIAN CHURCH,
LENOIR, N.C.

Mr. Chairman and members of the Senate Agriculture Committee, the people of First Presbyterian Church in Lenoir, N.C., believe that Jesus Christ's mandate to feed the hungry is not negotiable. We have tried to fulfill that commission through a variety of ministries in our community. These efforts include direct feeding and developmental assistance in which we administer both private and public funds.

Like many churches we collect canned goods and non-perishable foods to feed to the poor. We distribute them through an ecumenical service organization called "Yokefellow Christian Ministry." Yokefellow's food pantry, used clothing room, and voucher system to assist with rent, utilities and medicine costs provides a needed emergency response to the immediate needs of poor people.

In addition to our Yokefellow contributions, we maintain a Ministers' Discretionary Fund for direct aid purposes. Much of this money is used to help families whose needs are certified to us by the Caldwell County Department of Social Services. We try to help fill the hunger gap, for example,

which lies between the date on which a client has been approved for Food Stamp Assistance and the date on which he receives that assistance. Disability determination and other government programs include a period of bureaucratic delay during which the poor would starve without community help. Our direct aid seeks to buffer that period.

Another direct feeding program in which we have been involved is the Nutrition Program for the Elderly. While this effort is funded with federal dollars it requires a great deal of local support in order to meet the need of its client families. The Nutrition Program in our county was launched by Blue Ridge Community Action, Inc. (BRCA) in our church buildings. Food was prepared in our kitchen and served in our fellowship hall. Additional food was prepared at this site for delivery to elderly and disabled persons who could not come to the church for their meal. This "Meals on Wheels" extension of the Nutrition Program was heavily staffed with volunteers from our church and wider community.

Recognizing the need for extensive volunteer support to assistance programs, First Presbyterian Church offered its facilities to the Retired Senior Citizens Volunteer Program (RSVP), a federally funded effort to discover the talents of older persons and deploy them in areas of need. RSVP has been an important link in our food assistance work.

When the Nutrition Program grew to a production of 600 meals per day, a level which our church kitchen was not designed to handle, we saw a need for another community effort. Together with other volunteer groups like United Way, clubs and church organizations, we built a central kitchen facility. Local contributions to this construction project totaled \$110,000. We equipped it with a grant from the N. C. Division of Aging.

We make this central kitchen facility available to BRCA which provides food to 7 nutrition sites (many of them are churches) and to the children of our church-sponsored day care center.

Caldwell County's community Action Agency (BRCA), offers an impressive list of services to our area's poor. The Presbyterian Church has been proud to assist this local group in its efforts. Our church provided a grant of \$9,500 to purchase a mobile cannery and initiate a community garden project organized by BRCA. Land owners made areas available for community gardens. Low income citizens could use an area of the garden for a contribution of \$10. In return for their contribution they received seed, fertilizer, plowing and disking services. All labor other than tractor work had to be their own.

During the first year of this project each \$10 plot produced \$75 worth of food. Approximately 280 low income families increased their food purchasing power through this blending of their labor and community assistance.

The mobile cannery, purchased by a Presbyterian gift, has greatly expanded the capacity of low income people to feed themselves. This propane gas fired cannery is mounted on a trailer frame which can be moved to scattered sites in our rural county. Often school parking lots are used for the cannery operation.

Participants may bring the produce from their gardens, prepare it for canning on the site, purchase jars and lids at a very low cost, and can their food for the winter months on the spot.

This blending of labor equity by our low income clients and assistance from public and local sector sources has produced impressive results. During the first full year of the cannery operation (1976) 2,143 quarts of foodstuffs were processed. One step above our direct feeding efforts, this program helps low income families to feed themselves. It offers assistance while preserving the dignity of the participant who must invest a small amount of cash and a great deal of labor toward his family's food production.

The city of Lenoir is a short driving distance from Ashe County, N.C., a rural, mountainous area where many people live below the poverty level. These people are poor, but they are also proud. Many of them would rather die of malnutrition than accept a government dole. Thus assistance must come to them in an acceptable form, one which honors their dignity and their personhood.

The church is an ideal conduit for assistance in Ashe County; for the church is seen not as an "outsider" but as an extension of family. Seizing that opportunity a Presbyterian minister, Dr. Robert Stamper, who is as unique an individual as the people whom he serves, operates a ministry of compassion to the housing, clothing and hunger needs of mountain people. This man who would happily spit in the eye of both governmental and ecclesiastical bureaucrats offers an impressive service to his neighbors.

Our congregation sends money, clothes, food, and volunteer workers to Ashe County regularly. Living in a lodge owned by Dr. Stamper, work groups from our congregation and others go out among the hills and hollows to plant gardens, repair houses, cut timber for elderly people who heat and cook with wood, and provide many chore services to help them survive bitter mountain winters.

The Presbyterian Church in Lenoir sponsors several ministries which—while not direct feeding programs—have a significant impact upon family living conditions, income, and, therefore, the capacity of a family to feed itself. Together with several black churches in our community we created a development corporation which borrowed \$580,000 from the Farmers' Home Administration and developed a community of 98 homes on 100 acres of land for low-moderate income families. By developing the land on a non-profit basis we were able to provide our clients with sufficient "instant equity" to qualify them for otherwise unobtainable mortgage money. This initial entry into the realm of home ownership has encouraged a healthy pride and self-respect among our client families.

The Presbyterian Churches of Lenoir created a non-profit corporation to house our elderly citizens. We borrowed \$2½ million from the Department of Housing and Urban Development, invested over \$100,000 of our local resources and thousands of volunteer hours from some of the best minds in our city to build a retirement community where citizens are accepted for residence without regard for their ability to pay the full fee.

My presentation to you today outlines programs initiated by our church and local partner groups which receive funding in a variety of ways. Some of our work operates with 100% local funds. Other activities represent a partnership with state and federal government programs. In the latter case we insist upon the preservation of local initiative and local control, and, in most of our partnership experience with government,

we have been pleased with the outcome of our joint effort.

My experiences with these endeavors has led me to some observations and opinions about private and public sector partnerships. My chief conclusion is that you who represent the public sector need us (the private sector). Government programs, however well intended, when left to themselves, tend to institutionalize themselves until a great deal of the money which you appropriate feeds the service machinery and only a trickle reaches those for whom the appropriation was intended. Partnerships with local philanthropic organizations reduce this cost significantly.

Government programs, however well intended, tend to become "faceless" and impersonal. Client families become numbers and needs are categorized into abstractions. This putrefaction of government programs encourages a "dole mentality" among the recipients and fertilizes a seedbed for graft. Partnerships with local philanthropic organizations tend to personalize assistance.

Government programs, however well intended, tend to move toward mediocrity in service delivery. Salaried bureaucrats rarely demonstrate an enthusiasm for the purposes of the program which motivates uncompensated overtime or other evidence of personal involvement. Further, the bureaucratic mentality tends to be negative. One rarely gets in trouble with his superiors for saying "no" to an innovative idea which involves risk. By their very nature, therefore, bureaucracies become cumbersome as they follow the "safe" track. In a dynamic society where the needs of our people change forms continually, this tendency results in a bureaucracy out of touch with the needs which it was designed to meet.

Partnerships with local philanthropic organizations introduce a passion for the project from enthusiastic volunteers, and an infusion of innovation from local people who know the problems first hand and seek refinements in service delivery.

I applaud the fact that your committee has chosen to hold hearings on private sector initiatives in feeding America's poor, and I hope that the resulting legislation will recognize the valuable public-private sector partnerships which are possible as we target this task together.

[From the Lenoir (N.C.) News-Topic, Sept. 15, 1983]

HELPING OTHERS IS WHAT IT'S ABOUT

The people of Caldwell County care about their fellow man, and Wednesday the nation learned just how much our citizens practice the teachings of Jesus Christ by feeding the poor.

As federal nutrition dollars have decreased, programs for the elderly and children have had to tighten their belts. The congregations at many churches have filled the gap with programs geared to getting food to those in need.

The U.S. Senate's Committee on Agriculture, Nutrition, and Forestry, conducting hearings Wednesday in Washington, learned how churches across the nation are helping—one of those churches is Lenoir's First Presbyterian.

The Rev. Parker T. Williamson, speaking before Sen. Jesse Helms, R-N.C., and others, told how his church has made feeding the poor a major ministry to the community.

The church is involved in a community effort to feed the elderly and children and helped, along with other churches and orga-

nizations, establish a central kitchen to prepare food which is then taken to nutrition sites around the county to feed those who would go hungry otherwise.

The church also bought a mobile cannery which is taken to various sites so people can take produce, buy jars and lids, and can foodstuffs for the winter.

The church also helps the needy through a community garden where people can, for only \$10, raise food to help take a step up the ladder away from total assistance.

First Presbyterian's community involvement goes far beyond the annual food basket at Thanksgiving and Christmas. It speaks to us all by giving an example we should attempt to follow—becoming involved.

Caldwell County is blessed with many churches and service organizations, all taking it upon themselves to help where they can.

Wednesday, the nation learned our people do care and are willing to work hard to help those needing a boost.

Of course, programs like these only work when local people are involved. That was the message Rev. Williamson took to the Senate.

BETSY BRIAN ROLLINS: A REMARKABLE LADY

Mr. HELMS. Mr. President, I would call to the attention of my colleagues the appointment of a splendid North Carolina citizen to the President's Task Force on Food Assistance.

Mrs. Betsy Brian Rollins of Durham is one of the most industrious and compassionate people I know. She has spearheaded an amazing private sector effort to feed the poor at St. Phillip's Episcopal Church in Durham.

Mr. President, this program is a model of what can be done—through private, volunteer means—to feed the deserving poor in our Nation.

I commend President Reagan for having recognized the importance of this and other private sector efforts by including Betsy Rollins on this important task force which is to examine the causes and extent of hunger in America. John Driggs, chairman of the board of Second Harvest, and John Perkins of Voice of Calvary Ministries, two other members of the task force, also have had extensive private sector involvement in feeding the poor.

Indeed, I conducted some hearings recently to examine private sector initiatives to feed America's poor. Much can be learned from these diverse and creative efforts.

Mr. President, I ask unanimous consent that the editorial, "Caring for the Hungry," from the Durham Morning Herald, be printed in the RECORD at the conclusion of my remarks.

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

[From the Durham Morning Herald, Sept. 7, 1983]

CARING FOR THE HUNGRY

Mrs. Betsy Rollins' appointment to the President's Commission on Hunger draws fresh attention to Durham's compassionate approach to caring for hungry people.

Mrs. Rollins is director of the Community Soup Kitchen at St. Philip's Episcopal Church, a volunteer program that provides free meals weekdays for people who might not eat otherwise.

She has also been a sparkplug in the effort to raise \$525,000 to build an Urban Ministries Center behind St. Philip's—a campaign that is near the point that construction can begin.

The center will become the headquarters for the soup kitchen as well as Meals on Wheels, a volunteer project that delivers more than 150 hot meals to shut-ins five days a week.

A third element in Durham's response to hunger needs has been the annual CROP walk to raise money for international and local programs through Church World Service. This year's walk raised a record amount—more than \$25,000.

Together, the three projects have a common denominator: They are volunteer efforts and rely on no government supervision or direction. They represent, in the best sense, a conscientious response to President Reagan's call for an increased voluntary role in meeting social services needs.

They also represent a whale's share of cooperation among congregations—Protestant, Catholic and Jewish—that have in these works shown greater concern for needy people than for their theological differences.

As has been evident in her work for the soup kitchen and Urban Ministries Center, Mrs. Rollins takes a special empathy to her new assignment on the hunger commission. A former newspaper reporter, she is legally blind and she knows well what it means to have someone else extend a helping hand.

WAR POWERS RESOLUTION

Mr. GOLDWATER. Mr. President, I support the Baker resolution that will come before us shortly. I support the Baker resolution because it will avoid a constitutional confrontation with the President at a time when the marines are being shelled and fired upon in Lebanon.

Now, this is not to say I have changed my mind about the fact that the marines should not be in Lebanon. I have not altered my opinion.

Instead I am saying that Congress cannot and should not try to legislate the marines out of Lebanon. We do not have the constitutional authority to order them out.

The President has the last word over the deployment and use of the existing Armed Forces no matter what Congress might do today. I am happy to support the Baker resolution because it is an alternative to the far worse proposal by the Democratic Party Caucus which would attempt to usurp the reins of military direction from the President.

Also, I should mention that, in my opinion, section 2(b) of the Baker reso-

lution, which would trigger section 4(a)(1) of the war powers resolution, does not mean a thing. We will not make an unconstitutional piece of legislation valid by simply referring to it in a second piece of legislation. The war powers resolution is probably the most unconstitutional measure Congress has ever passed and it will remain unconstitutional even if we pass the Baker resolution with section 2(b) in it and the President signs it.

Now, Mr. President, I would like to discuss the general subject of the war powers and the folly of congressional efforts to tie the President's hands in making military decisions.

Look at what happened in 1975 when President Ford asked Congress to join with him in the decision to evacuate Americans from Saigon. As you will recall, Congress never granted his request.

Caught between the choice of strict adherence to the 1973 statutory prohibition on U.S. activities in, over, or from off the shores of Indochina and his duty to uphold the lives and interests of his countrymen and women, President Ford ignored the legislative restriction and took into his own hands the protection of Americans.

Weeks later, while Congress was still tied up with its debate on the matter, President Ford announced that the Indochina evacuation was completed. Then, he pleaded for funds to pay for purely humanitarian assistance and transportation of refugees, but Congress rejected this request the very next day.

Mr. President, this episode reveals all too clearly the inability of Congress to act decisively in time of need. Last Tuesday I mentioned an earlier moment in history when Congress also neglected its duties. It was a time when only the strong actions of President Franklin Roosevelt, taken independently of Congress, enabled this Nation to aid Great Britain and thereby defend our own security before Pearl Harbor.

The point is that the President had the vision to see that democracies avoid disaster only by confronting the obvious threats to their survival. Yet if the war powers resolution had been in effect in the early 1940's, President Roosevelt could not have landed and kept troops in Greenland, he could not have sent and reinforced several thousands of marines on Iceland, he could not have escorted British shipping in the Atlantic and he could not have done the many other things, several of them held secret at the time even from the State Department, which prevented a total collapse of resistance to Hitler. The war powers resolution would have brought about a complete disaster in the 1940's, and it may well bring about a catastrophe of similar

proportions in the future if it is not repealed.

The fact is that the United States, as the strongest free nation in the world, has a stake in preventing totalitarian conquest. The President has a duty to resist challenges in the early stages and cannot wait until the challenge is so clear that the cost of resistance is prohibitive.

The danger in the war powers resolution and any other legislative effort like it which is intended to restrict the President's defense powers is that it takes away all flexibility to deal with unforeseen events. The failure of Congress to approve even humanitarian legislation to support the evacuation of American citizens from Saigon offers convincing proof that Congress cannot be counted on to deal quickly with future problems as the need arises. Unlike the President, an assembly of 535 Secretaries of State does not rush to decision.

Mr. President, anyone who reviews history will know that Presidents have always exercised independent defense powers, whether or not their statutory authority was clear, and occasionally, in the face of direct Congressional restrictions. In fact, Presidents have used force or the imminent threat or force on more than 200 occasions without any Congressional declarations of war.

George Washington settled this issue, when, as our first President, he ordered his Secretary of State, Thomas Jefferson, to threaten Spain with military force if she would not open the Mississippi River to navigation by American citizens. When he became President, Thomas Jefferson sent a squadron of armed ships into the Mediterranean without any Congressional authority, with orders to sink, burn and destroy vessels which may threaten American commerce. Only half a year after he issued his military orders and four months after a naval blockade and battle had occurred did Jefferson inform Congress.

Jefferson gave an indication of the principle which guided his decision-making, when he wrote on September 20, 1810, that:

A strict observance of the written laws is doubtless *one* of the high duties of a good citizen; but it is not the *highest*. The laws of necessity, of self-preservation, of saving our country when in danger, are of higher obligation.

Jefferson's concise statement summarizes why the Framers vested the President with independent powers to act for the safety of the nation. The majority of Framers had served in the army or militia during the War of Independence and they were intimately familiar with the restrictions which the Continental Congress had imposed on General Washington's activities, restrictions they knew had nearly lost the American Revolution. It was in

order to correct this known weakness of the Articles of Confederation that the Framers made the President the "Commander-in-Chief" under the new Constitution.

We can also turn to the words of the Framers themselves. For example, George Mason said at the Virginia Convention to ratify the Constitution:

Although Congress are to raise the army . . . the President is to command without any control.

Mason refused to sign the original Constitution because it did not include a Bill of Rights, but he attended the Constitutional Convention of 1787 and was active in shaping the final document. He knew what it meant.

The active role of governors in putting down civil disorders just prior to the Constitutional Convention of 1787, the evolution in early State constitutions from weak executives to strong executives, the memory of interference by the Continental Congress with military decisions of General Washington, and the entire course of practice under the Constitution from the Administration of President Washington to the current Administration of President Reagan, all demonstrate beyond any reasonable doubt that the power to employ the existing forces of the United States in defense of United States citizens and the survival of our country, in reaction to foreign dangers, was and is vested with the President.

Yes, Congress is given certain of the defense powers. Congress has the power of the purse. Congress can "declare" war. But the text of the Constitution does not say that Congress "makes" war, and the Framers specifically rejected such a proposal.

This does not mean that Congress is without any leverage. Congress can reduce the size of the Army, Navy, Marines or Air Force. Congress can prevent the construction of any additional nuclear aircraft carriers by not appropriating the money. The Senate can reject Presidential appointments of Ambassadors or Executive officers of the Defense and State Departments. But once the military forces are established and equipped, it is for the President alone to decide how to deploy and use those forces.

Whatever the power of Congress may be, history shows that it is dangerous for Congress to intervene in military command decisions. Therefore, I urge that we approve the Baker Resolution which has the advantage of postponing any Constitutional confrontation over this matter for at least eighteen months, long before which I hope events will have allowed the President on his own authority to have withdrawn the forces from Lebanon.

A GRACEFUL EXIT FOR MR. WATT

Mr. EAGLETON. Mr. President, we are all aware of Secretary Watt's latest verbal outrage. His chronic foot-in-mouthitis is drumming up ever-increasing demands for his resignation.

I submit that there is even greater reason for Mr. Watt's ouster than his offensive mouth. That is his offensive public record as Secretary of the Interior.

I submit, Mr. President, my civil indictment of James Watt as public enemy No. 1 of the American environment. Long after Watt's words are forgotten, Watt's record will haunt us.

Here are just a few of the highlights of Mr. Watt's devastating record as Secretary of the Interior.

First. Mr. Watt is the first Secretary of the Interior to advocate opening our 80 million acres of our wilderness up for oil and gas drilling.

Second. Mr. Watt's coal-leasing program has cost taxpayers \$100 million by placing too much Government-owned coal on the market at a time of recession and slack-demand.

Last week, days after the House of Representatives had passed a moratorium prohibiting more coal leases, Secretary Watt opened five main tracts of land for bid in the Fort Union area. Only five bidders showed up.

Third. Mr. Watt has gutted the Office of Surface Mining by reducing the staff by half, especially deep are the cuts in inspectors, and continues to approve permits to companies that have failed to reclaim other leased lands.

Fourth. Mr. Watt has pledged time and time again to simplify the Federal regulations in the Interior Department, especially in the Office of Surface Mining.

Fifth. Mr. Watt has been rebuked twice by Federal courts and found in violation of laws governing the coastal zone management for the Arctic National Wildlife Refuge, one of our country's most sensitive areas.

Sixth. Mr. Watt has proposed and continues to push, over congressional opposition, for over 1 billion acres of land off California shores to be open to the oil industry.

Seventh. Mr. Watt ordered stopped the Youth Conservation Corps, which provided summer jobs for youths and introduced many city kids to our natural resources.

Eighth. Mr. Watt has virtually put our National Park Service to a standstill by placing a moratorium on future land acquisition, and his refusal to spend money appropriated by Congress to expand our parks. Last year Congress added \$10 million over Mr. Watt's requested budget to help take care of our deteriorating parks.

Ninth. Mr. Watt has opposed the National Park Protection Act, which is

designed to alleviate threats to our parks natural resources.

Tenth. Mr. Watt has announced that he would like to change the 25-year-old policy of not allowing oil and gas and commercial development in our wildlife refuges.

Eleventh. Mr. Watt has consistently opposed the Federal/State cooperative us of the land and water conservation fund, which gave Federal assistance to States and local communities to develop local parks.

Twelfth. Mr. Watt had ended the successful urban parks program.

DEAR ABBY NOTCHES THE NOTCH

Mr. EAGLETON. Mr. President, in the past 2 weeks, I have had a flood of letters from constituents who are concerned that, as so-called notch babies, they may be receiving smaller retirement benefits than other people.

This issue was raised in a recent "Dear Abby" column and readers were advised to write their Senators and Congressmen.

The volume of mail that followed is testimony to the great popularity of the "Dear Abby" column. Unfortunately, in this case, there was some confusion about the facts. When this problem was brought to the attention of Abigail Van Buren she promptly set the record straight with a second column.

I ask unanimous consent that an article from the Kansas City Star of September 22, 1983, explaining this situation be printed at this point in my remarks.

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

[From the Kansas City Star, Sept. 22, 1983]

ABBY CORRECTS ERROR ON BENEFITS

WASHINGTON.—Columnist Abigail Van Buren, heeding advice from Uncle Sam, is correcting erroneous information she published that prompted a flood of letters and calls to Congress and the Social Security Administration.

The whole thing started when the syndicated "Dear Abby" column alerted newspaper readers to what was called an "inequity" in Social Security retirement benefits for persons born from 1917 to 1921.

Social Security officials said Wednesday they had sent their own letter to Abby, asking her to correct her column on the so-called "notch" that ran Sept. 5. The corrected information was published in The Kansas City Star Tuesday.

In the first column, someone who signed herself "Notch Year Baby" complained that persons born from 1917 to 1921 would get lower Social Security benefits than those born before and after those years.

Miss Van Buren urged readers of her column to write to their congressman protesting this inequity.

In fact, due to a foul-up in a Social Security benefit formula that Congress wrote in 1973, those born in 1916 or earlier do get higher Social Security benefits. A retiree

who turned 65 in 1981 can get as much as \$110 a month more than a co-worker who paid the same taxes but was born in 1917.

That benefit formula was driving the system into bankruptcy and Congress voted in 1977 to correct its error and to phase out the formula.

It left the formula intact for those born in 1915—who would first be eligible at age 62 for early retirement benefits in 1976—and it provided a less generous, transitional benefit for those born from 1917 to 1921.

That group will get less than the 1918 babies, but their retirement benefits will still be higher than those for persons born in 1922 or later.

Jim Brown, a spokesman for Social Security, said Social Security offices and congressional offices were inundated with thousands of calls about the "notch" since Miss Van Buren's advice appeared.

The notch has been widely reported previously and an attempt by some lawmakers to raise the retirement benefits for those in the transitional group failed last year.

Alan McDermott, managing editor of the Universal Press Syndicates, which distributes Dear Abby, said the new column was sent out for use Monday but editors were told they were free to run it before then.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, the distinguished majority leader has made arrangements for me to speak at some length during morning business. I have indicated that I will, as in the past, of course, yield to any Senator who comes on the floor who wishes to make a statement, or if the majority leader wants to transact business, in the event of which, if such should occur, I ask unanimous consent that there be no interruption shown in the RECORD with respect to my statement.

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

THE UNITED STATES SENATE

THE SENATE, 1884-1892: WATERSHED YEARS

Mr. BYRD. Mr. President, in this address and the next in my continuing series on the history of the U.S. Senate, I shall deal with the last decade and half of the 19th century. The late 1880's and the 1890's were a watershed not only in the Senate's history but in American history as well. On the one side stretches the old America—an America that was overwhelmingly rural and agricultural, that devoted its prodigious energy to the conquest of the continent, that enjoyed relative isolation from Europe and the rest of the world, that, despite a depression in the 1870's, was optimistic. Over the horizon loomed the new America—an America predominantly urban and overwhelmingly industrial, inextricably enmeshed in world politics and world wars, wracked by convulsive changes in population, economy, technology, and social relations, and troubled by ominous problems

that threw their shadow over the promise of the future.¹

By the late 1880's, the generation that had fought the Civil War was passing from the stage, and a new generation that knew Pickett's Charge and Fredericksburg only as history was coming before the footlights. Colonels and generals in faded blue and gray still could attract a following, but the most memorable politicians at century's end had only dim memories of the conflict. William Jennings Bryan was born the year of secession, and his great rival, Theodore Roosevelt, was just a baby when the first shots of the war rang out at Fort Sumter.

No permanent moratorium on "waving the bloody shirt" was achieved, but the effectiveness of this device to incite old war time antagonisms declined and, with this, its deployment. From every quarter came signs of increasing national harmony. In November 1884, *Century Magazine* began a series of reminiscences by Union and Confederate soldiers, "Battles and Heroes of the Civil War." For the three years the series ran, *Century's* circulation soared to over 250,000—three times the former level. The popularity of U.S. Grant's *Memoirs*, published in 1885, was also enormous, in part because the Union commander adopted in his recollections a consistently magnanimous attitude toward his former Confederate foes. Soon a new war would unite North and South, where the old war had divided them.²

The statesmen of earlier years, the bearded James G. Blaines, Roscoe Conkling, and Oliver Mortons, about whom I have spoken often, began to seem archaic and alien when contrasted to the new men with new methods like Bryan, Roosevelt, Robert La Follette and Arthur Gorman. The issues that had preoccupied the post-war generation—reconstruction, public lands, railroads—were also beginning to seem faded and old fashioned. As the century waned, the problems confronting the Nation seemed as new and different as the new men called upon to grapple with them. The problems pushing so urgently to the fore were economic and social, immune to the old, familiar political resolutions. New issues like reform and expansion jostled alongside persistent old issues, but the old orthodoxies were mute when solutions were needed.

Historian Harold Faulkner offers a vivid description of the perplexing problems with which the nation seemed suddenly confronted in these years:

The late eighties had brought hard times to the farmer, the workingman, and to many businessmen as well, and with hard

Footnotes at end of article.

times doubts and disillusionment; in the nineties came open revolt, a challenge to old beliefs, a repudiation of old shibboleths, a fragmentation of old parties. There was almost everywhere a feeling that somehow the promise of American life was not being fulfilled. . . . The continent had been conquered, and the frontier was no more, but the cost of exploitation and waste was a sobering one. Industry flourished, and the new Nation was rapidly forging ahead of her Old World competitors, but at the price of recreating those class conflicts from which the United States had heretofore been thought immune. Cities had grown and flourished, but with them slums and poverty, crime and vice. . . . In 1890, Americans were reading Jacob Riis' *How the Other Half Lives*; they had not supposed that there was, in America, an "Other Half," except among the Negroes. The ruthless exploitation of natural resources made the Nation rich beyond the imaginings of its founders, but the riches were gravitating into the hands of the few, and the power of wealth in politics caused the gravest misgivings. . . . Democracy flourished, and with it corruption.³

These conditions might have led to revolt, as, indeed, they have in other countries. But, and I believe this is a testament to the flexibility of our system of government as established by the Constitution, instead, they led gradually to reform. While much of that reform took place on the local and State level, some of the issues agitating public life were fought out on the national stage in Congress.

Today, in dealing with the first half of this tumultuous era, I intend to underscore the Senate's role in these issues—how it solved, ignored, or exacerbated these problems. While many of these years were practically devoid of significant legislation, the calendars of others were crammed full of momentous measures which continue to affect us today. Old questions like the tariff nagged and were dealt with by the Mills tariff and the McKinley tariff; despite efforts to suppress it, the continuing problem of black voting rights in the South came to the fore with the "Force Bill"; the question of silver plagued these Congresses as it had previous ones and was dealt with, at least temporarily, by the Sherman Silver Purchase Act; well-meaning reformers tried to ameliorate the conditions of the Indians with the Dawes Act; other major reforms were embodied in the Interstate Commerce Act and the Sherman Antitrust Act.

Just discussing these major pieces of legislation will more than amply make a lengthy talk, so I shall save until my next address discussion of the internal changes taking place in the Senate and the colorful personalities who filled these same seats before us. The internal reforms in the Senate and the reform legislation passed by the Senate are pieces of the same cloth. Historian Robert Wiebe has characterized these years as ones in which America was consumed by the "search for order," and we shall follow the

Senate on this search in both this address and the next.

We left the Senate, at the end of my last address, in the hot summer of 1884, on the eve of the presidential nominating conventions. The elections of 1882 had given the Democrats a large majority in the House. The Republicans held onto the Senate by just four seats. Republican Chester A. Arthur, the accidental President, sat uneasily in the White House, doubting that his party would offer him the nomination. Nearly everyone agreed that Arthur had been a better president than expected, but his positive accomplishments had been negligible.

Mounting tariffs, rising prices, and a minor depression in 1882-1884 were sorely trying the patience of the electorate. Disgruntlement with Republican rule was widespread. Republicans knew as well as Democrats that if the Democrats could produce a reasonable Presidential candidate in 1884, they might well capture all the citadels of power—the Presidency, the House, and the Senate—for the first time in over a quarter century. The prospect made for cautious euphoria in Democratic circles and gloom in Republican ones.

As in previous election years, many senators were in positions to be "king makers," or, in our democracy, "president makers," and some were long shots for the top position itself. The Republicans met first that summer in Chicago. Early it became clear that James G. Blaine, the former senator from Maine, whom I have mentioned often, was the favorite. Blaine, however, remained aloof, and busied himself with his memoirs, which, I might add, shed light on important years in the Senate's history. Despite his protests, Blaine was the most popular Republican in the country. More important, with Roscoe Conkling ignominiously retired from the Senate, most Republicans believed that Blaine was the man who would represent their interests better than anyone else.

On the first ballot, Blaine got over 300 votes; Arthur, 278. Minor candidates, controlling over 200 votes, split into roughly two groups: the civil service reformers who voted for Senator George Edmunds of Vermont, whom scandal had never touched, and the mid-west professionals, chiefly the followers of Senators John Sherman of Ohio and John A. Logan of Illinois. The reformers, led by Carl Schurz, former Missouri senator and Secretary of the Interior in the Hayes administration, were known as the Mugwumps—fencesitters, with their mugs on one side, and their wumps on the other.⁴

On the fourth ballot, the midwesters swung to Blaine, giving him the nomination. The Republican campaign would be managed by a powerful group of current and future senators: Don Cameron of Pennsylvania and

John Logan, then sitting in the chamber, and Stephen Elkins of West Virginia and William "Machiavelli" Chandler of New Hampshire, soon to join them.

The Democrats, also meeting in Chicago, had no outstanding leader but every prospect for winning the presidency. On the second ballot, the nomination went to Governor Grover Cleveland of New York, who just four years before had been an unknown Buffalo lawyer. His term in Albany had earned him a reputation for honesty and courage, and he was an advocate of civil service reform, assets Democrats knew would help lure away disaffected Mugwumps. Though Senator William Barnum of Connecticut was titular chairman of the Democratic National Committee, the directing genius behind Cleveland's campaign was freshman Senator Arthur P. Gorman, the "boss" of Maryland, just beginning his twenty-year reign over the Senate's Democrats.⁵

The contest between Blaine and Cleveland was dirty and close. When the votes were tallied, Cleveland emerged the victor. Actually, compared to the Democratic sweep in 1882, the Republicans hadn't done so badly. They gained 22 seats in the House, though still not enough to regain the majority, and picked up one seat in the Senate, making their slim majority here more solid. The Democrats, however, had won the presidency, making Cleveland the first Democratic President in a quarter century.

At the outset, Cleveland was regarded by civil service reformers as one of their own. He had announced that he would not only faithfully execute the Pendleton law (which I discussed in my last address), but would refrain from dismissing any officeholders unprotected by it unless they had proved themselves "offensive partisans." During the nine months prior to the meeting of the 49th Congress, he discovered 643 of the latter among the officeholders appointed by his predecessors, and proceeded to suspend them.⁶

Reformers deemed this number excessive. Carl Schurz wrote frankly to the president: "Your attempt to please both reformers and spoilsmen has failed. I warned you more than once that your principal danger was to sit down between two chairs." The Republican Senate, with less worthy motives, emulated Schurz' indignation. It requested the president to give specific reasons for each of the 643 suspensions. Cleveland refused to gratify their request, citing the political practice of half a century. The contest dragged on so long that the terms of many of the suspended officials expired, and Cleveland was able to win a practical victory by simply withdrawing the names of his appointees and then resubmitting the same names as

those of nominees to now vacant offices.⁷

The only constructive measure on which the Democratic House and the Republican Senate could agree during the first session of the 49th Congress was a bill introduced by Senator George Frisbie Hoar of Massachusetts to change the order of presidential succession. The Constitution provided that Congress should decide who was to succeed to the presidency in the event that both the president and vice president died, resigned, or became disabled. In 1792, Congress provided for succession, after the vice president, of the president pro tempore of the Senate, then of the speaker of the House. This was, in turn, altered by Senator Hoar's proposal, the Presidential Succession Act of 1886, which changed the line of succession to run from the vice president to the secretary of state, secretary of treasury, and so on through the cabinet in order of rank.

Senator Hoar argued persuasively that for much of a president's term, Congress was not convened and thus had no officers. He reminded his colleagues of the nine month gap that had just intervened between Cleveland's March inauguration and the 49th Congress' first meeting. At the time of Garfield's assassination, an event then still vivid in every senator's mind, Congress had not convened and did not for six more months. Even as Hoar argued, the nation was without a vice president and remained so throughout the 49th and 50th Congress. Vice President Thomas Hendricks, formerly a Senator from Indiana, had died on November 25, 1885. What if, Hoar asked, President Cleveland had died on November 26, when there was no vice president, no president pro tempore, and no speaker?⁸

Another vexing problem with the 1792 line of succession had been clear to the senators since 1881, when the Democrats controlled the Senate but the Republicans held the presidency, creating a situation where the president pro tempore, and hence the potential acting president, was not of the same party as the chief executive. Even as the senators debated, Democrat Cleveland sat in the White House, while Republican John Sherman presided over the Senate.

With many compelling arguments to recommend it, Hoar's bill passed the Senate and House without serious opposition and was signed by the president on January 19, 1886.

This was the line of succession which I studied in elementary school and in high school, and it remained established and unchanged until 1947, when a new act, still in force today, placed the Speaker and then the President pro tempore next in line to the Vice President.

With the exception of Hoar's bill, little of importance transpired during the first session of the 49th Congress. So-called "pork barrel legislation,"—you understand they knew all about that back in those days too—totaling nearly \$15 million consumed much of the session, with Republicans and Democrats harmoniously supporting each other's pet projects.

Things really have not changed a lot, have they? The only thing is, a lot of people forget that this has been going on a long time. They assign it to this generation only, apparently.

An exception was thirty-year-old freshman Republican Representative Robert M. LaFollette of Wisconsin. Congressmen listened in amazement to a speech against the pork barrel by the audacious young man from Wisconsin, a State supposed to be safely controlled by the powerful machine run by Senators John C. Spooner and Philletus Sawyer. Sawyer, a millionaire ex-lumberjack, was said to be so illiterate that he signed himself "P. Sawyer" because he could not spell "Philetus," but so powerful that, as La Follette said, he bought men "as he bought saw-logs."⁹

Perhaps I should take a moment to look at the derivation of the term "pork barrel," because it was at this time in the Senate's history that it came into general use and also general disrepute. The "pork barrel" is the state of national treasury, into which government officials dip for "pork" or funds for local projects. The phrase probably is derived from the pre-Civil War practice of periodically distributing salt pork to the slaves from huge barrels. A 1919 article in the *National Municipal Review* described the term's origin:

Oftentimes the eagerness of the slaves would result in a rush upon the pork barrel, in which each would strive to grab as much as possible for himself. Members of Congress, in the stampede to get their local appropriation items into the omnibus river and harbor bills, behaved so much like Negro slaves rushing the pork barrel that these bills were facetiously styled "pork barrel" bills . . .¹⁰

In the late nineteenth century, the classic example of pork barrel legislation was a river and harbor bill, a piece of legislation that provided morsels for scores of congressmen in the form of appropriations for dams and piers, highways and bridges.

Another matter on which the Republican and Democratic senators saw eye to eye was the awarding of pensions to Civil War veterans. Soldiers actually disabled in the war and the widows of those slain had long since been provided for. But the northern veterans' organization, the Grand Army of the Republic, had developed into a very formidable pressure group. Allied with the Grand Army was a younger army of attorneys who derived their chief income from pension

cases, many of which were patently fraudulent. Mainly at the instigation of the latter, more than one hundred private pension bills, most of which had already been rejected by the pension commissioner, were passed in just the first session of the 49th Congress. The stamina to resist such applications, backed as they were by such a powerful lobbying group, while lacking in either branch of Congress, was found in the president, who vetoed every one of the bills.¹¹

The second session of the 49th Congress, which convened in December 1886, was much more fruitful than the first. The most important fruit it bore, though more for setting precedent than immediate remedy, was the passage of the Interstate Commerce Act. For years, Grange organizations of farmers in the midwest has been agitating against discriminatory rates and other railroad abuses. Elsewhere there was resentment against rebates, unfair variations in rates, and a host of monopolistic practices by the lines. From time to time Congress had held hearings that aired the public dissatisfaction, and members of both houses had introduced regulatory bills. But the railroad lobby, distributing passes, bribes, and other favors, had always been too strong and none of these measures had passed. In the mid-1880's, however, powerful industrialists began to join those complaining about the railroads' monopolistic practices, and their voices carried far more weight than those of the farmers.¹²

In March 1885, at the urging of Republican Shelby Cullom of Illinois, the Senate established a select committee to investigate rail abuses. Its members were Senators Cullom, Warner Miller of New York, and Orville Platt of Connecticut, Republicans; and Isham Harris of Tennessee and Arthur Gorman, Democrats. The five spent a large part of the summer recess taking testimony in most of the major rail centers of the nation, from Boston to Omaha and from Minneapolis to New Orleans.

At first railroad officials paid little attention to the investigation, but when it became clear that Cullom and his colleagues were determined to bring the railroads under federal control their aloofness changed to keen interest. When, in 1886, the Supreme Court ruled that states could not regulate railroads that crossed state lines, the hitherto inaccessible magnates rushed to Washington, complaining that they have not been afforded the opportunity to present their arguments, and, of course, hoping to forestall any legislative action.¹³

Rail executives had reason for concern. The select committee drafted a bill that it hoped would correct the abuses its members had found, and Senator Cullom introduced the meas-

ure in December 1885. It quickly ran into opposition from Republican Senator Nelson Aldrich of Rhode Island. In the ensuing debates, Aldrich established himself as Congress' leading representative of finance capitalism. The bill, he argued, was tantamount to "revolution"; it would cripple both internal and external commerce. Though Cullom himself recollected that the bill was "conservative legislation," Aldrich tried hard to convince his colleagues and the people that it was dangerously radical. Despite vigorous opposition, Cullom's bill passed the Senate on May 12, 1886.¹⁴

Meanwhile, the House had passed a railroad regulation bill introduced by John Reagan, a Texas Democrat. The measure differed substantially from the Cullom bill in that it did not provide a commission to enforce the regulatory measures include in the proposed legislation. Since the Senate conferees insisted upon the commission and the House conferees would not budge, a deadlock ensued which remained unbroken at adjournment. By the following January, both sides were in a more conciliatory mood; a revised bill was hammered out and carried back to the respective chambers.

By that time, thanks to the industriousness of the railroads and their lobbyists, enthusiasm for the measure had begun to evaporate in the Senate. Exasperated, Cullom professed he was "greatly provoked, almost outraged, at the manner in which senators opposed the adoption of the conference report." Democrat John Tyler Morgan of Alabama, and Republicans William Evarts of New York and George Hoar joined Aldrich in attacking specific clauses of the measure and opposing regulation in general.¹⁵

Forces in favor of regulation overcame the opposition, and on February 4, 1887, the Interstate Commerce Act finally passed and received the president's signature. The first important act in American history regulating interstate commerce thus became law. The act prohibited most of the objectionable railroad practices and created the Interstate Commerce Commission to oversee the enforcement of the act's provisions. For years the railroads' many devices to circumvent the provisions rendered the commission all but powerless. But, in the wave of reforms during the twentieth century, other congressional acts strengthened the commission's authority over all carriers of interstate commerce, and as the federal government's first regulatory body—able to act independently of the three branches of government but combining the functions of all of them—it served as a model for such future administrative agencies as the Federal Power Commission, the Federal Trade Commission, and the Federal Communications Commission.¹⁶

With the Interstate Commerce Act, Congress hoped to end the widespread railroad abuses. Another measure, passed early in 1877 as the 49th Congress was winding down, attempted to solve another persistent problem—the status of Indians in the West.

By the late 1880s, the Indians were a mere remnant of one quarter million. Dispossessed of most of their lands and pacified by military force, most had been herded onto reservations west of the Mississippi. They were wards of the government, supported largely by its grudging bounty. In 1871, responding to the pressure of the railroads and other interests that wanted the Indian's land, the spoils-men in Congress ended treaty making and the recognition of tribes as independent political entities. Thereafter aggrandizers, encouraged by congressional leaders such as Conkling, Blaine, and Garfield, and supported by troops and corrupt government agents, seized what they wanted, their aggressions leading to such desperate last stands of Indian resistance as the dramatic battle of the Little Bighorn in 1876.

By 1887, it was widely known that Indian affairs were inefficiently managed and the system riddled with abuses. The demand for reform coming from well-intentioned humanitarians was growing stronger daily. To remedy the situation, the House and Senate passed a bill known as the General Allotment Act, or the Dawes Severalty Act, after Senator Henry L. Dawes of Massachusetts, its sponsor. The Dawes Act empowered the president to divide a reservation and allot to each head of a family 160 acres, with lesser amounts to bachelors, women, and children. What land was left over (and it was expected to be thousands of acres) would revert to the public domain. The Dawes Act was the first systematic effort to provide for Indian welfare and marked a revolution in the handling of Indian affairs. Unfortunately, it proved a disaster.

The purpose of the Dawes Act, in the eyes of well-meaning but misguided reformers, of whom Dawes was one, was to break up the tribal system and make the Indian a self-supporting citizen according to the white man's values. Many who supported the act, however, were land greedy, and had in mind the acres and acres of land that would be open for settlement rather than the Indian's welfare.

For the Indians, the Dawes Act was a failure. Never consulted by the reformers, the Indians were unable or unwilling to change their way of life. It was wholly unrealistic to expect a people to abandon centuries-old traditions and embrace the acquisitive society of the white man based on private ownership of land. Furthermore, the land reserved for the Indians was

often barely adequate to sustain a decent living. Modification of the Dawes Act during the 1890's brought little relief. Far from assimilating the Indians, the Dawes Act made poverty a fixture on the reservations, robbing the tribes of water rights, timber, and much of the land needed for viable economies. It was not until the administration of Franklin Roosevelt in 1934—the year I graduated from high school—that the allotment plan was discarded and efforts were made to save the last vestiges of the Indians' cultural traditions.¹⁷

The 49th Congress adjourned on March 1, 1887, just days after passing the Dawes Act. The election returns of the previous November weighed heavily on the minds of the Democrats returning to their constituents, but revived the moral of their Republican colleagues. The Democratic margin in the House had been substantially reduced from 42 to 18. With the 1888 presidential elections on the horizon, Democratic congressional leaders warned Cleveland that it was time to attempt some bold stroke to capture the public's lagging interest. Though still a minority, Senate Democrats had gained three seats, making the division 37-39 rather than 34-41.

The president took his congressional advisors up on their suggestion, but looked in a direction they had not foreseen. Cleveland turned to the steadily increasing treasury surplus. The nation's rigid system of budget and taxation had amassed a surplus of \$150 million in gold, much of it owing to the heavy receipts from the protective tariff of 1883. This incredible surplus, labeled the "Treasury Octopus" by its enemies, was, in fact, becoming an acute embarrassment as agitation spread among hard-pressed farmers against "bloated bond holders" and the "Shylocks" of Wall Street.

Republicans favored spending the surplus on pensions, public works, harbor improvements, and fortifications. But Cleveland was unwilling to see federal revenues doled out to underserving pensioners or invested in public works projects he believed unnecessary. He sought ways to diminish the ponderous surplus by reducing taxes and tariff rates on imports. Moreover, tariff cuts could be defended as helpful to consumers and as a means of preventing monopoly. Mugwumps, middle-western farmers, and powerful railroad interests were on his side. Cleveland decided to make the tariff his "Live Issue."

Cleveland's own party's canvassing experts warned him to "go slow." With the Senate in Republican hands and the thin Democratic majority in the House divided on the question, his chances of obtaining a satisfactory bill in an election year seemed slim. William Whitney, his secretary of the

Navy, urges that "it was not the right time to push it." But Cleveland, with an honesty that reflected the best side of his nature, replied, "What is the use of being elected or reelected if you don't stand for something?"¹⁸

The 50th Congress, convening in December 1887 and lasting until March 1889, came to be regarded as the most "do-nothing" Congress of all. While it ended in a whimper, however, it started off with a bang. Readers of *Puck* among the members of the 50th Congress were greeted by a wonderfully vivid Keppler cartoon. In it, an enormously bloated, leering dragon is spreading himself out over the Senate chamber. Senators are dashing for the doors, climbing over chairs, cowering under desks, anything to get away from this dread beast labeled "The Surplus." There was, in real life, no escape from the persistent problem of the bloated surplus, as the senators and representatives were to find out on December 6, when the president sent to the Hill his annual message which he devoted entirely to the tariff question.¹⁹

Cleveland used harsh words to condemn the "iniquitous system." The tariff was, he claimed, "a burden upon those with moderate means and the poor, the employed and unemployed, the sick and well, and the young and old . . . a tax which with relentless grasp is fastened upon the clothing of every man, woman and child in the land." Alarmed protectionists immediately attacked him. "The Democratic party in power is a standing menace to the industrial prosperity of the country," announced Blaine, who, though out of Congress, was still influential as the elder statesman of the Republicans.²⁰

Rational tariff legislation could only be obtained if Congress would subordinate sectional and corporate interests to the general needs of the nation, not a likely occurrence in an election year. In April 1888, a new reduced tariff bill named for Roger Q. Mills of Texas, the short-tempered Democratic chairman of the Ways and Means Committee, was introduced in the House. Debate dragged on through July, long after the national conventions.

In the Senate, which they controlled, the Republicans, not surprisingly, rejected the Mills bill and decided to write their own version of a tariff revision, dubbed the "Senate Substitute," with no little aid from the iron and textile lobbies. Drawn up principally by Aldrich and William Boyd Allison from Iowa of the Finance Committee, the Republican's protectionist bill lowered only the tariff on sugar (which would cost them votes only in solidly Democratic Louisiana). The senators heard learned disquisitions on nails, birdcages, and sulphur designed, as Senator Cullom noted, for "home consumption," until October

20, when the Senate adjourned without voting on the bill.²¹

Other than the tariff, the chief interests of the session were subsidy and public works bills. Again they drew scorn from the fiery La Follette, now serving his second term in the House, having won reelection over the strident opposition of the Wisconsin machine headed by Senators Sawyer and John C. Spooner. On one occasion, as La Follette flailed away at appropriations desired by the machine, Sawyer came charging apoplectically onto the House floor, storming at La Follette, "Young man, young man, what are you doing? You are a bolter, sir, a bolter." La Follette held his ground, replying that the senator could not tell him how to vote, and Sawyer, realizing that he was violating congressional etiquette and House rules, vanished as abruptly as he had appeared.²²

At the Democratic National Convention in St. Louis in 1888, Cleveland was unanimously renominated. The Republicans, meeting in Chicago, were much divided. Once again, Blaine could have had the nomination, but again he professed disinterest. For the tariff battle, the party needed a midwesterner and many eyes, including Blaine's, turned to Benjamin Harrison, grandson of former president William Henry Harrison, who had just completed one undistinguished term in the Senate.

A warm personality was not among the Hoosier senator's political assets. A political ally once arranged a speaking engagement for him, then cautiously urged him to "warm up" with the crowd: "for God's sake be a human being down there. Mix around a little with the boys after the meeting." After the meeting, Harrison confessed failure. "I tried it, but I failed. I'll never try it again. I must be myself." Despite Harrison's aloofness, his friends were quietly building a boom behind his name.²³

Senator John Sherman badly wanted the nomination but took his usual lofty ground: "If it/the nomination/ comes, I will accept it as a duty and it if goes to someone more worthy, I will not be a mugwump/defector/." Sherman seemed to have a good chance; he was from a strategically located state, and had a national reputation on the tariff question. But he had not shaken the "Ohio Icicle" image of earlier years.²⁴

There were other, darker horses, in contention. Among them, Senator William Allison of Iowa; Chauncey Depew, future senator from New York but then president of the New York Central Railroad, a position which made him unacceptable to the West; and Michigan's "millionaire governor" Russell Alger, also a future senator. Managing behind the scenes was a bevy of current and future senators

which included Senator Matthew Quay, the premier "boss" of Pennsylvania; former and future New York Senator Thomas Platt, "the easy boss"; and future Ohio Senator Mark Hanna. After much maneuvering, on the fifth ballot, the tide turned to Harrison; he could carry the doubtful states, he was Blaine's heir, and he had wider appeal than any of the other local favorites.

In November, voters were called upon to decide whether, as the Republican platform claimed, Democrats were animated by a desire to destroy "the general business, the labor and the farming interests of the country." By a small popular majority of 94,000 votes in Cleveland's favor, the people seemed to answer that they did not believe this to be the case. But when the electoral votes were counted, Harrison received 233 to Cleveland's 168. Not only did the Republicans regain the White House, but they captured the House once again. When the 51st Congress convened in December, the Republicans controlled the Congress and the presidency.²⁵

In their moment of exhilarating victory, the Republicans had dangerous internal problems, illustrated by confrontations between Senator Quay and the new president. Quay expected the president-elect's "fervent and grateful congratulations." Instead, Harrison calmly remarked that "Providence has given us the victory." Quay snorted to friends, "Providence hadn't a damned thing to do with it. Harrison would never learn how close a number of men were compelled to approach the gates of the penitentiary to make him president, where he could return thanks to the Almighty for his promotion."²⁶

The "lame duck" session of the 50th Congress held after the Republican victory was as barren of constructive legislation as the first. A hasty attempt to modify the tariff was defeated by Republicans eager to wait until the next Congress when they would hold all the reins. North Dakota, South Dakota, Montana, and Washington were about to be admitted as states. This would boost the size of the Union to 42 states; increasing the Senate to 34 members; the House, after the census of 1890, to 357; and making the voice of the West in the councils of power far stronger. Also during this lame duck session, the Department of Agriculture was elevated to cabinet level. On March 3, 1889, the 50th Congress closed its books for good, and the next day, the Republicans reclaimed the seats of power.

The 51st Congress, convening on December 2, 1889, proved to be as dramatic as the 50th had been lackluster. Important changes in procedure as well as milestone legislation such as the Sherman Antitrust Act awaited in

the wings. The changes began in the House, where the session got off with a tremendous bang. I would like to look a bit at the action in the House at this point because it mirrored a new mood for change afoot in the Senate.

During the lame duck session just passed, business in the House had been frustrated by endless roll calls and filibusters. These dilatory tactics dismayed responsible legislators, notably Thomas Reed of Maine and Henry Cabot Lodge of Massachusetts. A Republican reformer, Lodge could hardly contain himself over the lowly state into which the House had fallen. Drastic revisions of the rules were needed, he said to "change the condition of the House from dead rot to vitality."²⁷

These calls for reform were echoed by Reed, who had been minority leader and was now chief candidate to become the Republican speaker in the 51st Congress. Reed was one of the most engaging figures in congressional lore—charming, genial, a master of epigrams and bon mots. His wit was rapier sharp and his impalements of colleagues were legion. Of two representatives he commented, "They never open up their mouths without subtracting from the sum of human knowledge." Reed literally loomed over House proceedings, filling a chair with nearly 300 pounds, standing in debate at 6 feet, 3 inches, in size 12 shoes.²⁸

With the help of Lodge and other New Englanders, when the House convened on December 2, 1889, Reed was elected speaker. Reed, handsome William McKinley of Ohio, and Joseph Cannon of Illinois, known as "foul-mouthed Joe," constituted a majority of the Rules Committee, and they immediately set out to draft new rules for the new session. Reed's principal goal was to end the precedent—observed since the 1st Congress—of establishing quorums by a count of those who voted, rather than those who were actually present. With the House so evenly divided and the Democrats remaining silent for any roll call on a subject of which they disapproved, the Republicans would be hard put to get a quorum at any time during the session.

On January 29, 1890, the House began to consider contested elections. When the first one was reported, awarding a disputed seat to a Republican, a Democrat moved for consideration. When the roll was called no Democrat answered to his name, and the vote—even with all 163 Republicans voting—was short of a quorum. Reed, however, was ready. Having assured himself of the constitutionality of what he was about to do, he calmly said, "The chair directs the clerk to record the names of the following members present and refusing to vote." He then began to call out the names of every Democrat he could

spy. After a moment of incredulity, the hall exploded in an uproar. Democrats leaped to their feet, shouting for the count to stop, but Reed continued to call the names while Republicans applauded, whistled, and cheered. Reed's ruling that a quorum was present produced another tumult that lasted for three days.²⁹

Again and again furious Democrats demanded roll calls and each time the imperturbable "Czar" Reed read off the names of those present but not voting. After one climactic scene in which Reed ordered the doors of the chamber locked to prevent Democrats from escaping (enraged Democrats hid under desks, behind screens, and anywhere they could find to keep from being counted), enough Republicans showed up to constitute a quorum on their own—two were brought in on sickbeds—and Reed's rules were approved.

The House, thanks to Reed, could now conduct its business efficiently. In the next Congress, which the Democrats overwhelmingly controlled, Reed's changes were abandoned, but in the Congress after that the Democrats, with a slimmer majority, saw the wisdom of his rulings, readopted them, and they became permanent. The new rules meant that party responsibility in the House had begun.

Mr. President, I mention these dramatic events in the House at length because much the same type of revolution in party control, a tightening, was brewing in the Senate. While it did not reach full flower for a few more years, until the period I will cover in my next talk, I think it is important to note that these activities had already begun in the House.

To a large extent, Reed's revolution in 1890 was motivated by the Republicans' determination—while they occupied the White House and possessed majorities in both houses—to push through legislation, particularly a higher tariff. In his first message to Congress, Harrison took up the issue that had dominated much of the campaign and urged a reversal of Cleveland's tariff policy.

McKinley handled the measure in the House. He hoped to counteract the higher rates many powerful Republicans espoused with a nationally oriented measure, extending protectionism's favors to the West and South, and to the farmer in general. He held hearings that produced a fat volume of testimony and, each night, spread his papers out on the floor of his cramped hotel room to get a view of the whole task. His planning produced the usual rate increases, though few were as important or as high as critics making political capital charged. Whatever the bill's merits, however, they were lost in a flood of abuse and misrepresentation when McKinley reported the measure on April 16. At length, House

Democrats decided to let the bill pass and use it to their advantage in the upcoming fall elections. They sent the bill on to the Senate in May.³⁰

Tariff struggles were hardly new to ranking senators, but every revenue measure taxed the patience and parliamentary skill of leaders in both parties. Like the silver question, with which the tariff became inextricably entwined, the tariff was a magic rock that gushed oratory and dissension for every man who struck it. "The contest over a revision of the tariff brings to light a selfish strife which is not far from disgusting," Senator John Spooner complained. McKinley's bill went to the Senate Finance Committee, where Vermont's venerable Justin Smith Morrill presided. Some of the nation's landmark legislation bore his name, and he was a fierce protectionist; but Morrill was 80 years old, and he passed formal management on to Allison. The tactful Iowan had helped form the "Senate Substitute" that scuttled the Mills bill a few years earlier, but now asked the chairman to let Rhode Island's Nelson Aldrich take the McKinley bill in hand. Aldrich had only entered the Senate in 1881, but was already a ranking member of its inner circle and a formidable expert on revenue measures. He was self-made, successful in business and politics. Suave, elegant in attire and manners, Aldrich avoided "the farce of mixing in mock debates." He liked to pay debts with terrapin suppers and made deals while sailing.³¹

Aldrich's first major problem in handling the McKinley tariff was James G. Blaine, now secretary of state, and a tariff expert, who insisted on explaining the principles of reciprocity to a skeptical Finance Committee. He arrived one June day, hat in hand, and properly calm. The senators endured his lecture, but coolly declined to engage in discussion. They were not about to let the president usurp their prerogatives. As Blaine rose to go he warned, "Pass this bill, and in 1892 there will not be a man in all the party so beggared as to accept your nomination for the presidency."³²

While Blaine worked for reciprocity behind the scenes, the Senate opened the tariff debate on July 7, and the measure's nearly 500 amendments promised an endless struggle. Complications with free silver and the election bill, which I shall mention shortly, made Aldrich predict a working Christmas. The windy silverites, filling pages with dull speeches on the gold conspiracy and the virtues of currency inflation, were the chief problem. They knew that they held the votes needed for the tariff. One of their number, William Stewart of Nevada, eager for high rates on wool, hides, ore, and lumber, praised the tariff extravagantly, but warned, "there will be

no tariff legislation this session unless a silver bill is passed."³³

Aldrich considered invoking cloture but realized that he was outnumbered by those opposed to changing the sacred rules of free debate. He fell ill, no doubt of disgust, and Allison managed the bill after all, while rates climbed amid the rolling of political logs. The hot summer wore on as the Senate endured discourses on nalls, sulphur, and alcohol. The fruitless debate angered businessmen, irritated the public, and played into Democratic hands. "Mills continue to fail and the Senate does about as much in a week as a set of men in business would do in half an hour," a correspondent angrily warned Senator Sherman. "You are killing the Republican party as fast as you can." Another was equally candid: "Just look at the Senate, please. There it sits, day after day, like a great big nincompoop or a knot on a log, unable to move or do anything."³⁴

The knot finally loosened in September when a conference committee settled details between the House and Senate versions. Inevitably, Sherman was involved, much to his disgust. "I have been hard at work for a week or more on this tariff conference committee," he wrote a friend. "I trust I will not live long enough to have any connection with another." Harrison signed the bill on October 1, and weary congressmen dispersed to campaign. The law satisfied most Republicans, but the Democrats, already publicizing each upward revision with the cry of "high tariff means high prices" predicted a GOP debacle.³⁵

As I mentioned, the tariff's passage was only procured after two other major issues had been dealt with: elections in the South and silver. Harrison's discussion of the tariff in 1888 did not excite southerners nearly as much as his frequent allusions to "a free ballot," which forecast Republican interest in another effort to help blacks. Harrison emphasized the subject in his inaugural address and in his message to Congress in December 1889. He and other influential Republicans were angered at open southern defiance of the Constitution in suppressing and coercing black voters. Violence at the polls in 1888 and 1889 stiffened their resolve. A strong streak of political practicality also strengthened their determination. Republicans knew that ballots of black voters would add enough southern House seats to end their minority status, especially if industrialism and the appeals of tariff protection increased. The cries of lonely Republican outposts in the South stirred their northern brethren. "To be a Republican in active politics in the South is to be a foolish martyr," a Georgian wrote Senator Sherman.³⁶

In December 1889, Senators Hoar of Massachusetts and Spooner of Wiscon-

sin canvassed colleagues and drafted an elections bill which they introduced in April. But they passed leadership on it to the House, where Lodge wished to originate the measure from his special committee on elections. While Lodge seemed a strange leader for such a crusade, with his social connections and Puritan lineage, he proved effective. He avoided any serious prospect of military rule in the bill, relying on legal remedies rather than penalties or federal force, but still the bill, dubbed the "Force Bill" by opponents, was predictably despised by southerners and Democrats. City machine bosses also did not welcome the thought of federal inspectors in their wards. Mugwumps suspected popular suffrage. Labor leaders feared possible use of troops. Despite this array of opponents, Lodge shepherded the bill through the House on July 2.

In the Senate, Democrats, led by Gorman of Maryland, made good their threats to tie the measure up in filibusters, which also meant the floundering of the tariff bill. After days and days of delay, Mathew Quay of Pennsylvania led the way out of the confusion. After heated caucus debates, he persuaded his colleagues to pass over the "Force Bill" until the short session in December. Spooner condemned "the almighty dollar" that put tariffs above civil rights, but Hoar secured pledges from other Republicans to consider the bill later. "It will probably give us a tariff bill," said Senator Orville Platt of Connecticut, "but acquired at what a sacrifice!"³⁷

True to their word, the Republicans brought the "Force Bill" back for consideration in December of 1890. But Nevada's silver-haired silverite, William Stewart, took time from analyzing an alleged international gold conspiracy to kill it. Southern family ties fortified his dislike of federal interference in state affairs, so he kept western senators available, and watched the calendar for his chance. On January 5, 1891, before a friendly presiding officer, Stewart moved to displace the Lodge bill with a free coinage measure. The silver Republicans sustained him, and at month's end, western senators defeated a final attempt to save the bill.³⁸

Spooner was outraged. "I am too angry to write. . . . We are fallen upon bad times for the party. The Confederacy and the western mining camps are in legislative supremacy. Think of it—Nevada, barely a respectable county, furnished two senators to betray the Republican party and the rights of the citizenship for silver. . . . We are punished for making too easy the pathway of rotten boroughs into the Union." One of Sherman's correspondents saw the debacle's real significance: "This is but another sign that *the inevitable is coming*, and that the people are more

interested in money matters than in election bills."³⁹

Stewart's free coinage issue tied the Senate in even more knots than had the election bill. A renewed economic depression and a steady drop in the price of silver had strengthened the agitation of the inflationists. A proposed program for the government's increased purchase of silver had been sent to the House by the Secretary of the Treasury and passed, but the Senate silverites were not quite satisfied. Silver's champions held the balance of power in the upper house, and were prepared to scuttle any measure, as they had the election bill, to prove their strength.

The movement for free coinage of silver was more than an effort by "Bonanza Kings," as the senators from the west were called, to raise the price of the metal they mined. It was far more widespread, embracing farmers, whose income was dwindling, and others feeling displaced by increasing industrialization. There was no easy political solution, but silverites were determined to keep the Senate in session until a measure, good or ill, that they favored was passed. Congressional tempers mounted and public patience grew thin. But it was clear that silver was the key—no other bill could pass the Senate before its adherents were satisfied. Powerful men attended quiet conferences, leaving the floor to those who liked debate. Sherman, Allison, Aldrich, and Platt all preferred reason and persuasion. The silverites were holding the tariff hostage and they were determined to liberate it. Sherman recalled the words of Mark Hanna, a powerful Ohio Republican: "Pass the McKinley tariff and a conservative silver bill and we are all right this fall."

The resulting Sherman Act required the treasury to buy 4 million ounces of silver a month—the estimated American production—at market value. Treasury notes issued in payment were redeemable "in coin." The law did not threaten the gold standard for the moment, but laid up future trouble with the word "coin." Most silverites accepted the compromise. As Senator Henry Teller of Colorado said, they would take "the next best thing" to free coinage. When the news reached Stewart, he cried, "Good! and good will be the verdict of the country."⁴⁰

You might think that, with the Sherman Silver Bill, the Force Bill, and the tariff debates, the Congress had done more than enough for one session and could go home. But such was not the case. Exhausted senators still had to face an antitrust crusade before they rested.

Throughout the country, public indignation had been growing against the monopolistic power of industry,

stemming from the development, under finance capitalism, of pools, holding companies, and trusts that controlled various commodities. Many states had tried to cope with the trusts, but their laws were generally powerless since they could not deal with combinations engaged in interstate commerce.

When Congress convened that winter of 1889, antitrust bills filled the hoppers, with "plenty more in the brains of statesmen seeking popularity." Sherman offered his own first draft to the Senate on December 4. After he wrangled with George Edmunds of Vermont over proper assignment, the measure passed through the Judiciary Committee and under many pencils before facing debate. The final bill declared illegal every "contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce . . ." and prescribed punishment.⁴¹

Harrison signed the measure on June 26, after full congressional debate and newspaper coverage. Its obscure wording impaired its initial effectiveness. And for years, it was used more often against labor unions than industry—quite to the contrary of Sherman's intentions. While it was eventually superseded by new legislation, the Sherman Antitrust Act represented a sincere effort by the Republicans to come to terms with industrial combination.

The 51st Congress was dubbed the "Billion Dollar Congress," slightly more than that sum having been appropriated for pensions, subsidies, and "pork barrel" bills. House Speaker Reed dismissed the criticism of appalled citizens with the explanation that "this is a billion-dollar country," but that fall, the Republicans—despite their unusually productive record—suffered a stunning defeat in the congressional elections. While the Senate remained in the Republican column, the GOP lost nearly 100 seats in the House, putting it in Democratic hands. The McKinley tariff, the heavy spending, and the agitation for the Federal Election Bill were all blamed.

The division between the two houses in the 52nd Congress during Harrison's last two years in office resulted in the passage of little significant legislation. The Republican Senate did not trouble to initiate measures certain to be defeated in the lower chamber; the latter contented itself with passing a few "pop gun" tariff reductions, equally certain to be defeated in the Senate.

The Republicans in 1892 renominated Harrison and the Democrats renominated Cleveland. Also in the field this time was the new People's Party, usually referred to as the "Populists," with a platform that demanded free silver at a 16 to 1 ratio, an income tax, anti-alien land laws, and government

ownership of railroads, telegraphs, and telephones. In the campaign, the Democrats made capital of the recent labor disturbances and the McKinley tariff, which not only was keeping prices high for consumers in the hard times, but was causing a decline in federal revenues from imports. At the same time, Cleveland, a strong advocate of the gold standard, gained support from eastern bankers and industrialists by campaigning against the Sherman Silver Purchase Act, which was increasing the circulation of redeemable paper currency and causing a dangerous drain on the federal reserve. On election day, the Democrats came back into power, even winning the Senate. The Populists polled a surprising one million votes. For the first time since 1859, the Democratic party controlled the White House and both branches of Congress.

Mr. President, on that happy note, I shall end here for today, leaving the Democrats in their moment of triumph. With the House, Senate, and White House all in their hands, the future looked rosy and promised the opportunity to make sweeping changes. But, as we shall see in my next address, the rosy glow quickly faded and the sunny skies turned threatening as economic catastrophe intervened.

Mr. President, I ask unanimous consent to have printed in the RECORD my notes to "The Senate, 1884-1892: Watershed Years."

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

NOTES TO "THE SENATE, 1884-1892:
WATERSHED YEARS"

¹ Harold Faulkner. *Politics, Reform, and Expansion: 1890-1900* (New York, 1959), p. ix.

² John Garraty. *The New Commonwealth: 1877-1890* (New York, 1968), p. 287-288; P. H. Buck, *The Road to Reunion* (New York, 1937), pp. 280-283, 256-258.

³ Faulkner, p. x.

⁴ Garraty, p. 283-284; Gall Hamilton, *Biography of James G. Blaine* (Norwich, 1895), pp. 618, 624; D. S. Muzzey, *James G. Blaine: A Political Idol of Other Days* (New York, 1934), pp. 252-254, 285-286; Alvin Josephy, Jr. *The Congress of the United States* (New York, 1975), p. 276.

⁵ Mathew Josephson. *The Politicos: 1865-1896* (New York, 1938), p. 358-359.

⁶ Ernest Bates. *The Story of Congress: 1789-1935* (New York, 1936), pp. 294-295.

⁷ *Ibid.*

⁸ *Congressional Record*, 49th Congress, 1st sess., pp. 180-182, 214-225, 248-252, 664-680, 684-695.

⁹ Bates, p. 295.

¹⁰ William Safire, *Safire's Political Dictionary* (New York, 1968), p. 553.

¹¹ Bates, p. 296.

¹² Josephy, pp. 276-277.

¹³ John Lambert. *Arthur Pue Gorman* (Baton Rouge, 1953), pp. 129-130; Garraty, p. 117.

¹⁴ Josephy, p. 277.

¹⁵ Shelby Cullom. *Fifty Years of Public Service* (Chicago, 1911), p. 315-323.

¹⁶ Josephy, p. 277.

¹⁷ Faulkner, pp. 3, 8-9; Josephy, p. 277; J. P. Kinney. *A Continent Lost—A Civilization Won* (Baltimore, 1937), pp. 214-248; L. B. Priest. *Uncle Sam's Stepchildren* (New Brunswick, 1942), pp. 248-252.

¹⁸ Josephson, pp. 396-397; Nevins, pp. 368-380.

¹⁹ Josephy, p. 278.

²⁰ Bates, 298; *New York Tribune*, December 8, 1887.

²¹ H. Wayne Morgan. *From Hayes to McKinley* (Syracuse, 1969), chapter VII; Josephson, chapter xi.

²² Josephy, p. 279.

²³ Morgan, p. 289.

²⁴ Morgan, p. 284.

²⁵ Bates, p. 300.

²⁶ Morgan, p. 319.

²⁷ Josephy, p. 279.

²⁸ Morgan, p. 333; Josephy, p. 279; William Robinson. *Thomas B. Reed* (New York, 1930).

²⁹ Morgan, pp. 335-336; Josephson, pp. 448-449; Josephy, p. 279; Robinson.

³⁰ Morgan, p. 336.

³¹ Morgan, p. 349; Nathaniel Stephenson. *Nelson W. Aldrich* (New York, 1930), pp. 9, 24, 29, 31, 32, 41.

³² Muzzey, p. 445; Morgan, p. 350.

³³ H. Wayne Morgan. "Western Silver and the Tariff of 1890," *New Mexico Historical Review*, (April, 1960), pp. 118-128.

³⁴ Morgan, p. 352.

³⁵ *Ibid.*

³⁶ *Ibid.*, p. 339.

³⁷ Lambert, chapter VII; Morgan, pp. 341-342; Dorothy Fowler. *John Coll Spooner* (New York, 1961), p. 138; Louis Coolidge. *An Old Fashioned Senator: Orville Platt* (New York, 1910), pp. 232-234.

³⁸ Morgan, p. 342.

³⁹ *Ibid.*

⁴⁰ *Ibid.*, pp. 342-345.

⁴¹ *New York Sun*, February 23, 1890; Faulkner, pp. 99-102.

⁴² Morgan, p. 342.

⁴³ *Ibid.*

⁴⁴ *Ibid.*, pp. 342-345.

⁴⁵ *New York Sun*, February 23, 1890; Faulkner, pp. 99-102.

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

CONCLUSION OF MORNING
BUSINESS

The PRESIDING OFFICER. The time for morning business is concluded.

AUTHORIZATION FOR FURTHER
U.S. PARTICIPATION IN MULTI-
NATIONAL PEACEKEEPING
FORCE IN LEBANON

The PRESIDING OFFICER. The clerk will state Senate Joint Resolution 159.

The assistant legislative clerk read as follows:

A Senate Joint Resolution (S.J. Res. 159) to authorize the further participation of U.S. Armed Forces in the multinational peacekeeping force in Lebanon (together with minority and supplemental views).

Mr. BAKER. Now, Mr. President, this is the war powers resolution, and under the act it becomes the pending business when filed. It was filed this moment. There are 3 calendar days of debate. May I inquire of the Chair, is that interpreted to mean 72 hours of debate?

The PRESIDING OFFICER (Mr. WILSON). Yes; it is.

Mr. BAKER. Am I correct also, may I ask the Chair, that that 72 hours is to be divided equally between the proponents and opponents?

The PRESIDING OFFICER. That is correct.

Mr. BAKER. Is there, may I further ask the Chair, a designation of how that time is controlled and by whom?

The PRESIDING OFFICER. There is not an agreement that designates the division of time.

Mr. BAKER. Very well. For the time being, Mr. President, I assume that the amount of time that is used by the majority and minority leader or the two managers would be interpreted to be for the proponents and opponents for the purposes of recordkeeping?

The PRESIDING OFFICER. That is correct.

Mr. BAKER. I thank the Chair.

Mr. President, I will say for the benefit of Senators that an effort is being made to arrive at a unanimous-consent request to regularize this proceeding and to render it certain, but for the time being we will proceed on this basis.

Mr. President, first I think it would be appropriate to spread of record both the resolution and the report, and I ask unanimous consent that the resolution and report be printed at this point in the RECORD.

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

Mr. BAKER. Mr. President, I amend my request so that it would be the resolution and pertinent excerpts of the report.

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

SHORT TITLE

SECTION 1. This joint resolution may be cited as the "Multinational Force in Lebanon Resolution".

FINDINGS AND PURPOSE

SEC. 2.(a) The Congress finds that—

(1) the removal of all foreign forces from Lebanon is an essential United States foreign policy objective in the Middle East.

(2) in order to restore full control by the Government of Lebanon over its own territory, the United States is currently participating in the multinational peacekeeping force (hereafter in this resolution referred to as the "Multinational Force in Lebanon") which was established in accordance with the exchange of letters between the Governments of the United States and Lebanon dated September 25, 1982;

(3) the Multinational Force in Lebanon better enables the Government of Lebanon to establish its unity, independence, and territorial integrity;

(4) progress toward national political reconciliation in Lebanon is necessary; and

(5) United States Armed Forces participating in the Multinational Force in Lebanon are now in hostilities requiring authorization of their continued presence under the War Powers Resolution.

(b) The Congress determines that the requirements of section 4(a)(1) of the War Powers Resolution became operative on August 29, 1983. Consistent with section 5(b) of the War Powers Resolution, the purpose of this joint resolution is to authorize the continued participation of United States Armed Forces in the Multinational Force in Lebanon.

(c) The Congress intends this joint resolution to constitute the necessary specific statutory authorization under the War Powers Resolution for continued participation by United States Armed Forces in the Multinational Force in Lebanon.

AUTHORIZATION FOR CONTINUED PARTICIPATION OF UNITED STATES ARMED FORCES IN THE MULTINATIONAL FORCE IN LEBANON

SEC. 3. The President is authorized, for purposes of section 5(b) of the War Powers Resolution, to continue participation by United States Armed Forces in the Multinational Force in Lebanon, subject to the provisions of section 6 of this joint resolution. Such participation shall be limited to performance of the functions, and shall be subject to the limitations, specified in the agreement establishing the Multinational Force in Lebanon as set forth in the exchange of letters between the Governments of the United States and Lebanon dated September 25, 1982, except that this shall not preclude such protective measures as may be necessary to ensure the safety of the Multinational Force in Lebanon.

REPORTS TO THE CONGRESS

SEC. 4. As required by section 4(c) of the War Powers Resolution, the President shall report periodically to the Congress with respect to the situation in Lebanon, but in no event shall he report less often than once every three months. In addition to providing the information required by that section of the status, scope, and duration of hostilities involving United States Armed Forces, such reports shall describe in detail—

(1) the activities being performed by the Multinational Force in Lebanon;

(2) the present composition of the Multinational Force in Lebanon, including a description of the responsibilities and deployment of the armed forces of each participating country;

(3) the results of efforts to reduce and eventually eliminate the Multinational Force in Lebanon;

(4) how continued United States participation in the Multinational Force in Lebanon is advancing United States foreign policy interests in the Middle East; and

(5) what progress has occurred toward national political reconciliation among all Lebanon groups.

STATEMENTS OF POLICY

SEC. 5. (a) The Congress declares that the participation of the armed forces of other countries in the Multinational Force in Lebanon is essential to maintain the international character of the peacekeeping function in Lebanon.

(b) The Congress believes that it should continue to be the policy of the United States to promote continuing discussions with Israel, Syria, and Lebanon with the objective of bringing about the withdrawal of all foreign troops from Lebanon and establishing an environment which will permit the Lebanese Armed Forces to carry out their responsibilities in the Beirut area.

(c) It is the sense of the Congress that, not later than one year after the date of enactment of this joint resolution and at least once a year thereafter, the United States should discuss with the other members of the Security Council of the United Nations the establishment of a United Nations peacekeeping force to assume the responsibilities of the Multinational Force in Lebanon. An analysis of the implications of the response to such discussions for the continuation of the Multinational Force in Lebanon shall be included in the reports required under paragraph (3) of section 4 of this resolution.

DURATION OF AUTHORIZATION FOR UNITED STATES PARTICIPATION IN THE MULTINATIONAL FORCE IN LEBANON

SEC. 6. The participation of United States Armed Forces in the Multinational Force in Lebanon shall be authorized for purposes of the War Powers Resolution until the end of the eighteen-month period beginning on the date of enactment of this resolution unless the Congress extends such authorization, except that such authorization shall terminate sooner upon the occurrence of any one of the following:

(1) the withdrawal of all foreign forces from Lebanon, unless the President determines and certifies to the Congress that continued United States Armed Forces participation in the Multinational Force in Lebanon is required after such withdrawal in order to accomplish the purposes specified in the September 25, 1982, exchange of letters providing for the establishment of the Multinational Force in Lebanon; or

(2) the assumption by the United Nations or the Government of Lebanon of the responsibilities of the Multinational Force in Lebanon; or

(3) the implementation of other effective security arrangements in the area.

INTERPRETATION OF THIS RESOLUTION

SEC. 7. (a) Nothing in this joint resolution shall preclude the President from withdrawing United States Armed Forces participation in the Multinational Force in Lebanon if circumstances warrant, and nothing in this joint resolution shall preclude the Congress by joint resolution from directing such a withdrawal.

(b) Nothing in this joint resolution modifies, limits, or supersedes any provision of the War Powers Resolution or the requirement of section 4(a) of the Lebanon Emergency Assistance Act of 1983, relating to congressional authorization for any substantial expansion in the number or role of United States Armed Forces in Lebanon.

CONGRESSIONAL PRIORITY PROCEDURES FOR AMENDMENTS

SEC. 8. (a) Any joint resolution or bill introduced to amend or repeal this act shall be referred to the Committee on Foreign Affairs of the House of Representatives or the Committee on Foreign Relations of the Senate, as the case may be. Such joint resolution or bill shall be considered by such committee within fifteen calendar days and may be reported out, together with its recommendations, unless such House shall otherwise determine by the yeas and nays.

(b) Any joint resolution or bill so reported shall become the pending business of the House in question (in the case of the Senate the time for debate shall be equally divided between the proponents and the opponents) and shall be voted on within three calendar days thereafter, unless such House shall otherwise determine by the yeas and nays.

(c) Such a joint resolution or bill passed by one House shall be referred to the committee of the other House named in subsection (1) and shall be reported out by such committee together with its recommendations within fifteen calendar days and shall thereupon become the pending business of such House and shall be voted upon within three calendar days, unless such House shall otherwise determine by the yeas and nays.

(d) In the case of any disagreement between the two Houses of Congress with respect to a joint resolution or bill passed by both Houses, conferees shall be promptly appointed and the committee of conference

shall make and file a report with respect to such joint resolution within six calendar days after the legislation is referred to the committee of conference. Notwithstanding any rule in either House concerning the printing of conference reports in the Record or concerning any delay in the consideration of such reports, such report shall be acted on by both Houses not later than six calendar days after the conference report is filed. In the event the conferees are unable to agree within 48 hours, they shall report back to their respective Houses in disagreement.

Amend the title so as to read:

Joint resolution providing statutory authorization under the War Powers Resolution for continued United States participation in the multinational peacekeeping force in Lebanon in order to obtain withdrawal of all foreign forces from Lebanon.

CALENDAR NO. 405—REPORT NO. 242, TOGETHER WITH MINORITY AND SUPPLEMENTAL VIEWS

[To accompany S.J. Res. 159]

The Committee on Foreign Relations, to which was referred the joint resolution (S.J. Res. 159) having considered the same, reports favorably thereon with amendments and recommends that the joint resolution as amended do pass.

PURPOSE

The purpose of this joint resolution is to authorize the continued participation of United States Armed Forces in the Multinational Force in Lebanon by making the determination called for in Section 4(a)(1) of the War Powers Resolution of 1973 and providing the specific statutory authorization required by Section 5(b) of that Resolution.

BACKGROUND

The Administration decided in August 1982, to send a contingent of U.S. Marines to Beirut as part of a multinational force to help facilitate the PLO's evacuation from the Lebanese capital. On August 20, 1982, following consultations with President Reagan on the use of U.S. forces in such a role, Senators Percy and Pell wrote to the President, recommending that he report this deployment under Section 4(a)(1) of the War Powers Resolution. On August 21, 800 French troops arrived, the first contingent of the Multinational Forces (MNF), and on August 25, 800 U.S. Marines landed in Beirut. President Reagan reported to the Congress "consistent with the War Powers Resolution" but stated the Marines would not be in a hostile situation and would be withdrawn within 30 days. On September 1, President Reagan announced his Middle East Peace initiative. On September 11, the Marines were withdrawn.

On September 16, President Bashir Gemayal of Lebanon was assassinated, and on September 16-18, a massacre took place at the Sabra and Shatila Palestinian refugee camps. President Reagan announced on September 21 that U.S. Marines would return to Lebanon as part of an international force. On September 24, Senators Percy and Pell again wrote to the President recommending that the reintroduction of U.S. troops be reported under Section 4(a)(1). On September 29, U.S. Marines took over the Beirut airport area and President Reagan submitted a report "consistent with the War Powers Resolution" but insisting that the marines were "not expected to become engaged in hostilities." On December 15, 1982, 14 Committee Members wrote to the Presi-

dent to say they "would expect Congress to be involved at the earliest possible stage . . . and that formal Congressional authorization would be sought before undertaking long-term or expanded commitments or extending indefinitely the present level of operations."

On March 1, 1983, Senator Percy introduced the Lebanon Emergency Assistance Act to provide \$100 million in military aid loans and \$150 million in economic aid to Lebanon. The Committee reported that bill on May 5 with a requirement that Congress authorize "any substantial change in the number or role of United States Armed Forces in Lebanon." On May 17, Israel and Lebanon signed the Israeli withdrawal agreement. On May 20, the Senate passed the Committee's bill. The House passed it on June 1 in a slightly modified form, and President Reagan signed it into law on June 27.

In mid-August of this year, fighting broke out between Lebanese Army units and Moslem militia men in South and West Beirut and on August 28, U.S. Marines at the Beirut airport came under fire for the first time. They returned fire, but there were no Marine casualties. However, on August 29, 2 U.S. Marines died and 14 were wounded by hostile shelling. The Marines returned fire, including the use of a helicopter gunship. On August 31, the Senate received a report from President Reagan "consistent with Section 4 of the War Powers Resolution," explaining the circumstances of the Marine casualties but expressing the view that the danger to U.S. forces would be temporary.

On September 3, Israel began its re-deployment to the Awali River. On September 4, heavy fighting broke out between Druze and Christian militia for control of the Chouf. President Reagan told Congressional leaders that the United States had no plans to commit additional troops. On September 6, two more U.S. Marines were killed and two wounded during shelling of the Beirut airport. On September 8, U.S. Navy ships were used to fire back at guns shelling Marine positions.

On September 12, Senator Mathias introduced S.J. Resolution 159, triggering the expedited procedures of Section 6 of the War Powers Resolution. On September 13, following heavy attacks by Druze, Syrian and Palestinian forces on strategic heights overlooking Beirut, the White House said the Marines are now authorized to call on naval and air power not only to defend themselves directly but also to aid other MNF forces and the Lebanese Army in certain circumstances. On September 14, Senator Byrd introduced S.J. Resolution 163, making a congressional determination that Section 4(a)(1) of the War Powers Resolution applied to the situation in Lebanon. On September 19, U.S. navy ships fired several hundred shells to help the Lebanese Army beat back attacks on Suq al Gharb, a mountain village on a strategic ridge near Beirut. On September 20, following negotiations with the White House and House Leaders, Senators Baker and Percy introduced S.J. Resolution 166. A companion measure was introduced in the House.

COMMITTEE ACTION

Following the reconvening of the Senate, the Committee held a hearing on September 13 to discuss the situation in Lebanon with officials of the Administration. Assistant Secretary of State Nicholas Vellotes, State Department Legal Advisor Davis Robinson, Director of Political-Military Affairs

Jonathan Howe, and Marine Commandant Paul X. Kelly testified before the Committee. On September 21, Secretary of State George Shultz and General Kelly appeared at a second Committee hearing to review the situation in Lebanon and to hear the position of the Reagan Administration with respect to the several resolutions pending before the Committee.

On September 23, the Committee met to consider the pending resolutions on Lebanon and the War Powers Resolution: S.J. Res. 159, offered by Senator Mathias, S.J. Res. 163, offered by Senator Byrd, and S.J. Res. 166, offered by Senator Baker. Prior to voting, Senator Pell requested that Senator Byrd's resolution not be voted on by the Committee at that time.

Senator Mathias' resolution, S.J. Res. 159, was the first order of business. He offered two amendments to his own resolution, one dealing with more frequent reporting requirements and one concerning expedited procedures for future resolutions related to authorizations within the War Powers Resolution framework. Both were adopted by voice vote. Senator Baker then offered his resolution, S.J. Res. 166—modified to include the two Mathias amendments just referred to—as a complete substitute to the Mathias language. Senator Cranston then offered an amendment which would have displaced the Baker proposal. The Cranston proposal would have limited the joint resolution to a simple declaration that the conditions described in Sections 4(a)(1), 4(a)(2), and 4(a)(3) of the War Powers Resolution are now in effect. The Cranston amendment was defeated by a vote to 9 to 7. Senators voting for the Cranston amendment were Pell, Biden, Glenn, Sarbanes, Zorinsky, Cranston, and Dodd. Senators voting against the amendment were Percy, Baker, Helms, Lugar, Mathias, Kassebaum, Boschwitz, Pressler, and Murkowski. Senator Baker's amendment was then adopted by the reverse vote of 9 to 7.

Senator Pell then offered an amendment to reduce the duration of the authorization from 18 months to 6 months. That amendment was adopted by a vote of 9 to 8, with the following Senators voting in the affirmative: Mathias, Pell, Biden, Glenn, Sarbanes, Zorinsky, Tsongas, Cranston, and Dodd. Senators voting in the negative were Percy, Baker, Helms, Lugar, Kassebaum, Boschwitz, Pressler, and Murkowski. After some discussion, Senator Mathias joined with those voting against the Pell amendment in voting for a motion to reconsider that amendment. With the exception of Senator Mathias, those Senators who had voted for the Pell amendment now voted against the motion. The vote was 9 to 8. On reconsideration, the Pell amendment was then defeated by a voice vote.

The Committee then ordered S.J. Res. 159, as amended by the modified text of S.J. Res. 166, reported favorably to the Senate at the opening of the Senate on Monday, September 26, when, in accordance with the requirements of Section 6 of the War Powers Resolution, it becomes the pending business before the Senate and must be voted on within three calendar days. This report contains the recommendations of the Committee on that resolution, as required by law.

COMMITTEE COMMENTS

United States policy in Lebanon

American objectives.—The Committee believes that Lebanon cannot be isolated from the wider issues of peace and security in the

Middle East. The Committee concurs in Secretary Shultz's assessment that "progress toward a peaceful solution in Lebanon will contribute to the broader peace process; setbacks in Lebanon will make the broader effort that much harder."

In the Committee debate, Senator Boschwitz emphasized that the Administration had articulated consistent policy objectives in Lebanon ever since the Marines were first deployed to Beirut in August 1982. In a letter to the Congress on August 24, President Reagan stated that the deployment of the Marines would not in itself resolve the problems of Lebanon. Nevertheless, the Marines would improve the prospects for realizing our objectives in Lebanon: a permanent cessation of hostilities; establishment of a strong, representative central government; withdrawal of all foreign forces; restoration of control by the Lebanese Government throughout the country; and establishment of conditions under which Lebanon no longer can be used as a launching point for attacks against Israel.

These objectives remain the basis of our policy in Lebanon as outlined by Secretary Shultz before the Foreign Relations Committee on September 21, 1983. Similar objectives are cited in the resolution reported out by the Committee.

The Committee notes that a number of steps are being taken to attain these broad policy objectives. American participation in the multinational force is only one of these. Diplomacy remains the principal component, and the diplomatic efforts are supported by the peacekeeping efforts of the Multinational Force. While progress has not been as rapid as hoped for during the past year, important steps have been taken. In May, the Government of Israel and Lebanon with the assistance of the United States reached agreement on the withdrawal of Israeli forces from Lebanon. Unfortunately, Syria has not been willing to discuss the withdrawal of its forces despite a formal request from the Government of Lebanon. The Lebanese Government, with our support, also has requested the Arab League to arrange the withdrawal of the Syrians, and is working with moderate Arab countries to achieve that objective. There appears to be a false impression that little is being done on the Lebanese political front.

However, as Senator Boschwitz pointed out, with American encouragement, the Government of President Gemayal has begun the process of reconciliation with dissident segments of the population. On August 31 President Gemayal, with his multiconfessional cabinet, issued an appeal to key supporters and opponents to join in a dialogue on national reconciliation and unity. Although the initial appeal was rejected and the Syrians blocked the participation of some top Muslim political leaders, American Ambassador McFarlane and others are still pressing efforts to reach an agreement.

The Committee supports these attempts and believes the Government of Lebanon must represent fairly all communal and ethnic groups. Injustice and privilege must be eliminated, and security concerns alleviated if the Lebanese will ever reassert national sovereignty.

The Committee also supports efforts to rebuild national institutions which were fractured by eight years of civil conflict and foreign occupation. Foremost of these institutions is a truly national army. Much progress has been made in a relatively short period of time. Significant American aid has

helped finance equipment for a mechanized brigade and American personnel have helped train several brigades. As a consequence, the Lebanese Army, which is divided almost evenly between Christians and Muslims, has performed well in recent difficult circumstances. When armed gunmen seized control of the streets of Beirut several weeks ago, for the first time in a decade the Lebanese Army was able to reassert its control over the city. In the mountains, the Lebanese Army has faced a force composed of Palestinians, Syrians, Iranians and Lebanese Druze. The Lebanese Army again has performed well. The Committee recognizes the difficulty of rebuilding a national Army in such a fragmented society and has no illusion that the task will be easily accomplished. The MNF provides important symbolic and other support for this task.

The role of the marines.—The Multinational Force, which includes a contingent of U.S. Marines, is another vehicle for implementing our broader policy objectives in Lebanon. The Committee agrees with Secretary Shultz's assurances that "it is not the mission of our Marines, or of the MNF as a whole, to maintain the military balance in Lebanon by themselves . . . They are an important deterrent, a symbol of the international backing behind the legitimate Government of Lebanon . . ."

The Committee understands that the role of the Marines is limited. The authorization of the presence of the Marines does not remove previous limitations on their deployment. Marine activities are restricted to the "Beirut area" and the number of Marine combat troops based onshore will remain approximately 1,200. The Resolution specifically states that it does not modify Section 4 of the Lebanese Emergency Assistance Act of 1983 which require congressional authorization for any substantial expansion in the number or role of the U.S. peacekeeping forces.

18-Month authorization.—The Committee voted to authorize the continued presence of U.S. forces for an additional 18 months rather than for a shorter period of 6 months. The debate centered on three issues: (1) would the shorter period place the Marines in a more dangerous position; (2) how would American policy objectives be affected by the shorter period; and (3) how would the congressional prerogatives be affected by a longer period.

The Executive Branch opposed any reference to a specific time period. The 18-month period was part of a compromise reached by the Majority Leadership of the Senate and House with the Executive Branch.

A strong concern was expressed that the compromise might fall apart if Congress imposed a shorter period. This concern prevailed in the Committee's deliberations. Senator Mathias observed that "we are dealing with a very delicate process here." The Senator expressed concern that the broad principles of the War Powers compromise might be abandoned and not reach the floor if the shorter 6-month period was adopted by the Committee. Senator Mathias, who indicated his support for a 6-month period, nevertheless said he felt the issue should be ultimately resolved on the Floor.

During the Committee's hearings and debate, witnesses and Members expressed fears that a shorter time period could result in increased hostile fire on the Marines and complicate the efforts to negotiate a cease-fire and political settlement.

Marine Corps Commandant Paul X. Kelley testified to the Committee on Sep-

tember 13 that a short time limit might stimulate more attacks on the Marines in an effort to encourage a public outcry for their withdrawal. He commented that "I am concerned that we could impose what could prove to be a dangerous time constraint that would be misread by our potential adversaries * * *. It would encourage hostile forces or forces inimical to the best interests, the life and limb of Marines. It would encourage them to be more provocative in an attempt to arouse public sentiment * * *. There still is a possibility that hostile forces would use this as an opportunity to up the ante against our Marines."

A great deal of concern was also expressed about how a short time period would be interpreted in the Middle East, especially in Damascus. The Syrians are aiding the Druze, who have been shelling Marine positions. Senator Percy said a 6-month time limit "might send a false signal which might encourage and place great incentive on the part of the Syrians to make attacks." Members warned that attacks might be increased in an effort to alter American opinions in advance of another debate over the extension of the forces 6 months from now.

A short time period also might encourage the anti-government forces to drag their feet in negotiations. The United States has been prodding the government of Amin Gemayal to take part in talks aimed at forming a broader government of conciliation. President Gemayal recently issued a call for such a conference. But the Syrians have been blocking these efforts, even vetoing the proposed participation of the Lebanese Prime Minister and Speaker of the House, both Muslims. Many believe the Syrians are stalling for time, hoping that continued military pressure on the Lebanese Army and on the Multinational Force will result in the military collapse of the former and the withdrawal of the latter.

Assistant Secretary of State Nicholas Veliotes described the diplomatic problem in the September 13 hearing, saying, "There would be no incentive on the part of those who oppose our policy in Lebanon to seek anything other than a series of violent confrontations, thinking to wait for the time limit and then influence American opinion in the Congress. We think that a six-month authorization would be a grave error."

By contrast, approval of an 18-month time period shows that the United States is willing to exercise patience as well as diplomacy, to give the peacekeeping efforts and negotiations a chance. Secretary of State Shultz testified of September 21 that "the 18-month period seemed like along enough period so that you had some room for maneuver, and it had the effect of allowing people who were concerned both on the Congressional side of this constitutional issue and the Presidential side both to keep their principles intact."

None of the Members of the Committee expects that the problems in Lebanon will be solved quickly or easily. But it is the view of the majority that a 6-month time period would reduce prospects for success even further.

In acting on the Resolution, the Committee also approved two amendments by Senator Mathias which provide Congress with additional check reins. Congress will receive reports from the Administration every 3 months on the current situation. More important, from the procedural view, the Resolution was amended to ensure that in the event a resolution to repeal the authorization is reported by this committee or the

House Foreign Affairs Committee, it will be considered in each House under expedited procedures. This combined approach of the 18-month authorization and the procedural amendments should help serve the peace-keeping and diplomatic efforts and the institutional requirements of both branches of governments.

WAR POWERS

Applicability of the War Powers Resolution

(1) *Actual or imminent hostilities.*—Section 2(b) of this Resolution includes a Congressional determination that actual or imminent hostilities involving U.S. Armed Forces clearly came into being on August 29, 1983.

The President's report to Congress describes the circumstances surrounding the heavy exchanges of fire on that date:

On August 29, sporadic fighting between Lebanese Armed Forces and various armed factions took place in South Beirut; from time to time during the course of this fighting, positions in the vicinity of the Beirut airport manned by U.S. Marines of the MNF came under small arms fire (without injury to U.S. personnel), and this fire was returned. On August 29, fighting erupted again. Marine positions came under mortar, rocket, and small-arms fire, with the result that two Marines were killed and fourteen wounded. In addition, several artillery rounds fell near the USS *Iwo Jima* (an amphibious support vessel lying offshore), with no resulting damage or injuries. As contemplated by their rules of engagement, U.S. Marines returned fire with artillery, small arms, and in one instance, rocket fire from a helicopter gunship. There were additional exchanges of fire earlier today, August 30, without injury to U.S. personnel.

Such exchanges have continued, with additional casualties and fatalities, until the present. Naval gunfire support on specific locations has been carried out in an effort to protect our forces on the ground. In addition, tactical air support and reconnaissance has been authorized. Although there have been continuing efforts to arrange a cease-fire and to achieve a broader, more permanent arrangement which would reduce the occurrence or imminence of hostilities, there is no immediate indication that this situation will soon change significantly. Therefore, the hostile situation has been a continuing one.

In enacting the War Powers Resolution in 1973, Congress made little effort to go beyond the "plain meaning" of key terms "hostilities" and "situations where imminent involvement in hostilities is clearly indicated by the circumstances." These terms originated in the early Senate versions of the Resolution and prompted little subsequent discussion. The House Foreign Affairs Committee later substituted them for its original phrase, "armed conflict," because the term "hostilities" was considered "somewhat broader in scope." "In addition to a situation in which fighting actually has begun," the Committee wrote, "hostilities also encompasses a state of confrontation in which no shots have been fired but where there is a clear and present danger of armed conflict."

In short, the exchange of fire with hostile forces would indicate an outbreak of hostilities, and a high probability of such exchanges would suggest "imminent involvement." Brief, non-recurring situations such as occasional sniper fire would not suggest the continuing dangers associated with an ongoing set of hostile circumstances.

Arguments have been made, that a hostile situation was not indicated by the present circumstances because the Marines:

- (a) Only returned rather than initiated fire;
- (b) Acted only in self-defense;
- (c) Remained essentially in one location, rather than taking offensive actions;
- (d) Performed a mission of "peacekeeping," "presence," or "interposition".

However, there is nothing in the legislative history of the War Powers Act to indicate that any of these considerations would alter the fact that "hostilities" are indicated. For the same reason, it is not conclusive that an area commander may have decided, as in the present situation, to make his men eligible for "hostile fire pay." Nor is it necessary or sufficient that fatalities occur in order to conclude that hostilities are involved.

(2) *Need for authorization or extension.*—The requirements of Section 5(b) of the War Powers Resolution speak for themselves:

(b) Within 60 calendar days after a report is submitted or is required to be submitted pursuant to section 4(a)(1), whichever is earlier, the President shall terminate any use of United States Armed Forces with respect to which such report was submitted (or required to be submitted), unless the Congress (1) has declared war or has enacted a specific authorization for such use of United States Armed Forces, (2) has extended by law such 60-day period, or (3) is physically unable to meet as a result of an armed attack upon the United States. Such 60-day period shall be extended for not more than an additional 30 days if the President determines and certifies to the Congress in writing that unavoidable military necessity respecting the safety of United States Armed Forces requires the continued use of such armed forces in the course of bringing about a prompt removal of such forces.

Two points about this language should be emphasized, however. First, the actual submission of a report by the President is not a prerequisite to the operation of the requirement for an authorization. The language "submitted or is required to be submitted" was obviously intended to cover situations in which the required report is either not submitted at all or is submitted late. In other words, the President does not need to certify that a hostile situation is involved under Section 4 in order to be bound by the requirement for an authorization in Section 5.

Second, the available 30-day extension of the deadline is not simply a matter of Presidential discretion. The President must certify that he is in the course of withdrawing U.S. forces and needs the extra time in order to do so safely because of "unavoidable military necessity."

(3) *Congressional procedures.*—Assuming that hostilities involving U.S. forces can be said to have begun on August 29, the 60-day period began on August 31, since that is when the report would have been due. (It also happens to be the date on which the President's report of August 30 was actually submitted, which is the alternative starting point.) In other words, the War Powers Resolution allows for a 62-day period from the outbreak of hostilities. Counting forward 60 days from August 31 would be October 30.

Under Section 6 of the War Powers Resolution, the Committee Resolution becomes the pending business in the Senate as soon as it is reported, after which the Senate has

up to three calendar days to vote on it. Further procedures are prescribed to assure Committee and floor consideration by the House and a House-Senate Conference prior to the 60-day deadline. The House Foreign Affairs Committee approved a nearly identical resolution on September 22 by a vote of 30 to 6.

To facilitate congressional oversight of this authorization the Committee added two further procedures proposed by Senator Mathias. One provision would require the President to provide detailed reports on the situation of the Multinational Force every 3 months. A second provision assures that resolutions to amend or repeal this authorization shall be considered in Committee within 15 days and, if reported to the Senate, shall receive consideration in both the House and Senate. Such consideration is also assured for changes reported by the House Foreign Affairs Committee.

Constitutional considerations

This is the first time since the enactment of the War Powers Resolution on November 7, 1973, that Congress has faced the task of considering a specific authorization for the involvement of U.S. Armed Forces in hostilities. The text and history of the War Powers Resolution provide little guidance as to how such an authorization should be drafted. The War Powers Resolution was passed to ensure that Congress would have an opportunity to exercise its constitutional responsibilities; the Resolution itself gives little guidance about how it was supposed to do so in any given case.

(1) *Declaration of war analogy.*—One approach is to regard the task of Congress in enacting a specific authorization as similar to its function in declaring war. The power to declare war, of course, is the particular authority and function assigned to Congress in Article I, Section 8 of the Constitution. By this analogy, the role of Congress is to decide the general question of whether a particular commitment of forces to hostilities in a given part of the world is worth the costs and risks expected from it. Once having exercised this broad judgment—and acting as a check upon Presidential excesses—Congress arguably should not seek to limit or direct the activities of the Armed Forces. Such decisions (so the argument might run) were meant to be exercised only by the President as Commander in Chief, under Article II, Section 2. Frustration with the efforts of the Continental Congress to prosecute the Revolutionary War and subsequent conflicts led the drafters of the Constitution to limit Congressional involvement to the power to "declare" rather than to "make" war as originally proposed. Thus, declarations of war have typically been brief, general statements, without time limits or other specific restrictions.

(2) *Legislative limitations.*—A different approach to the drafting of a specific authorization is to enact particular limitations or criteria which circumscribe the scope of the commitment. Such specifications might include the duration, location, size, cost and mission of U.S. deployments, as well as requirements based upon future developments. Presidents have traditionally resisted such constraints as infringements on the Commander in Chief power, but no definitive resolution of such questions has ever been achieved.

Members of Congress are therefore confronted with the need to decide a novel issue regarding the role appropriate of the legislative branch: how far should the Con-

gress go in defining the authority being granted to the President in a situation of hostilities? Is it appropriate for Congress to try to predict, and to protect legislatively against, every foreseeable risk which our forces might encounter in their mission, or to anticipate and define each angle of Presidential flexibility to respond to events? Or is it part of the responsibility which Congress is insisting upon for itself under the Constitution to recognize the inevitable risks and costs of any foreign military involvement—and to accept such risks as part of the decision to approve its initiation or continuation?

Scope of Senate Joint Resolution 159

The authorization recommended by the Committee takes a middle ground on the question of general approval and specific limitations. While confining its terms to the mandate of the Multinational Force and preserving existing statutory provisions relating to "any substantial expansion in the number or role", the resolution recognizes the possible need for "protective measures to ensure the safety of the Multinational Force".

As the Chairman of the Committee, Senator Percy, has argued, any suggestion that the terms of this authorization resemble the Tonkin Gulf Resolution of 1964 or amount to a "blank check" for Presidential actions is simply unfounded. The resolution is limited and specific in a number of respects.

(1) *Duration.*—Attention has focused on the 18-month duration of this proposed authorization, as if time limitations are the only effective measure of statutory restraints. Six months has become the benchmark of those who regard this proposal as a "blank check." In fact, however, any time limit is an arbitrary choice, having little to do with the events in Lebanon or the policy choices involved in maintaining a Multinational Force. If Congress is to decide in the future against further U.S. participation, it could just as easily make such a judgment in 2 months or 10 months.

(2) *Active oversight.*—Whatever the time limits, the test of Congressional responsibility will be the degree to which Congress actively follows the situation in Lebanon and, if necessary, takes steps to adjust this authorization once it is enacted. Senator Mathias offered two amendments in the Committee, both adopted by voice vote, which increase the ability of Congress to play such an active role. His amendment to Section 4 requires the President to report to Congress every 3 months, rather than every 6 months, on the situation in Lebanon and the steps being taken to fulfill the objective of the Multinational Force. His second amendment added a new Section 8 to the resolution, providing for expedited procedures in the consideration of any amendment or repeal of this authorization.

Even with these additions, of course, Congress must follow through in the exercise of its responsibilities through oversight and amendment. Such an approach is far preferable to restrictions which avoid the difficult choices and prevent the possibility of decision through inaction.

(3) *Limited mandate.*—The authorization contained in this resolution is limited to the functions of the Multinational Force in Lebanon. Section 6 of the resolution provides that U.S. participation "shall be subject to the limitation, specified in the agreement establishing the Multinational Force in Lebanon" of September 25, 1982. (See Appendix for text.)

Three principal limitations on the U.S. role are contained in that agreement: the number of U.S. troops will be approximately 1,200, they will operate in the Beirut area in support of the Lebanese Government, and they are not expected to perform a combat mission. According to Marine Commandant Kelley, in his testimony of September 21 before the Committee, the number of Marine personnel actually on the ground in Lebanon has been closer to 1,500, since about 300 support personnel are rotated onshore at any given time. But the size, location, and mission of U.S. forces have not substantially changed, despite the outbreak of active hostilities last month.

(4) *Protective measures.*—The Committee recognizes that performing the role of peacekeeping forces is a new and unfamiliar role, not only for the troops themselves, but for the U.S. Government and the American public as well. Having to stand between hostile forces in the same, sometimes vulnerable locations without taking and maintaining the offensive can be a difficult posture to maintain, particularly for United States Marines. From time to time, U.S. forces must respond to direct attacks or take protective actions for their own defense. The Committee does not believe that such actions necessarily change the role of the U.S. forces, so long as the task of the U.S. forces is not to duplicate or supplant the functions of the Lebanese Armed Forces or to redeploy from the Beirut area, or in other respects to exceed the limited mandate of the Multinational Force or the limitations of the Lebanon Emergency Assistance Act of 1983.

From the outset of the Multinational Force, it has been assumed that the various national contingents are part of a common effort. Therefore, not only do they have the usual right to defend themselves, as recognized in the September 25 agreement, but also a general responsibility to come to each other's assistance when called upon to do so. The resolution therefore acknowledges the possible necessity of actions "to ensure the safety" of other contingents of the Force.

(5) *Limitations on expansion.*—"Any substantial expansion in the number or role in Lebanon of United States Armed Forces" would call into play the provision of Section 4(a) of the Lebanon Emergency Assistance Act, requiring the President to seek authorization for such expansion. That legislation was signed by the President on June 27 of this year. Section 7 of this resolution makes clear that it is not intended to affect that requirement.

However, during the Committee's hearing on September 21 with Secretary of State Shultz, some question arose as to whether the Reagan Administration felt constrained by this provision.

Senator SARBANES. . . . Is it the Administration's position that what they need to do is consult with the Congress, or that they need to obtain an authorization from the Congress, that they could not expand the number or role without a specific Congressional authorization?

Secretary SHULTZ. I think the President, or perhaps any of you if you were President, thinking about your role, your Constitutional role as Commander in Chief, would be very reluctant to tie your hands and say that you could only order U.S. forces to do something or other after the Congress had authorized it.

Senator SARBANES. So it is your position, then, that you could substantially expand them without a Congressional authorization?

Secretary SHULTZ. The constitutional reservation goes to the President's role as Commander in Chief, and therefore to his capacity to be in charge of the deployment of the armed forces of the United States. I have no doubt that he will continue to assert that role.

The Committee is concerned that Secretary of State Shultz seemed reluctant to accept the need for an authorization to expand substantially the number or role of U.S. forces in Lebanon as required by law. That provision was adopted after very careful deliberation by this Committee and on the basis of very clear assurances by the Reagan Administration that it would seek an authorization for that purpose. However, it is true, as the legislative history of this provision clearly reveals, that Congress did not insist upon specific prior authorization for any such expansion in numbers or role. The issue of prior authorization was a principal subject of discussion in the Committee and on the House side. The Administration strongly opposed any such requirement and, in the end, the Congress did not insist upon it. The following statement by Congressman Hamilton during the final debate on June 1 on a House-Senate compromise version of the bill, described the congressional interpretation of this provision:

The requirement for congressional authorization is not meant to impede the performance of the limited functions currently being performed by the U.S. Marines in Beirut or to interfere with their ability to defend themselves if attacked. However, any decision to expand significantly the role in Lebanon of United States Armed Forces would require statutory authorization.

If possible, the President should obtain authorization from the Congress before any significant change is made in the size or role of the U.S. forces in Lebanon. The Congress is aware, however, that in order to promote peace within Lebanon and fulfill international commitments, the deployment of a new or expanded peacekeeping force involving U.S. forces might be necessary prior to final passage of congressional authorization." However, congressional action should be obtained at the earliest possible time. In any case, the Congress expects full consultations by the executive branch with the Congress in a timely fashion should any change be contemplated in the size or role of U.S. forces in Lebanon, including any change in conjunction with the creation of a new peacekeeping force.

In its own final deliberations on this provision, the Committee acted on the basis of assurances contained in an April 20 letter from Deputy Secretary of State Kenneth Dam:

THE DEPUTY SECRETARY OF STATE,
Washington, April 20, 1983.

HON. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations,
U.S. Senate.

DEAR MR. CHAIRMAN: I understand that the House Foreign Affairs Committee has adopted an amendment to the Lebanon supplemental which provides that the President shall obtain statutory authorization from the Congress with respect to the introduction of U.S. Armed Forces into Lebanon in conjunction with agreements for the withdrawal of foreign forces and the creation of a new multinational force. I understand that this language was deliberately drafted so as not to interfere with the President's ability to begin such an introduction, if circumstances urgently require it, while

Congress is considering his request for statutory authorization.

Under these circumstances, the HFAC amendment correctly described what this administration intends to do, is consistent with what we have done in comparable situations in the past (such as the Sinal Multinational Force), and is therefore acceptable to us. *It is our intention to seek authorization from Congress as soon as possible following the completion of the ongoing negotiations, and we trust that Congress and the executive branch would then work expeditiously together with the objective of obtaining such authorization, if at all possible, prior to such new deployments.*

I strongly hope that your committee will not find it necessary to deal with this question in the context of section 4(a)(1) of the war powers resolution. It would be highly premature and unwise, and potentially damaging to the integrity of the resolution, for Congress to prejudge the possible applicability of that section to future arrangements which have not yet been negotiated and future circumstances which cannot yet be predicted. Such an action, which would amount to a public finding that U.S. forces will be exposed to an imminent risk of involvement in hostilities, is in no way a foregone conclusion, and could give entirely the wrong public impression as to what results these negotiations are intended to produce. Surely it would be far preferable for Congress to reserve judgment on this matter (as we will) until it can evaluate the circumstances as they develop, knowing that the provisions of the war powers resolution will, of course, remain available.

I appreciate this opportunity to comment on your committee's work, and hope that we can arrive at a result which accommodates our mutual interests in this matter.

Sincerely,

KENNETH W. DAM.

[Emphasis added.]

The Committee expects that the commitments made the Administration on this point will be kept.

Institutional accommodations

This resolution is the reflection of a delicate compromise, carefully constructed in recognition of the family-held positions of both the legislative and executive branches. However, the Committee believes that the resolution is fully consistent with, and supportive of, the constitutional role of Congress recognized in the War Powers Resolution. As our former colleague Jacob Javits—the principal Senate author of the War Powers Resolution—expressed it in a statement provided to all Members prior to the markup:

The Administration and the Congress have each gained a major point in the proposed compromise on the War Powers Resolution. Congress has established the proposition that it may set the clock running under the resolution even if the President does not trigger it by giving the appropriate notice under the proper section of the resolution when U.S. troops are deployed abroad into hostilities or the imminent threat of them. The President has gained the point that for the situation in Lebanon the authority Congress gives him to continue their involvement must be by joint not concurrent resolution, thereby, requiring the President's signature. This compromise avoids a constitutional crisis at this juncture. Though it may not settle the issue, it is an important step along the way.

MINORITY VIEWS

We strongly oppose the joint resolution on Lebanon sponsored by Senators Baker and Percy and approved in the Foreign Relations Committee by a vote of 9-7. In our judgment, its enactment would constitute (1) a dereliction of Congressional responsibility to uphold the principles and procedures of the War Powers Resolution of 1973; (2) a failure to require of the Administration a clearly articulated and persuasive statement of the mission which U.S. Marines have been deployed in Lebanon to implement; and (3) an 18-month "blank check" under which the Administration could pursue hitherto unspecified military objectives in Lebanon while asserting that it is operating with full Congressional sanction. These gravely serious flaws warrant elaboration:

(1) *Dereliction of congressional responsibility relating to the War Powers Resolution.*—The Baker-Percy language has been presented as a "bipartisan compromise" which, in the interest of avoiding a dispute over "legalisms," would allow Congress and the executive to affirm principles which are in conflict. This would present, it is argued, a united front regarding U.S. policy in Lebanon.

We do not believe that the issues surrounding proper implementation of the War Powers Resolution are mere "legalisms." At issue are constitutional questions of immense gravity. The War Powers Resolution is law, a law passed over President Nixon's veto by overwhelming majorities in both houses. The reservations expressed by the executive branch about the resolution's constitutionality do not diminish or compromise its legal standing. In the absence of a Supreme Court ruling, only Congress can change or nullify that law. But by failing to demand adherence to obligations prescribed in the Resolution, Congress would abdicate its responsibility to uphold the law. In any event, Congress must not concede to the executive branch the contention that the War Powers Resolution is not binding in all of its particulars.

One approach, first proposed by Minority Leader, Byrd and advocated in Committee by Senator Cranston, would have limited any joint resolution to a simple declaration that key provisions of section 4(a) of the War Powers Resolution were triggered by hostilities in Lebanon on August 29, 1983, which resulted in the deaths of 2 Marines. Enactment of such a resolution would not entail a withdrawal of U.S. forces from Lebanon. It would, however, achieve the essential result of affirming unmistakably the applicability of War Powers Resolution procedures, including the requirement for Congressional authorization for the maintenance of U.S. forces in Lebanon beyond 60-90 days. Unfortunately, this proposal was defeated in Committee by a vote of 9-7.

The determined unwillingness of the administration to recognize that the procedures stipulated by the War Powers Resolution are now in fact required became starkly evident during the Secretary of State's testimony before the Committee. Under questioning on September 21 about the relationship between the Baker-Percy resolution and future U.S. actions in Lebanon, Secretary Shultz was assiduously careful to reserve for the Commander in Chief a full range of options—regarding the scope of operations, the number of U.S. forces, and the duration of the involvement—even in disregard if necessary of the War Powers Resolution framework the Baker-Percy resolution

would purportedly impose on the U.S. presence there. Congress cannot ignore what this means. The Administration is prepared to participate in a procedure which would give some appearance of creating a War Powers Resolution framework without really conceding that any such framework exists.

Not only is the War Powers Resolution the law; its applicability to the situation in Lebanon is manifest. Accordingly, we believe strongly that any resolution passed should allow no ambiguity as to whether the procedures set forth in the War Powers Resolution are required. By intentionally side-stepping the issue, the Baker-Percy resolution fails to meet that test.

(2) *The absence of a clearly defined policy.*—The constitutional ambiguity of the Baker-Percy resolution is paralleled by an alarming vagueness concerning the mission of the U.S. forces whose presence in Lebanon the resolution would purport to authorize. One year ago, on August 25, 1982, when U.S. Marines were introduced into Lebanon, their mission was limited and precise: to provide a temporary buffer that would allow the evacuation from Lebanon of elements of the Palestine Liberation Organization within a specified period of time. Shortly thereafter, when the Marines were reintroduced into Lebanon, they were deployed to perform, as part of a Multinational Force, the less precisely-worded mission set forth in the September 25, 1982, exchange of letters between the United States and Lebanese Governments. That agreement did, however, make clear that the U.S. military role would be confined to "the Beirut area" and would preclude involvement in combat.

While citing the September 25 agreement, the Baker-Percy resolution is drafted so as to be susceptible to an extremely broad—almost infinitely elastic—interpretation of the mission associated with the presence of the U.S. forces in Lebanon. The "purposes" cited in Section 2 include "the removal of all foreign forces from Lebanon" and the restoration of "full control by the Government of Lebanon over its own territory." Thus, over the period of 1 year, the stated mission of U.S. forces in Lebanon has expanded from a limited role, the feasibility of which Congress could evaluate, to a role too nebulous for Congress to evaluate and too far-reaching for U.S. military forces alone possibly to accomplish. Consequently, the effect of the resolution is to provide Congressional acquiescence in a policy involving American soldiers in a commitment the scope of which has yet to be defined even by its proponents.

A major advantage of the Byrd-Cranston proposal to invoke section 4(a)(1) of the War Powers Resolution is that it would require the Administration to submit for Congressional evaluation a clear statement of military mission. This the Baker-Percy resolution would not do. It is not an example of any "Vietnam syndrome" to find in that resolution a disturbing similarity to the "Gulf of Tonkin" resolution of 1964 which, being comparably vague and invoking the necessity of protecting American forces, was used by a different Administration to assert that it possessed Congressional support for an Indochina policy which proved to be one of everwidening involvement.

(3) *An 18-month blank check.*—Since we take as serious the Administration's patent unwillingness to be bound by the stipulations of the War Powers Resolution, the duration of the Baker-Percy "authorization" is

technically a moot point. Practically, however, a shorter "authorization" would at least require that Congress face again the issues—constitutional and policy—which Congress faces now but which the Baker-Percy formulation would allow it negligently to defer. Accordingly, we supported—but failed in a 9-8 vote to achieve—the substitution of a 6-month "authorization" period, after which these issues would again necessarily be joined if U.S. forces remain in Lebanon. We reject the argument that a time period shorter than 18 months will endanger the lives of American soldiers by inviting hostile action against them intended to sway U.S. public opinion against a continued U.S. presence. If the Administration had offered a clearly-defined mission in Lebanon for the U.S. Armed Forces and had also acknowledged its legal obligations under the War Powers Resolution, such a limited "authorization" might be unnecessary. But if the Baker-Percy formulation is to be adopted, it should certainly stipulate a duration short enough to require Congress to review soon the crucial questions surrounding the United States involvement in Lebanon. We believe in any case that to pass this resolution would represent a grave abdication of congressional responsibility.

CLAIBORNE PELL.
JOSEPH R. BIDEN, Jr.
JOHN GLENN.
PAUL S. SARBANES, Jr.
EDWARD ZORINSKY.
PAUL TSONGAS.
ALAN CRANSTON.
CHRISTOPHER J. DODD.

SUPPLEMENTAL VIEWS OF SENATOR BIDEN

In concur with the basic arguments against the Baker-Percy resolution expressed in the Minority Views. I want to emphasize, however, that I would not support any authorization for troops in Lebanon of any duration absent much more clearly defined goals and a reasonable prospect of attaining those goals.

JOSEPH R. BIDEN, Jr.

APPENDIX

THE LEBANON EMERGENCY ASSISTANCE ACT OF 1983

SEC. 4. (a) The President shall obtain statutory authorization from the Congress with respect to any substantial expansion in the number or role in Lebanon of United States Armed Forces, including any introduction of United States Armed Forces into Lebanon in conjunction with agreements providing for the withdrawal of all foreign troops from Lebanon and for the creation of a new multinational peacekeeping force in Lebanon.

AGREEMENT BETWEEN THE UNITED STATES AND LEBANON ON UNITED STATES PARTICIPATION IN A MULTINATIONAL FORCE IN BEIRUT EFFECTED BY EXCHANGE OF NOTES AT BEIRUT SEPTEMBER 25, 1982, ENTERED INTO FORCE SEPTEMBER 25, 1982

Beirut, September 25, 1982.

His Excellency FOUAD BOUTROS,
Deputy Prime Minister and Minister of Foreign Affairs, Beirut,

YOUR EXCELLENCY: I have the honor to refer to Your Excellency's note of 25 September 1982 requesting the deployment of an American Force to the Beirut area. I am pleased to inform you on behalf of my Government that the United States is prepared to deploy temporarily a force of approximately 1200 personnel as part of a Multinational Force (MNF) to establish an environment which will permit the Lebanese Armed

Forces (LAF) to carry out their responsibilities in the Beirut area. It is understood that the presence of such an American Force will facilitate the restoration of Lebanese Government sovereignty and authority over the Beirut area, an objective which is fully shared by my Government, and thereby further efforts of the Government of Lebanon to assure the safety of persons in the area and bring to an end the violence which has tragically recurred.

I have the further honor to inform Your Excellency that my Government accepts the terms and conditions concerning the presence of the American Force in the Beirut area as set forth in your note, and that Your Excellency's note and this reply accordingly constitute an agreement between our two Governments.

ROBERT DILLON,
Ambassador of the United States.

REPUBLIQUE LIBANAISE,
MINISTRE DES AFFAIRES ETRANGERES,
Beirut the 25th of September 1982.

His Excellency ROBERT DILLON,
Ambassador of the United States.

YOUR EXCELLENCY: I have the honor to refer to the urgent discussions between representatives of our two governments concerning the recent tragic events which have occurred in the Beirut area, and to consultations between my government and the Secretary General of the United Nations pursuant to United Nations Security Council Resolution 521. On behalf of the Republic of Lebanon, I wish to inform Your Excellency's Government of the determination of the Government of Lebanon to restore its sovereignty and authority over the Beirut area and thereby to assure the safety of persons in the area and bring an end to violence that has recurred. To this end, Israeli forces will withdraw from the Beirut area.

In its consultations with the Secretary General, the Government of Lebanon has noted that the urgency of the situation requires immediate action, and the Government of Lebanon, therefore, is, in conformity with the objectives in U.N. Security Council Resolution 521, proposing to several nations that they contribute forces to serve as a temporary Multinational Force (MNF) in the Beirut area. The mandate of the MNF will be to provide an interposition force at agreed locations and thereby provide the Multinational presence requested by the Lebanese Government to assist it and the Lebanese Armed Forces (LAF) in the Beirut area. This presence will facilitate the restoration of Lebanese Government sovereignty and authority over the Beirut area, and thereby further efforts of my government to assure the safety of persons in the area and bring to an end the violence which has tragically recurred. The MNF may undertake other functions only by mutual agreement.

In the foregoing context, I have the honor to propose that the United States of America deploy a force of approximately 1,200 personnel to Beirut, subject to the following terms and conditions:

The American military force shall carry out appropriate activities consistent with the mandate of the MNF.

Command authority over the American Force will be exercised exclusively by the United States Government through existing American military channels.

The LAF and MNF will form a Liaison and Coordination Committee, composed of representatives of the MNF participating governments and chaired by the representatives of my Government. The Liaison and

Coordination Committee will have two essential components: (A) Supervisory liaison; and (B) Military and technical liaison and coordination.

The American Force will operate in close coordination with the LAF. To assure effective coordination with the LAF, the American Force will assign liaison officers to the LAF and the Government of Lebanon will assign liaison officers to the American Force. The LAF liaison officers to the American Force will, inter alia, perform liaison with the civilian population and with the U.N. observers and manifest the authority of the Lebanese Government in all appropriate situations. The American Force will provide security for LAF personnel operating with the U.S. contingent.

In carrying out its mission, the American Force will not engage in combat. It may, however, exercise the right of self-defense.

It is understood that the presence of the American Force will be needed only for a limited period to meet the urgent requirements posed by the current situation. The MNF contributors and the Government of Lebanon will consult fully concerning the duration of the MNF presence. Arrangements for the departure of the MNF will be the subject of special consultations between the Government of Lebanon and the MNF participating governments. The American Force will depart Lebanon upon any request of the President of Lebanon or upon the decision of the President of the United States.

The Government of Lebanon and the LAF will take all measures necessary to ensure the protection of the American Force's personnel, to include securing assurances from all armed elements not now under the authority of the Lebanese Government that they will refrain from hostilities and not interfere with any activities of the MNF.

The American Force will enjoy both the degree of freedom and movement and the right to undertake those activities deemed necessary for the performance of its mission for the support of its personnel. Accordingly, it shall enjoy the privileges and immunities accorded the administrative and technical staff of the American Embassy in Beirut, and shall be exempt from immigration and customs requirements, and restrictions on entering or departing Lebanon. Personnel, property and equipment of the American Force introduced into Lebanon shall be exempt from any form of tax, duty, charge or levy.

I have the further honor to propose, if the foregoing is acceptable to Your Excellency's Government, that Your Excellency's reply to that effect, together with this Note, shall constitute an agreement between our two governments.

Please accept, Your Excellency, the assurances of my highest consideration.

FOUAD BOUTROS,
Deputy Prime Minister,
Minister of Foreign Affairs.

[Following are the texts of three resolutions considered by the committee on September 23, 1983.]

S.J. Res. 159

Whereas the achievement of peace and stability in an independent Lebanon is an important national objective of the United States and a vital step toward a broader peace settlement in the Middle East; and

Whereas United States Armed Forces, in combination with forces from France, Italy, and Great Britain have performed a constructive role in assisting the Government

of Lebanon in its efforts to restore the stability and prosperity of that country; and

Whereas under article 1, section 8, of the Constitution of the United States, the Congress has the responsibility to make decisions regarding the commitment and maintenance of United States Armed Forces abroad, as recognized by the War Powers Resolution of 1973 (Public Law 93-148); and

Whereas the circumstances of the United States Armed Forces in Lebanon, beginning with the fatal attack on United States Marine positions on August 29, and the further exchanges of fire which have resulted in continuing United States casualties, clearly indicate a situation of hostilities or imminent involvement in hostilities by United States forces, as contemplated by section 4(a)(1) of Public Law 93-148; and

Whereas this situation requires congressional authorization to continue the presence of United States Armed Forces in a situation of hostilities or imminent involvement in hostilities for longer than sixty days, as provided in section 5(b) of Public Law 93-148: Now, therefore, be it

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

SECTION 1. This joint resolution may be cited as the "Lebanon Peacekeeping Resolution".

SEC. 2. For the purposes of this authorization, the sixty-day period specified in section 5(b) of Public Law 93-148 is determined to have begun on August 31, 1983.

SEC. 3. The President is authorized to maintain United States Armed Forces in Lebanon as part of a multinational peacekeeping force for a period of one hundred and twenty days from the expiration of the sixty-day period specified in section 5(b) of Public Law 93-148.

S.J. RES. 163

Whereas United States Armed Forces have been deployed in Lebanon since September 1982, as participants in a Multinational Peacekeeping Force at the request of the Government of Lebanon;

Whereas since August 28, 1983, United States Armed Forces have been introduced into hostilities and into situations where imminent involvement in hostilities is clearly indicated by the circumstances;

Whereas as a result of having been introduced into such hostilities, four United States Marines have been killed and numerous others have been wounded as a result of hostile fire in Lebanon since August 28, 1983;

Whereas such events have required that United States Armed Forces return hostile fire in Lebanon as a matter of necessary and essential self-defense;

Whereas on September 13, 1983, the Department of State announced that United States Marines in Lebanon have been authorized to "use firepower—their own and offshore firepower in defense of the Marines, the other members of the multinational force and the Lebanese armed forces, if they (are) under attack and if that attack would endanger the Marines or the multinational force"; and

Whereas United States Armed Forces in Lebanon are receiving hostile fire pay as a result of the judgment of the area commander that the circumstances so warrant: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That as of August 28, 1983, United States Armed Forces in

Lebanon were introduced "into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances," within the meaning of section 4(a)(1) of the War Powers Resolution (Public Law 93-148).

S.J. RES. 166

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

SHORT TITLE

SECTION 1. This joint resolution may be cited as the "Multinational Force in Lebanon Resolution".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that—

(1) the removal of all foreign forces from Lebanon is an essential United States foreign policy objective in the Middle East.

(2) in order to restore full control by the Government of Lebanon over its own territory, the United States is currently participating in the multinational peacekeeping force (hereafter in this resolution referred to as the "Multinational Force in Lebanon") which was established in accordance with the exchange of letters between the Governments of the United States and Lebanon dated September 25, 1982;

(3) the Multinational Force in Lebanon better enables the Government of Lebanon to establish its unity, independence, and territorial integrity;

(4) progress toward national political reconciliation in Lebanon is necessary; and

(5) United States Armed Forces participating in the Multinational Force in Lebanon are now in hostilities requiring authorization of their continued presence under the War Powers Resolution.

(b) The Congress determines that the requirements of section 4(a)(1) of the War Powers Resolution became operative on August 29, 1983. Consistent with section 5(b) of the War Powers Resolution, the purpose of this joint resolution is to authorize the continued participation of United States Armed Forces in the Multinational Force in Lebanon.

(c) The Congress intends this joint resolution to constitute the necessary specific statutory authorization under the War Powers Resolution for continued participation by United States Armed Forces in the Multinational Force in Lebanon.

AUTHORIZATION FOR CONTINUED PARTICIPATION OF UNITED STATES ARMED FORCES IN THE MULTINATIONAL FORCE IN LEBANON

SEC. 3. The President is authorized, for purposes of section 5(b) of the War Powers Resolution, to continue participation by United States Armed Forces in the Multinational Force in Lebanon, subject to the provision of section 6 of this joint resolution. Such participation shall be limited to performance of the functions, and shall be subject to the limitations, specified in the agreement establishing the Multinational Force in Lebanon as set forth in the exchange of letter between the Governments of the United States and Lebanon dated September 25, 1982, except that this shall not preclude such protective measures as may be necessary to ensure the safety of the Multinational Force in Lebanon.

REPORTS TO THE CONGRESS

SEC. 4. As required by section 4(c) of the War Powers Resolution, the President shall report periodically to the Congress with respect to the situation in Lebanon, but in no event shall he report less often than once

every six months. In addition to providing the information required by that section on the status, scope, and duration of hostilities involving United States Armed Forces, such reports shall describe in detail—

(1) the activities being performed by the Multinational Force in Lebanon;

(2) the present composition of the Multinational Force in Lebanon, including a description of the responsibilities and deployment of the armed forces of each participating country;

(3) the results of efforts to reduce and eventually eliminate the Multinational Force in Lebanon;

(4) how continued United States participation in the Multinational Force in Lebanon is advancing United States foreign policy interests in the Middle East; and

(5) what progress has occurred toward national political reconciliation among all Lebanese groups.

STATEMENTS OF POLICY

SEC. 5. (a) The Congress declares that the participation of the armed forces of other countries in the Multinational Force in Lebanon is essential to maintain the international character of the peacekeeping function in Lebanon.

(b) The Congress believes that it should continue to be the policy of the United States to promote continuing discussions with Israel, Syria, and Lebanon with the objective of bringing about the withdrawal of all foreign troops from Lebanon and establishing an environment which will permit the Lebanese Armed Forces to carry out their responsibilities in the Beirut area.

(c) It is the sense of the Congress that, not later than one year after the date of enactment of this joint resolution and at least once a year thereafter, the United States should discuss with the other members of the Security Council of the United Nations the establishment of a United Nations peacekeeping force to assume the responsibilities of the Multinational Force in Lebanon. An analysis of the implications of the response to such discussions for the continuation of the Multinational Force in Lebanon shall be included in the reports required under paragraph (3) of section 4 of this resolution.

DURATION OF AUTHORIZATION FOR UNITED STATES PARTICIPATION IN THE MULTINATIONAL FORCE IN LEBANON

SEC. 6. The participation of United States Armed Forces in the Multinational Force in Lebanon shall be authorized for purposes of the War Powers Resolution until the end of the eighteen-month period beginning on the date of enactment of this resolution unless the Congress extends such authorization, except that such authorization shall terminate sooner upon the occurrence of any one of the following:

(1) the withdrawal of all foreign forces from Lebanon, unless the President determines and certifies to the Congress that continued United States Armed Forces participation in the Multinational Force in Lebanon is required after such withdrawal in order to accomplish the purposes specified in the September 25, 1982, exchange of letters providing for the establishment of the Multinational Force in Lebanon; or

(2) the assumption by the United Nations or the Government of Lebanon of the responsibilities of the Multinational Force in Lebanon; or

(3) the implementation of other effective security arrangements in the area.

INTERPRETATION OF THIS RESOLUTION

Sec. 7. (a) Nothing in this joint resolution shall preclude the President from withdrawing United States Armed Forces participation in the Multinational Force in Lebanon if circumstances warrant, and nothing in this joint resolution shall preclude the Congress by joint resolution from directing such a withdrawal.

(b) Nothing in this joint resolution modifies, limits, or supersedes any provision of the War Powers Resolution or the requirement of section 4(a) of the Lebanon Emergency Assistance Act of 1983, relating to congressional authorization for any substantial expansion in the number or role of United States Armed Forces in Lebanon.

Mr. BAKER. Mr. President, I am advised that a portion of the unanimous-consent request to deal with the debate times has now been approved by the distinguished minority leader, and I will put this request at this time. I ask unanimous consent that the time for debate on this resolution, which began at 2 p.m. today, extend until not later than 5 p.m. today, and that the time between 2 p.m. and 5 p.m. today will be under the control of the majority and minority leaders or their designees.

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

Mr. BAKER. Mr. President, I hope we can clear a unanimous-consent request for the handling of this matter for tomorrow, Wednesday, and perhaps Thursday later in the day.

Mr. President, I now designate the distinguished chairman of the Foreign Relations Committee (Mr. PERCY) to manage the time on this side. Mr. President, I believe that the distinguished chairman of the committee is prepared now to assume the management of this resolution. I have a statement that I will make shortly after the chairman makes whatever statement he wishes and after the manager on behalf of the minority makes whatever statement he wishes.

Mr. BYRD. Mr. President, if the majority leader will yield just briefly, I, for today, designate the distinguished Senator from Delaware (Mr. BIDEN) to control the time on this side, or his designee.

Mr. BAKER. Mr. President, I now yield the floor so that the distinguished chairman of the Foreign Relations Committee may proceed.

The PRESIDING OFFICER. The Senator from Illinois is recognized for that purpose.

Mr. PERCY. Mr. President, I, first of all, would like to express deep appreciation to the distinguished majority leader for his leadership in the development of this resolution. I support him fully in his efforts and am proud to cosponsor the resolution to achieve an accommodation on this issue. I therefore joined with him in introducing the resolution and supporting it in committee.

I would also like to bring to the attention of the Senate the distinguished work of our minority leader. He has felt very, very deeply about the War Powers Act. It is one of the most important single things the Congress has accomplished in its 207-year history. It deals with a fundamental, constitutional principal, a principle which when not observed in the Vietnam war and the South Korean war divided this country as it has never before been divided. There is no way we can carry out a foreign policy unless the people of the United States are behind it, and there is no way we can carry it out without the support of Congress, particularly when it involves war. What the framers of the Constitution clearly intended when they said "declare war" was "make war," and "that the Congress and only the Congress can make war." The problem is: We found ourselves in a situation where it was just out of style to declare war. We have not declared war since World War II; 600,000 young men engaged in Vietnam. Was that not a war? It certainly was by the definition of the framers of the Constitution, and certainly that was the view of John McCloy, an eminent international lawyer, former chairman of Chase Manhattan Bank, former High Commissioner in Germany, who testified for hours before the committee. He did months of research work. His testimony should be read by every single Senator and by every President and by every member of the executive branch, the State Department, and Defense Department if they have any doubt about what the framers of the Constitution really intended.

What the distinguished minority leader and the distinguished majority leader have done is brought us back to square one. They brought us right back to what our Founding Fathers debated and deliberated and in their wisdom determined how and when and under what conditions this country should engage in war.

So what we have done for the past several years is simply go back into history and reconstruct and update the Constitution through a statute.

I was so troubled by this that I introduced the first resolution of many resolutions into the Congress; 30 days later, in his infinite wisdom, Senator JAVRS joined together with Senator STENNIS and many of us as cosponsors in proposing not just a sense-of-the-Senate resolution but a law. It became, over the veto of President Nixon, the War Powers Act.

These are momentous days in the Senate. The distinguished minority leader has put on the Record the history of the Senate as it has never been portrayed before, updating it in every nuance, every action, important and unimportant, that has occurred in this body. Certainly I hope he will write

that final chapter and talk about what this Congress has done to give full flower and full implementation to the true meaning of the Constitution and tell the Congress what its duty and responsibility is in connection with war. Never again let us get into a war and have it renounced by half, or maybe two-thirds, of the country and have the Congress reluctantly being dragged, kicking and screaming, deeper, and deeper, and deeper into the quicksands of a war thousands of miles removed. Let us know exactly what we are doing. Let us know exactly who is taking us there. Let us know exactly that we are following the intent and purpose of the framers of the Constitution. The War Powers Act does exactly that.

As the Secretary of State implied to us in testimony the other day, any of us that might be President—and he hinted several Members at the podium hope to be President—would want any restraints placed on them. They would want maximum flexibility.

But I can report that in the President's home State, the people of Illinois, are following this matter with tremendous interest. We came into a war, Civil War, a war between the States, that divided this Nation, but we did it knowingly and in accordance with the provisions of the Constitution. We went into Vietnam, a war that divided the country, burdened us with debt, gave us rampant inflation, divided us as we have never been divided before. This put us in a position where we were not proud of the way we finally extracted ourselves by a mandate, a mandate of the Congress of the United States 50,000 lives later.

All we are trying to do is to present it. What the President is doing is now reaching out to find a way to do with us.

The provision before us is not perfect, but it moves us a long way in the direction of sharing the responsibility, that awesome responsibility, which cannot and must not be assumed only by the President of the United States. Congress must take most of that responsibility.

Mr. President, none of the members of the committee believes that choices facing us in Lebanon are easy. The problems of Lebanon are complex and do not lend themselves to quick or simple solutions. Many of the Lebanese difficulties are self-inflicted but we must not overlook external forces which have interfered for a decade in internal Lebanese affairs. The Syrian Army is the single largest military force in Lebanon. PLO terrorists, Iranians, and Libyans are all active in Lebanon.

Mr. President, I pause at this moment to make note of the fact that the President did make a remarkable

statement to the United Nations a few hours ago.

Several of us—Senator COHEN and I, joined by Senator MOYNIHAN—heard the President give that message. It was a remarkable message—an intelligent, unemotional message to the world—and many aspects of it could be commented upon.

At the conclusion of my comments, I will ask unanimous consent that the full text of the President's statement be printed in the RECORD. At this point in the proceedings, I ask unanimous consent to have printed in the RECORD an extract from the President's speech, where he refers to the trouble in the Middle East.

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

In Lebanon, we, along with France, Italy and the United Kingdom, have worked for a ceasefire, for the withdrawal of all external forces, and for restoration of Lebanon's sovereignty and territorial integrity.

Mr. PERCY. The United States has a national interest in seeing that stability is returned to Lebanon and to assist the Lebanese in reestablishing their own sovereignty. A failure to work for these goals could seriously undermine American interests throughout the region. We must not lose sight of the fact that the problems of Lebanon cannot be isolated from the wider issues of peace and security in the Middle East.

Since August 1982, the administration has articulated consistent policy objectives.

I cite these because there have been intimations from some of our colleagues that we have not had a policy, that we have not had a consistent policy, that we have not had a steady policy, that we are just going day by day, hour by hour. Mr. President, these administration policies have been there from the outset. They have been updated; they have been improved upon; but, in essence, they are the objectives with which we have started. They are as follows:

A permanent cessation of hostilities; establishment of a strong, representative central government; withdrawal of all foreign forces; restoration of control by the Lebanese Government throughout the country; and, establishment of conditions under which Lebanon no longer can be used as a launching point for attacks against Israel.

A couple of years ago, I stood on the Israeli northern border, traveled from one end to the other, saw at the end of the 7 months what a difference a cease-fire made.

Up to that point, not one, single life had been lost; not one injury had been inflicted in 7 months. Yet, before that cease-fire, children had attended schools in bomb shelters. Bomb shelters constituted the largest part of the

cost of every hospital built in the northern areas of Israel.

The widows with whom I spoke and the maimed soldiers with whom I spoke were testimony to the repeated harassment and bombardment they had received from southern Lebanon.

We did achieve in that cease-fire a goal, but it was limited. When the cease-fire ended, tragically, once again, an all-out war began in that area.

Today at 6 o'clock this morning Beirut time; midnight eastern standard time; 11 p.m. last night, Chicago time—a cease-fire went into effect, to halt the current fighting.

Many vehicles are being employed to obtain these goals.

The presence of the American marines as part of the Multinational Force in Beirut is one and only one of these vehicles.

The first component of the administration's strategy is to promote Lebanese national reconciliation. Important steps have been taken in that direction. On August 31, President Gemayel called for a national reconciliation meeting. Yesterday, a cease-fire was announced and Lebanese leaders agreed to a meeting in Saudi Arabia. We must not delude ourselves. Resolving Lebanese differences will not be easy or without setbacks; nevertheless, steps are being taken in the right direction.

We must also support the legitimate Government of Lebanon. President Gemayel was elected last year by 77 of 92 members of Parliament. A majority of both Muslims and Christian Deputies supported him and continue to do so.

We must support President Gemayel's efforts to rebuild national institutions. Most important of these institutions is the Lebanese Army. In 9 months considerable progress has been made in reconstituting a truly national military force which is half Muslim and half Christian. Not all of the problems have been resolved; nevertheless, multiconfessional units have fought well for the national interest of Lebanon. Those who attack the Army are seriously damaging the future of Lebanon. We have helped train and equip this force and we will continue to do so.

The role of the marines: Let us get clearly fixed in mind what the role of the marines is, as expressed to us in the Foreign Relations Committee by Marine Corps Commandant Paul X. Kelley, an absolutely outstanding leader in our military forces, a member of the Joint Chiefs of Staff. His remarks were buttressed by former marine captain, Secretary of State Shultz.

That is an unusual situation, when we have sitting side by side as witnesses two marines, one preparing to defend this country in the event of war and the other spending his entire

time trying to find ways to establish peaceful conditions for this country. The role of the marines, as described by them, indicates that the Multinational Force including our marines are one element being used to advance American policy objectives. They are in Lebanon to provide a measure of stability while the Lebanese Government builds a national consensus and continues the process of rebuilding the national army. They are a demonstration of our support to the people of Lebanon.

Mr. President, I have joined the majority leader in supporting the joint resolution that is before us, authorizing continued participation of U.S. forces in the multinational force in Lebanon.

Its principal elements are the following, and I believe they bear repeating so that this RECORD can be complete.

First, a congressional determination that our marines have been involved in actual or imminent hostilities since August 29, as contemplated by section 4(a)(1) of the war powers resolution.

Second, an 18-month authorization for the continuation of American participation as required by section 5(b) of war powers, which is limited to the current mandate of the multinational force as set forth in the original September 25 agreement but also recognizes the need for defensive actions to protect the force itself.

Third, a commitment to continuing review of the situation during the interim, to be facilitated by periodic reports from the President, which may lead to possible future amendments of the original authorization.

Mr. President, attention will no doubt be focused on the 18-month duration of this authorization. I, myself, would prefer not to have a specified time limitation in this authorization. I have heard it said by some Members that they fear such an authorization will be taken as a blank check for our military involvement over an extensive period. The press has even referred to analogies with the Tonkin Gulf resolution of 1964.

Mr. President, I think such analogies are simply not well-founded. First, this authorization is keyed to the limited mandate of the multinational force as set out in the agreements last year. Let me quote from Ambassador Dillon's letter of September 25 on behalf of the U.S. Government. Our commitment was:

To deploy temporarily a force of approximately 1,200 personnel as part of a Multinational Force (MNF) to establish an environment which will permit the Lebanese Armed Forces (LAF) to carry out their responsibilities in the Beirut area.

The further stipulations in the Lebanese Foreign Minister's letter also include the understanding that—

The American Force will not engage in combat. It may, however, exercise the right of self-defense.

Mr. President, I fully recognize that the Senate and the House will want to discuss our understanding of these terms and conditions, and some of the uncertainties which are undoubtedly present in implementing the language on protective measures. However, I think all Members will have to agree that this authorization is not an open-ended blank check.

Second, there is already in law a provision of the Lebanon Emergency Assistance Act which effectively places a lid on the level of U.S. involvement. It requires that any substantial expansion in the number or role in Lebanon of U.S. Armed Forces would require a further authorization. That requirement is not affected by the resolution being introduced today and would continue to apply. The President has said that he does not seek to go beyond the present level of U.S. involvement in any case.

Finally, Mr. President, I want to emphasize that in providing an authorization for an 18-month period, we are not simply dropping out of the picture until the spring of 1985. The resolution itself provides for continuing reporting and consultations to assure that we will follow the situation carefully. We may, at some point, want to consider amendments to this authorization if the circumstances should justify it. That is why I would prefer no deadlines for such an authorization, because they have a tendency to confuse the ongoing nature of our responsibilities. But I support the basic elements of this authorization and I think it deserves the support of my colleagues in the Senate.

At this point, Mr. President, I ask unanimous consent that two editorials in support of this resolution in the Washington Post this morning and an excerpt from the New Republic, be printed in the RECORD.

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

[From the Washington Post, Sept. 26, 1983]

STRENGTHENING THE AMERICAN HAND

Is the compromise resolution of the Marines in Lebanon in trouble in Congress? Possibly. Last Tuesday, the administration and the congressional leadership of both parties accepted a compromise initially proposed by Speaker O'Neill: Congress would pass a joint resolution asserting that the War Powers Act applies, but also authorizing the president to continue deploying the Marines in Lebanon as part of a multinational force for another 18 months. On Wednesday the House Appropriations Committee—normally prone to accept executive leadership in foreign policy—voted 20-16 to cut off funding for the Marines in Lebanon unless the president certifies by Dec. 1 that the War Powers Act applies—a certification that would give him 60 more days to get Congress to approve the deployment. On Thursday the House Foreign Affairs Com-

mittee approved the O'Neill resolution by a 30-6 vote, and on Friday its Senate counterpart, after some vote switching, did the same by a 9-7 margin. What is going on?

Everyone expects the Republican Senate ultimately to approve the resolution. The question is what the Democratic House will do when the resolution comes to the floor this week. The speaker will likely allow votes on amendments, and, while most people expect the leadership to prevail, some respected legislators favor the Appropriations Committee result.

Many members are uneasy. They would like the president to acknowledge more explicitly the legitimacy of Congress' role. Some want to put pressure on him to withdraw the Marines soon. Some believe that any set period, long or short, is dangerous because it might give one or another of the Lebanese parties an incentive to refuse to reach agreement; by delaying invoking of the War Powers Act until Dec. 1, they hope to give the president a chance to move the parties to agreement without setting any specific deadline now. The monkey of responsibility in any case would remain on the president's back. But could Congress, when the 60-day deadline starts Dec. 1, set conditions or promote discussions any more deftly than it can now?

We think the approach of the leadership compromise is better. It does invoke the War Powers Act. It forces Congress—including the Democratic House—to join the president in taking responsibility for a policy about which everyone has qualms but for which few have a palatable alternative. No one so far has come forward with a resolution calling for withdrawal of the Marines now. The danger is that the House will indulge too far the politician's instinct for compromise by cutting the 18-month leeway period to six or nine months. This would weaken, rather than strengthen, the American hand in negotiations, and could involve Congress in a series of fractious disputes over a policy that most members, if they had to take the responsibility directly, would almost surely support.

[From the New Republic, Oct. 10, 1983]

... the compromise resolution hammered on by the White House and congressional leaders on September 20 (is) such a gratifying development. We may not be back to the days of Vandenberg, but we're far beyond Vietnam. The proposed joint resolution will authorize U.S. participation in the multinational force for eighteen months (i.e., beyond the 1984 election). At the same time it will allow the branches of government to disagree on the constitutional issue: the resolution invokes the War Powers Act, but the President, by expressing reservations about his part of the resolution, has reserved the right to challenge the Act in the future court battles. The compromise resolution wisely rejects calls for a more rigid time limit. To declare that the Marines would have to withdraw in three or six or eight months, as some members of Congress are urging, would be a disaster. Better to withdraw tomorrow. Such a resolution would be a telegram to Damascus telling it that for the next three or six or eight months it can lob shells at a leisurely pace into Marine positions, after which it can march into Beirut. The purpose of an American commitment is to ensure the survival of the Lebanese government. Telling those who wish to destroy that government that the United States will be gone in a few months will simply undermine our objec-

tive, demoralize the Lebanese Army, and increase the danger to American troops. It may turn out that in the end U.S. Marines cannot protect the Lebanese government. It may be too costly and too difficult. Mr. Gemayel and his army may be too weak. A withdrawal can always be made, but to declare one preemptively now is to doom the enterprise from the start.

It is Lebanon's misfortune to be situated where it is in the Middle East. There is little that the United States can do about that. But it is good that Congress and the President seem ready to work together to try to save a weak and worthy friend.

Mr. PERCY. Mr. President, I would like to point out to my respected colleagues in the Senate that the Senate version of this resolution differs from the House version in two respects.

Two amendments by Senator MATTHIAS were offered and the committee accepted those amendments with the support of the majority leader.

I would earnestly request Chairman ZABLOCKI and members of the House Foreign Affairs Committee, as they consider this legislation on the floor, to take this into account so that we can avoid a time-consuming conference if they would accept these two amendments.

Also, they had an amendment that was different than ours. This amendment took into account the differing circumstances that might result if the British, Italian, and French members of the multinational forces withdrew. Such an action would put our forces in an entirely different position, and I will offer, at an appropriate time, an amendment to this effect in order to update our resolution and use the same wording as the House Foreign Affairs Committee.

So with those two provisions I put the Senate on notice and the House of Representatives that we would hope that there could be appropriate action.

I do feel that special attention should be given to the editorial from the Washington Post this morning and its conclusion. The article is entitled "Strengthening the American Hand," and the editorial board of the Washington Post concluded:

We think the approach of the leadership compromise is better. It does invoke the War Powers Act. It forces Congress—including the Democratic House—to join the president in taking responsibility for a policy about which everyone has qualms but for which few have a palatable alternative. No one so far has come forward with a resolution calling for withdrawal of the Marines now. The danger is that the House will indulge too far the politician's instinct for compromise by cutting the 18-month leeway period to six or nine months. This would weaken, rather than strengthen, the American hand in negotiations, and could involve Congress in a series of fractious disputes over a policy that most members, if they had to take the responsibility directly, would almost surely support.

We now have a new situation. We might have had some doubts in some

minds, if the events of the weekend had not transpired, that we were involving ourselves in a quagmire for which the end could not be seen and that it would do nothing but escalate and escalate and get worse and worse every single day, and they would be voting for a "pig in a poke," so to speak. We have been working for days, and really for weeks, on a cease-fire.

There have been effective cease-fires before in Lebanon. Our aim was to have now another even more effective and more necessary cease-fire.

The good offices of Saudi Arabia were sought by our administration, and Prince Bandar, the newly appointed and highly influential, articulate, and intelligent Ambassador to the United States from Saudi Arabia has been personally devoting a tremendous amount of attention and thought to this, as have our own representatives. They include Ambassador Robert McFarland from the National Security Council and Ambassador Richard Fairbanks and, of course, Secretary Shultz, Deputy Secretary Ken Dam, and others, and, of course, the President of the United States, who has given this matter a great deal of serious thought.

It was our Government's feeling that a cease-fire was essential as a step toward political reconciliation in Lebanon. The cease-fire and the announcement that a national reconciliation meeting will occur offers any doubting Thomas an opportunity to say they now are voting on a resolution that has a far greater chance of success.

I would like to read a few extracts from an article in this morning's Washington Post, as follows:

Earlier this month when Israel withdrew its forces from the Chouf to new positions in southern Lebanon, a vicious cycle of new fighting broke out in the Chouf and in Beirut, with the Syrians arming and encouraging the Druze and other groups like the Shiite Moslems to attack the Lebanese army.

As one U.S. official put it, "Assad believed the Gemayel government would fold, and he could just walk down the Damascus-Beirut highway behind his surrogates to take control." According to U.S. officials, a key element in the Syrian strategy was to instigate attacks on the Marines in the hope that domestic pressure would force Reagan to pull them out and rob Gemayel of U.S. support.

But, despite misgivings in Congress over Marine casualties, the officials said it has been made clear to Syria that the Marines will not be withdrawn and that the United States is prepared to use the massive firepower it has arrayed off the Lebanese coast in carefully calibrated responses to attacks against the Marines.

In addition, the officials stressed, the Lebanese army, benefitting from months of intensive training by U.S. advisers, proved able in the past month's fighting to withstand fierce Druze assaults, aided by Syrian arms and Syrian-influenced Palestinian fighters, and to keep control of the perimeters around Beirut.

And I go on to quote from another section of the same story:

Shultz said, however, that Druze leaders participated in negotiations leading to the cease-fire.

Asked what had been the key to the cease-fire, an on-and-off proposition for more than a week, Shultz replied:

"The key must have been the sense that people in the community had that further bloodshed and fighting was not going to be productive and that the time for national reconciliation had really come."

In the last two weeks, the administration has stepped up pressure for a cease-fire as congressional and public concern mounted over increased involvement of the Marines in the spreading civil war in Lebanon.

Mr. President, I ask unanimous consent that the articles by John Goshko in the Washington Post and Bernard Gwertzman of the New York Times be printed in the RECORD at this point.

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

SYRIA DISCERNED NEW RISK, U.S. SAYS

(By John M. Goshko)

U.S. officials yesterday gave credit for the Lebanese cease-fire to Syria's realization that it cannot keep agitating the civil war there without increasing its military involvement to the point where it would risk direct clashes with the United States and possibly provide a new war with Israel.

Specifically, the officials said, Syria's hopes of winning control in Lebanon through its support of dissident forces fighting President Amin Gemayel's government had been thwarted by President Reagan's determination not to remove U.S. Marines from Beirut and by the unexpectedly strong showing of the Lebanese army during bitter fighting in the Beirut area. That, the officials continued, has created a military stalemate that Syrian President Hafez Assad could not break unless he increased his aid to the Druze militia and other dissident groups by throwing Syrian forces directly into the fighting.

But that would mean confrontation with the American, British, French, and Italian units forming the multinational force in Beirut and, even more threatening to Assad, force Israel to consider whether it has to go to war again to prevent Syria from gaining control over Lebanon.

For these reasons, the officials said, the Syrians apparently have decided to put aside the military option, at least for the moment, and try to win greater Syrian influence in Lebanese affairs through a process of political negotiation between Gemayel and the Syrian-backed factions in the Lebanese civil war.

The officials, echoing the caution expressed publicly yesterday by President Reagan and his senior advisers, acknowledged that the cease-fire is a very fragile achievement that could unravel into renewed fighting, especially if there is not quick movement toward the negotiations on "national reconciliation."

As Reagan said yesterday in New York, the cease-fire accord is only "a first step" and there still is "a long way to go" in solving the bitter religious and political feuds that have plagued Lebanon with warfare for a decade and that threaten to dismember the country into antagonistic, foreign-dominated enclaves.

The officials, who declined to be identified, noted that, as of late yesterday, Beirut was still the scene of fighting.

They expressed skepticism about the cease-fire going into effect on schedule at 6 a.m. today in Beirut (midnight EDT). Even Reagan, in announcing the accord, pointedly told reporters. "You see my fingers are crossed."

The president's caution underscored how much the intractability of Middle East tensions has caused him to lower his expectations since Sept. 1, 1982, when he went on national television to announce an ambitious plan for resolving the Arab-Israeli conflict.

In the ensuing 13 months, the Reagan initiative has not been realized and his bold blueprint for Mideast peace has shrunk to what has looked like a desperate effort to keep a military foothold in Beirut on behalf of a Lebanese government whose authority barely extends beyond the city limits.

Still, Reagan administration officials insisted yesterday that, with luck and skill, the cease-fire agreement could mark a turning point in U.S. efforts to put Lebanon back on the road to stability and allow a renewed attempt to tackle the larger problems of the region.

They said a cease-fire covering both the Beirut area and the nearby Chouf region, where Druze and Christian militias have been battling each other, is the necessary first step in implementing the diplomatic strategy that has been pursued for the past month by Reagan's special Mideast envoy, Robert C. McFarlane, with the aid of Saudi Arabia's ambassador-designate to the United States, Prince Bandar bin Sultan.

That strategy centers on inducing Syria to stop obstructionist activities inside Lebanon and cooperate in patching together an accord that will satisfy the political aspirations of the various contesting factions, allow Gemayel to extend his government's authority throughout the country and permit the withdrawal of Israeli, Syrian and Palestine Liberation Organization forces occupying large portions of Lebanon.

The administration had hoped that it was on the way to achieving that objective in May when Secretary of State George P. Shultz helped to work out an agreement for Israeli withdrawal.

But that effort was derailed when Syria, which earlier had led the United States to expect its cooperation, rejected the accord and began agitating Druze and certain Moslem factions to oppose Gemayel's Christian dominated government.

Earlier this month when Israel withdrew its forces from the Chouf to new positions in southern Lebanon, a vicious cycle of new fighting broke out in the Chouf and in Beirut, with the Syrians arming and encouraging the Druze and other groups like the Shiite Moslems to attack the Lebanese army.

As one U.S. official put it, "Assad believed the Gemayel government would fold, and he could just walk down the Damascus-Beirut highway behind his surrogates to take control." According to U.S. officials, a key element in the Syrian strategy was to instigate attacks on the Marines in the hope that domestic pressure would force Reagan to pull them out and rob Gemayel of U.S. support.

But, despite misgivings in Congress over Marine casualties, the officials said it has been made clear to Syria that the Marines will not be withdrawn and that the United States is prepared to use the massive firepower it has arrayed off the Lebanese coast

in carefully calibrated responses to attacks against the Marines.

In addition, the officials stressed, the Lebanese army, benefiting from months of intensive training by U.S. advisers, proved able in the past month's fighting to withstand fierce Druze assaults, aided by Syrian arms and Syrian-influenced Palestinian fighters, and to keep control of the perimeters around Beirut.

Using these factors as ammunition, the officials said, McFarlane and Bandar emphasized to Syria that to stay with its military approach eventually might mean fighting the multinational force and possibly persuading Israel to send its forces north again for a confrontation that Syria would lose.

At the same time, McFarlane argued that Syria had an alternative in the "national reconciliation dialogue" offered by Gemayel to his foes.

The object would be to restructure the Lebanese political system to give more power to the disaffected Moslem and Druze factions.

With this as a vehicle, Syria, through its ties to these groups and its proposed role as a mediator in the talks, could seek to regain its former political and economic influence in Lebanon.

"It was a chipping away process aimed at convincing the Syrians they stand to gain more and safeguard what they see as their interests in Lebanon by talking instead of shooting," one official said last night. "We're still not sure if it will go that way, but the cease-fire agreement is at least an encouraging sign that they're at least willing to give it a try."

CEASE-FIRE ACCORD GAINED IN LEBANON WITH SAUDI'S HELP

(By Bernard Gwertzman)

The United States said yesterday that it regarded the announcement of a cease-fire in Lebanon as only "a first step" toward the more difficult goals of bringing about a strong central government in that country and the withdrawal of all Israeli, Syrian and Palestinian forces.

In New York, speaking to reporters at the Waldorf-Astoria Hotel after the cease-fire announcement in Damascus, Secretary of State George P. Shultz said he and President Reagan viewed the expected halt in the fighting as the start "of an important process."

He said the objectives of President Reagan and President Amin Gemayel of Lebanon "remain unchanged, in wanting to see the removal of all foreign forces from Lebanon, the emergence of a strong central government of Lebanon, based of course on national reconciliation." In addition, he said the United States remained committed to insuring that any final settlement in Lebanon provides "appropriate security arrangements" along Israel's northern borders.

ROLE OF MARINES UNCHANGED

As to the 1,600 American marines in Lebanon, Mr. Shultz indicated no change in their disposition at this time. He said their mission "remains important and remains unchanged." He added, "I think, however, they'll be a little more comfortable in carrying that mission out because they won't be subject to the crossfire that they have been in."

Mr. Shultz hinted that the large naval task force off Lebanon might be moved back if the cease-fire held. He seemed to draw attention to a call for restraint from Damascus, where the cease-fire was announced,

suggesting that the United States might take steps to show military restraint.

Mr. Reagan and Mr. Shultz were in New York for Mr. Reagan's appearance before the United States National General Assembly session this morning. First reports of a breakthrough in the prolonged efforts by the special American Middle East envoy, Robert C. McFarlane, and Prince Bandar, the Saudi Arabian intermediary, reached the President as he was about to leave Washington yesterday morning.

REAGAN ON PHONE TO GEMAYEL

At a luncheon yesterday with the United Nations Secretary General, Javier Pérez de Cuéllar, Mr. Reagan spoke by phone with President Gemayel and congratulated him on the expected cease-fire. When reporters later asked him about the news reports of a truce, Mr. Reagan crossed his fingers and said, "It is a first step, and you see my fingers crossed."

"It is the beginning, of course, and the cease-fire will be announced, or has been announced, and now they can get down to the real business of settling the issues, and, we hope, bringing about peace and the solution to the Lebanese problems."

Mr. Reagan said, "We are all very happy for this first step that has come about, and I'm not going to make any projections or predications."

"There is still a long road to go in settling many of the issues there," he added.

Out of deference to the Lebanese President, Mr. Shultz said details of the cease-fire arrangement should come from Mr. Gemayel. But he did say the truce would be supervised by "neutral observers." He said that so far the exact composition of that group had not been agreed upon, but he noted there were "trained United Nations observers" in the Beirut area who were willing to take on the assignment.

SOME OF THE PRESSURE LIFTED

The cease-fire agreement was expected to remove some of the pressure on the Administration from members of Congress who have been alarmed over the casualties suffered by the Marine Corps in the last month. The casualties led to the move in Congress for a resolution, based on the War Powers Act, to limit the stay of the marines to another 18 months. They have already been there for a year.

Mr. Reagan has agreed to sign the resolution, which may be passed this week, but Mr. Shultz has stressed that the Administration did not feel bound by any specific limitations. Mr. Shultz said on Saturday that the marines should remain in Lebanon until stability was achieved in Lebanon, and he defined stability as including the withdrawal of all foreign forces.

The United States has also been under pressure from its allies in the multinational force in Lebanon—Britain, France and Italy—to work out a solution that would end the fighting which had been growing in intensity. The announcement yesterday should ease that problem, officials said.

When asked what produced the cease-fire announcement after so many false starts in recent weeks, Mr. Shultz said:

"The key must have been the sense that people in the community had that further bloodshed and fighting was not going to be productive and the time for national reconciliation had really come."

A reporter noted that there had been many cease-fires in Lebanon in the past that had broken down, and asked Mr. Shultz whether there was any reason to be any more optimistic this time.

"I can't make a confident prediction," he replied, "in the sense of being able to see into the future, but there has been a great deal of turmoil, people have suffered greatly, both in terms of people killed and people wounded and opportunities foregone."

"And the urge for peace and reconciliation and getting on with the task of economic reconstruction is very great in Lebanon and I can testify to that myself very personally from the many contacts I have had with Lebanese people," he said. Mr. Shultz visited Lebanon as part of two Middle East trips in April-May and in July.

American officials said privately that if the cease-fire held, the main American goal would be to get the most representative Lebanese government possible so that a concerted effort could be made to bring pressure on the Syrians to follow the lead of the Israelis and agree to withdraw from Lebanon.

They said this remained a very difficult task, given Syria's strong opposition to the Israeli-Lebanese accord of last May, worked out by Mr. Shultz, and Syria's traditional efforts to maintain power in Lebanon.

Mr. McFarlane, in fact, was sent to the Middle East in early August as the replacement for Philip C. Habib with the object of trying to promote a Syrian withdrawal. But his mission was quickly transformed into one of serving as a mediator among the various Lebanese factions and the Syrians, once fighting broke out in connection with Israel's decision to withdraw some of its troops from the Shuf Mountains.

The Lebanese Army and the Druze, who are backed by Syria, fought to take over positions vacated by Israel, with the fiercest fighting over Suk al Gharb, which was captured by the army and held against repeated efforts by the Druze to take it.

American officials said a major positive development from the last month of hectic diplomacy was the decision of King Fahd of Saudi Arabia to cooperate openly with the United States in the cease-fire efforts. Although Mr. McFarlane was described by American officials as being the driving force, it had been important for Prince Bandar of Saudi Arabia to be involved to make it easier for the Syrians to accept the cease-fire arrangements.

Mr. PERCY. Needless to say, the recent events are a dramatic illustration of what diplomacy, tenacity, and persistence can do in preventing more fighting. What may have appeared as a warlike act turns out to be the best act for peace.

We understandably, in the world's view, stood and defended our marines. We took as few casualties as possible. But we let it be known that unless the fighting stopped, we were prepared to keep that peacekeeping force in Lebanon; we were prepared to stand side by side with other nations of the Multinational Forces. We were prepared to be there and to be counted. We were prepared to accomplish our goals and not be limited to 6 weeks or 6 months. We were prepared to stay 18 months and, if necessary, longer to see that the foreign policy objectives, clearly outlined, as I said in my opening comments, by the President, the Secretary of State, and other officials in the administration could be carried out.

I think our will is what our adversaries were testing. We had the will. They saw it and they decided to sign a cease-fire. Without that kind of backup, support, and effort, we could not achieve what we are achieving.

None of us can predict with any accuracy how long this cease-fire will last. All we can do is say today the Mideast is a safer place than it was yesterday; today, our marines are in a much safer position than they were. Each day must show progress.

After all, this is an area that has been in turmoil for centuries. This is an area where religion has been the cause for war after war. In the name of God, inhumanity has wreaked on man and woman. We say, "Let's end this. Let's find a route to peace."

The first bold creative steps were taken by Prime Minister Begin and President Sadat. None of us who were in the East Room of the White House the night that they came down from Camp David—that glorious Sunday night—can forget it. They embraced each other and we in turn embraced a weeping Prime Minister Begin and a weeping President Sadat of Egypt—weeping possibly with hope that had continued for years, the bitterness between these two countries was at an end.

No one could say it would be permanent. There have been setbacks. The hopes for commercially open borders have never been realized. The Egyptian Ambassador to Israel has been withdrawn. These setbacks must be reversed and the search for peace resumed. President Mubarak is coming here. We hope to sit down with him and discuss with him the future of the peace process.

I was reminded of the opera, *Aida*, which I saw again on Friday at the Lyric Opera. This opera is a reminder of the glories of Egypt that passed and the challenge of the Egypt of the future.

The future hope is that somehow, in some way, the Egyptians can live better than their fathers and their forefathers and can live in peace. I share that hope. And I am certain it will never leave Foreign Minister Shamir if he is confirmed as the Prime Minister by the Knesset of Israel. Certainly no Nation on earth has paid a greater price in war than Israel. No nation on earth has faced greater challenges since its birth, than has Israel.

One of Israel's four Arab neighbors has signed a peace treaty. The second, Lebanon, has signed an agreement that has yet to be implemented and can only be fully implemented with the withdrawal of all foreign forces—those of Syria, the Palestinians, and of Israel itself.

When the Lebanon question is settled, it is my hope that we can then approach King Hussein and say,

Your Majesty, the opportunity now exists for you to bring peace at long last to your beleaguered nation, to sit down face to face with the Prime Minister of Israel, and to work out, and develop, and create the conditions that would resolve Arab-Israeli issues, including the future of the Palestinians.

To do so, you must recognize Israel's right to exist behind definable and defensible borders and the right of its people to live in peace.

That will give peace to Jordan. It will remove a threat from Jordan. It will give peace that is essential to future generations of Arabs and Israelis. Peace in the Middle East is part of what is at stake in Lebanon.

In the specific Lebanon situation we are striving to find and define a relationship with the President through the War Powers Act. I hope we can, in true partnership, join with the President, not invading his prerogative as Commander in Chief, not trying to become the executive branch of Government, but reaffirming the Constitution which says that only Congress can declare war.

We share that responsibility with the President and do so in a spirit of comity, not of confrontation, of fellowship and a desire to work together with this administration in resolving this important issue.

I have been proud of the steps the President has taken to bring peace to the Middle East.

I trust that the Syrians will recognize they are the fourth element of this jigsaw puzzle that must come together to bring peace to the Middle East. They have no advantage in becoming more and more dependent upon the Soviet Union. With the Lebanon cease fire they have said, in effect, "We will observe this cease fire. We will find a way to cease the senseless killing and see if we cannot, through negotiation, resolve this problem."

If they have any hope of getting the Golan Heights back, this is the road. If they ever want to rebuild some of those devastated towns in Syria, this is the way to do it. If they ever wish to have the esteem and respect of their fellow Arabs, as well as the world, this is the route they should follow.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I thank my colleague and chairman of the Foreign Relations Committee for his statement.

He mentioned at the outset that this is an historic occasion. It is my sincere desire that the Senate will be capable of living up to this historic occasion. The U.S. Senate, on occasion, over its past nearly 200-year history has sometimes not risen to the occasion. I hope this debate will be one of those instances in which we, as a body, rise to the level of the historical occasion we are representing it to be.

This is the first time the Senate has debated a war powers resolution authorizing the commitment of troops under the War Power Act. It is my fear we are not going to debate the war powers resolution; that we are going to debate policy in Lebanon and not the war powers resolution.

I assume, when the Senator from Illinois and other Senators have said, off the floor, that this is an historic occasion, they are referring not to the fact that there are momentous events in the Middle East, particularly in Lebanon, where we have witnessed similar events that have been equally historic, unfortunately, and, unfortunately, I suspect, we will witness further developments in the Middle East which could be characterized as historical at that moment.

One should assume the historic significance of this debate, whether or not this is an historic debate. I believe it was Professor Corwin who said that the Constitution is little more than an invitation for the Executive and the Congress to do battle over the formulation of foreign policy. So, the historic event was that the U.S. Congress codified that relationship with the War Powers Act.

Now, there is a question I must acknowledge about the constitutionality of the War Powers Act. There is a question of the impact of the Supreme Court's decision on congressional vetoes on the War Powers Act. There is a question about the impact of the separability provision, but I am fearful that we are not going to debate that at all. I am fearful that the debate will be caught up in another important issue, what should the policy of this Government be in Lebanon?

Quite frankly, many of us thought that this debate on the War Powers Act should have occurred a year ago when the Marines first went into Lebanon to supervise the PLO withdrawal, or when they were reintroduced "temporarily" as an "interposition force" in the "Beirut area" with "no intention or expectation that they would become involved in hostilities."

Those are quotations from the President of the United States of America.

Some of us thought, at that point, we should have debated the applicability of the War Powers Act. Some of us argued that our Marines were in jeopardy; that this was an area of hostility; that notwithstanding the fact that a government which has all my best wishes to succeed invited us—some of us thought that that did not in any way alleviate the prospect of hostilities because it was a government that did not control all of its own country. So its invitation could not carry with it any assurance, even remote assurance, that it would be able to prevent hostilities from occurring.

That is why we were there, to help that government.

It was then an agonizing dilemma of whether we withdraw those troops or defend them, our troops, by introducing an even greater force.

Now the evidence of hostilities is, I think, clear and unmistakable. Four marines have died within the past month; more than 30 have been wounded; we have increased our troop presence in Beirut by one-third; U.S. ships and aircraft have attacked suspected enemy positions; we have offered a protective umbrella for our multinational-force partners and perhaps even for the Lebanese Army, and with the deployment of the carrier, *Eisenhower*, the giant assault ship *Tarawa*, with 2,000 marines on board, and a battleship called the *New Jersey*, we have the capacity, though not the intention, to wage a much wider war.

Unfortunately, my concern is that the action that we take this week may be totally irrelevant. The administration is seeking the congressional stamp of approval, which I think is a worthwhile objective—because I hope what we have learned from our encounters in Southeast Asia is that a foreign policy, absent the consent of the governed, is not likely to last very long, so it is best to get as many people on board at the outset—the administration wants our stamp of approval and is, interesting enough, unwilling to commit itself to our laws. Thus it does not really matter, in my humble view, whether or not the legislation which the distinguished Senator from Illinois, the chairman of the committee, and the majority leader, Senator BAKER, propose if the legislation carries with a time limit of 18 months, 20 months, 24 months, or any other duration.

The administration, in fact, has indicated that it does not plan on abiding by it. They say they are not bound by it, and that they can, in fact, exercise independent judgment that they should stay longer if need be.

The way I look at that is it is asking the Congress to jump in on the commitment. They want us as partners in the front end but are not looking for that partnership at the other end, at the tail end.

This administration is embarked on an open-ended commitment in support of—this, I think, is the key to the dilemma—what I would characterize, notwithstanding the articulate statement by the Senator from Illinois, as very vaguely defined objectives, which are highly uncertain in terms of their achievability.

For example, Mr. President, if I may paraphrase the Senator, I believe he said that there are clear policy objectives. He is right. The policy objectives are, No. 1, that there should be permanent cessation of hostilities;

The second one is that there should be a central government which has control of Lebanon throughout Lebanon;

Third, there should be withdrawal of all troops from Lebanon;

Fourth, that there be control by the Gemayel government, that is, the central government; and

Fifth, that conditions be established so that Israel's foreign border is not in jeopardy. Those are laudable objectives

My question is, which I have asked of everybody in the committee, and I shall ask of anybody who will listen to me, is this: Is the presence of the military force of the United States of America in Lebanon and its continued presence conditioned upon the accomplishment of these goals? Is that the policy objective? If, in fact, there is not withdrawal of all troops; if, in fact, the Gemayel government is not able, in 18 months, to exercise its control over all of Lebanon; if, in fact, there is not a permanent cessation of hostilities, does that mean that the objective has not been met? Does that mean the Marines will stay there until that occurs?

That seems to me, Mr. President, to be a fairly vague definition.

Mr. CHILES. Will the Senator yield? Mr. BIDEN. Surely.

Mr. CHILES. Mr. President, I do not want to interrupt the Senator's statement, but I would like to ask the Senator from Delaware, because I was not able to be present at the hearings or the meetings of the Committee on Foreign Relations: These objectives he is referring to, are those specific objectives that the President sent to us and said this is his reason for why we are there? Or are these objectives that are part of this resolution that have come from the committee?

The reason I am asking is that my understanding is that under the War Powers Act, once the days are triggered, the President is supposed to submit in writing to the Congress what he says the purposes are, then we start a debate as to whether those purposes are valid or not. Is this his set of objectives, or is this something that whoever were the framers of this resolution have put together? I just wanted to find out.

Mr. BIDEN. The answer is, a little of both. Technically, these are the Congress determination of what we believe his objectives are. We say, in the joint resolution's finding and purpose, section 2: "The Congress finds that." Then we go on to suggest removal of all forces from Lebanon is essential in order to restore full control, and so forth—all the things I just named.

In fairness to the administration, they sent up to the Congress the Secretary of State, who told the Congress what the objectives are. Under the leadership of the Senator from Illinois

and the Senator from Tennessee, they wrote down on a piece of paper what they were told by this administration, and we were all told by the administration, were their objectives. The problem is, since the War Powers Act was not triggered or not agreed to have been triggered by the administration, the administration has not officially reported to us as to what the objectives are.

I might make a point here of what I am trying to drive at. I would argue that there is a distinction between objective and mission. The objective, for example, of the U.S. foreign policy is that there be a free and open Poland. That is an objective; we would love that to occur. But the question to be asked is, Is the mission of the NATO forces stationed nearest Poland in West Germany to guarantee that there be a free and open Poland? I would suggest that that is probably not the mission. That requires affirmative action.

What I have been unable to get from anyone in the administration or anyone on the committee who supports this resolution is whether or not the objective and mission are synonymous. For if, in fact, the mission of the Marines is to guarantee that the objectives be met, then I would argue that we are in for a long haul that cannot be accomplished by 1,200 or 1,800 marines and we are buying a pig in a poke.

Notwithstanding the fact that my friend from Illinois is very, very positively impressed by the cease-fire—as I am—I would suggest that one cease-fire a peace does not make in the Middle East. So I would wonder whether or not, if the cease-fire breaks down and there are 40, or 400, or however many more marines killed, I wonder whether or not we are saying we will stay there.

One of the reasons why I am about to argue—and I shall yield for more questions—that the War Powers Act is the mechanism that should be triggered here is that the War Powers Act would require the President within 48 hours to come up and say: "Look, ladies and gentlemen of the Congress, this is what I plan to do," with some specificity.

Mr. CHILES. That is exactly the question I really wanted to ask the Senator from Delaware: Had that been done?

Mr. BIDEN. No.

Mr. CHILES. If the response he gave me was the President's request in writing from him and that maybe this is what he wants or something, whether we are really debating on what the President said he saw the role and the mission of the troops is. That is my understanding of what the War Powers Act was to be about, not just for us to indulge ourselves but so that,

really, the American people could understand what we were saying the purpose was, so marines and their mothers could understand what their purpose was in being there, and so we could have that kind of debate on the basis of exactly what the President felt that role and mission is. Is the Senator telling me that we are not going to have that kind of debate?

Mr. BIDEN. I am telling the Senator that we have people making representations on this floor as to what the President wants, but that, in fact, is not the same as having the debate on what the President specifically has sent up to us, in writing his intentions are in the region and what the nexus is between his objective and the presence of the troops. The fact of the matter is, my colleagues on both sides of the aisle and both Houses of Congress say to me on occasion: "Well, you know, Joe, if you go ahead and invoke the War Powers Act or if the President signed on to the War Powers Act, then he has only 60 days, and"—you have already heard the argument—"what will happen is that those who wish to see the marines leave and spill things for Lebanon will in fact continue the pressure upon the United States of America by shelling the marines, building up support in America to bring the boys home, and they will not be willing to move along the road to negotiate in that 60-day interim; therefore, you must give them more time."

My response to that is that that may be true, but until we once invoke the War Powers Act, until we once demonstrate to the world that the mere fact that the War Powers Act has been invoked does not mean that it will follow therefrom that the troops will be withdrawn. Until that occurs, we are going to always be in the situation where we are beaten over the head by every administration that says 60 days is not enough time.

Obviously, 60 days is not enough time to do anything other than make clear to the folks, make clear to JOE BROWN, make clear to me as one Senator: "What are you about, Mr. President? What is your game plan, Mr. President? And, Mr. President, I am willing to sign on based upon what I now know or I am not willing to sign on because I do not think it is capable of being accomplished."

Mr. CHILES. One of the problems I think we found in both Korea and Vietnam and one of the things I remember so vividly that I sort of said in my own determination after Vietnam was that I was not going to be willing to commit troops to another engagement unless we knew the rules in which they were going and we sort of knew when we could claim victory.

Can the Senator tell me when we would claim victory here?

Mr. BIDEN. I can only tell the Senator—and I honestly believe it—maybe the Senator from Illinois will listen to my response to this, because I do not want to misrepresent anybody's position, but in response to the Senator's question, I think a reasonable person, listening to the debate that has taken place in the Foreign Relations Committee, listening to the Marine Commandant, listening to the President of the United States on other occasions, and listening to the Secretary of State before the committee, would have to conclude that the only time in which, to use the phrase of the Senator from Florida, we can claim victory is when the four objectives are met. That is when in fact there is permanent cessation of hostilities, there is withdrawal of all foreign troops, there is de facto control of the country by central government, and Israel's northern border is secure.

Now, I would assume that if I were to interpret the objective as not having been met or anything short of the stated objective, a President would be able to come back to me and say: "Look, BIDEN, when you voted for that resolution, it was reasonable for you to understand, any reasonable person would have understood I was going to keep at it until all of those troops were out; I was going to keep at it until there was a central government in Lebanon that controlled all of Lebanon, and I was going to keep at it until Israel's northern border was secure."

That is what I would think he would have a right to say to me and to this Congress.

What do we say if, for example, 18 months from now, God forbid, the objectives have not been met? What do we say if, for example, 18 months from now Lebanon is like it has been for much of its tragic history? Do we say: "All right, you gave it a good try, now bring them home, now come back, now stop?"

Well, I do not know. I do not think that is the way we work in the Senate. I think the way we work, although the Senator was here a little before I was in the Senate—I was going to college and law school through that entire Vietnam era, and I observed a strange phenomenon, as we all did, in this country; that the more havoc that was caused by the enemy upon American boys the more it stiffened the resolve, understandably, of a number of Americans that started to ask the logical question: "Is this in vain? Did all these folks die for nothing? Are we now going to cut and run? My son died. My son lost his arm. Now you are telling me, John Q. Citizen, you are going to say come home? Why did my son die? What was the cause?"

And so I suspect, if this cease-fire does not last, if the objectives are not met, and there are more casualties over the next 18 months, when we rise

on the floor and say: "Well, now it is time, we cannot reasonably reach that objective," there are going to be people, understandably, who are going to say: "No, we cannot just let that go all for naught."

The Senator from Florida has made a private resolve to himself. The Senator from Illinois made reference to his deep feelings about the issue of war and peace with regard to previous wars.

Well, this is, I guess, a purging of our souls. I also made a promise to myself, as we all do when we come here. One of those promises was that I was never going to do to a generation that followed me what I believe was done to my generation. I was never going to vote to send a woman or a man into a situation where their life was at stake with a vague statement of American policy, without the full faith and credit of the U.S. Government and its military behind it. I was not going to do that. And here I am on the floor of the Senate 11 years later, voting on what I would have to say, with all the good intentions of the sponsors, is a vague resolution, saying: "I am going to commit American forces. I do not know how long it is going to take. I am not quite sure what the objective is. I am not sure how many lives will have to be lost, and I promise you I am not going to go too far."

My view is that if in fact the President believes it is necessary to commit significant forces to clear out the mountains around Beirut, I would rather him say "do it" and I will support him. If the alternative is this resolution or going in there completely, I will say, "Go in."

Those are only two alternatives. We have a third reasonable alternative, which I will speak to in a moment. But if they are the only two alternatives, as one Senator, I am not buying on to incremental bleeding. That is not what I am signing on for. I think that is what we are doing. We are signing on to an incremental bleeding.

We have some of my liberal colleagues on my side saying one of the problems with the resolution is that it gives a blank check.

That is not my problem with the resolution. My problem with the resolution is that I do not know when we accomplish our end, what the definition of the end is. If in fact we decide to do it, I, like the Senator, suggest that we not have any time on it and we not put a limitation on the military. If the military says they need 50,000 troops, if we conclude we are going to sign on to the objective, then let us sign on. But I do not want to sit back and say our objective is as follows, and then the military says in order to accomplish that objective we have to increase our presence tenfold.

They have not said that yet. But if they said that, for us to sit here and say: "Now, wait a minute, we only said you could have 1,200 troops, we only said you could have this many troops," that is not the point as far as I am concerned. If we go in to accomplish the objective, I think we should sign on to go in.

Mr. PERCY. Will the Senator yield?

Mr. BIDEN. For a question; yes, I yield.

Mr. PERCY. I would like to put a question to my distinguished colleague because we are in a sense dealing with that time-worn phrase "the real world." We are interested in responding to responsible people who say are these objectives worthy, do we have a chance to achieve them, and will what you are asking for in authority help us toward that goal?

Now, we know our ultimate goal differs from our goal for tomorrow. What we are doing is reaching in a sense for a star. We may never get it, but if we reach for it, we never will end up with a handful of mud.

What we set down were goals and objectives with which the Lebanese have thoroughly concurred. I do not know whether or not Syria concurs, but I think they know the commitment on the part of others.

We have an objective in the Camp David process, and it was scoffed at by some. But on balance, the Camp David process has led to what none of us believed in our lifetime we would ever see—a peace treaty signed between Egypt and Israel, an exchange of ambassadors, open borders, exchange of personnel, and removing the largest single Arab military ground force from the possibility of direct, head-on conflict with Israel, and a return of the Sinai over the vigorous objections. So we have accomplished something.

We saw two men, Begin and Sadat, awarded the Nobel Peace Prize. Since then, we have been deteriorating. We have seen dashed hopes. But the Camp David spirit still exists. You will never turn the clock back to the dark days when we had no hope.

Here again, we are establishing these four goals that my distinguished colleague enunciated, they are goals; they are objectives. Maybe they cannot all be achieved in the immediate future. But they are worthy of trying to be achieved. You will notice that we did not even have a cease-fire in one of them, and we achieved a cease-fire. We do not know how long it will last. I think the administration has carefully worked out its goals and has sat down and consulted with the parties—

Mr. BIDEN. Mr. President, since this is on my time, does the Senator have a question?

Mr. PERCY. Are we on controlled time?

The PRESIDING OFFICER. The time is being charged to the Senator from Illinois.

Mr. BIDEN. I thought the Senator had a question. I have not finished my statement yet.

Mr. PERCY. My question is this: Are there any better goals or objectives? Is there any suggestion the Senator would make to the administration as to how it can improve the approach it is now taking?

Does not the Senator concur with the Senator from Illinois that it is probably better to have no timeframe and no limitations but it is the will of Congress and the will of the people that we do put some framework on there? Certainly, that itself serves a useful purpose, because it says to the Lebanese: "You don't have a blank check from the United States. You have limited time, limited forces, and you have to take over."

That does put pressure on them. The Lebanese have never had an army that could unify and bring stability and peace to their own country. Now they have that objective.

I would be rather reluctant to give them too much of a blank check and say, "We will stand there, and you can hold our coat while we do your battle."

We are saying, "You have to do the fighting. You have to bring this country together. We are there for a short period of time, relatively speaking—a year and a half—with a limited number of people to help you."

What better incentive can we have for them to do something about it—as they are doing it now—and not as the Vietnamese ended up doing—holding our coats while we carried the load with 600,000 combat troops?

Mr. BIDEN. Mr. President, if I may respond, and then finish my statement, the Senator makes the understandably fallacious argument of appealing to authority, once again, which has been made for so many years in this body, and that is that so many responsible people have suggested this course.

I respectfully suggest that so many responsible people suggested the course of our foreign policy through the decade of the 1960's and 1970's, which I do not think turned out to be all that sound. I also suggest that maybe our problem is that we are in Washington.

They are worthy objectives. All of the objectives stated are worthy objectives.

The next question that the Senator said we should be asking is, Do they have a chance of succeeding? I suggest that the chance of succeeding along the lines this administration is pursuing those objectives is less than even and that what we are doing is putting a relatively small force of marines in the untenable position of having, in

fact, to attempt to achieve objectives which their size and scope and the extent of their authority limits their prospect of being able to do.

The Senator said, "What is our goal for tomorrow?" That is my question: What is our goal for tomorrow? What is tomorrow's goal? I have heard what the goal forever in Lebanon is: To have peace and tranquility, a central government, no foreign powers, and so forth. That, again, is a laudable goal. I do not disagree with the goal. But is it the mission of the marines to achieve that goal, and must they stay until that goal is achieved?

I think the resolution before us is flawed, constitutionally and practically. It tries to establish the applicability of the War Powers Act, when we already have foreknowledge that the President will disavow that act; and for the sake of harmony, it sidesteps the fundamental question. It is creating a regrettable precedent, in my view, and it asserts time limits which we know the President will not be bound by. He has already told us he will not be bound by them.

It pretends to limit our troops to a peacekeeping mission but permits such protective measures as may be necessary to insure their safety. It endorses our declared policy objectives, though we all know that no one really knows when they are going to be achieved or, in fact, if they will end up being achieved.

This resolution, in my view, does not back up our marines. It leaves them in grave uncertainty, because our policy is so ill defined that they cannot know what is really expected of them.

Because we are divided over that unclear policy and over the constitutional issue, we are not unified on the issue and, therefore, we are not unified behind them. Because the risks of that policy has been so minimized, they cannot be sure that we will stand fast if and when the situation worsens.

As a result, we sound a very uncertain trumpet while their lives are on the line.

The fact is that we still do not know what the objective is, what the mission is.

We get back to the resolution. The resolution is a resolution providing authority under the War Powers Act for continued U.S. participation in Multinational Peacekeeping Force in Lebanon in order to obtain withdrawal of all foreign forces from Lebanon.

The Senator from Illinois, when he gets his turn again, is going to tell me that the title does not control. If it does not control, why do we say that?

Are we saying that all foreign forces have to leave Lebanon before the Americans leave? If we do, we should tell the folks that. That is what we are signing on for. That is what we are telling the world we are signing on for.

That means, obviously, that Syria and Israel have a veto power over whether or not the marines leave—if that is what we are saying—and, I might add, the PLO.

The resolution states:

This joint resolution may be cited as the "Multinational force in Lebanon resolution."

The Senator says he is about to cure that deficiency. But what happens if the Multinational Force becomes the unilateral force? What happens if France, Italy, and England say they have had enough and they are going home? Do we go home?

The resolution says:

FINDINGS AND PURPOSE

The Congress finds that—

Then they go through what the Senator from Illinois read:

(1) the removal of all foreign forces from Lebanon is an essential United States foreign policy objective in the Middle East.

(2) in order to restore full control by the Government of Lebanon over its own territory, the United States is currently participating in the multinational peacekeeping force (hereafter in this resolution referred to as the "Multinational Force in Lebanon") which was established in accordance with the exchange of letters between the Governments of the United States and Lebanon dated September 25, 1982;

(3) the Multinational Force in Lebanon better enables the Government of Lebanon to establish its unity, independence, and territorial integrity;

(4) progress toward national political reconciliation in Lebanon is necessary; and

(5) United States Armed Forces participating in the Multinational Force in Lebanon are now in hostilities requiring authorization of their continued presence under the War Powers Resolution.

This administration says it is not going to be bound by that, anyway.

Now, I do not quite understand again how we have such a clearly defined objective. The Senator from Maryland has just come to the floor. I hope when he speaks he is going to do as artfully here as he did in the committee, a comparison between what in fact real definitions of mission are and what is a lack of a mission in this legislation.

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

Mr. BIDEN. I have not finished my statement, unless he wants to speak to that point for a moment.

Mr. SARBANES. If the Senator will yield at this point, I want to add another piece of evidence on this question of the mission and purpose of our forces as part of the Multinational Force. I think the Senator is absolutely on point in stressing that the mission of our troops has not been clearly defined and in fact is being expanded and broadened almost daily.

Now the Senator has quoted very effectively from the language of the resolution that is now before the Senate for approval. He quoted first the title which states that the participation in

the Multinational Peacekeeping Force in Lebanon is in order to obtain withdrawal of all foreign forces from Lebanon. Then he quoted the findings and purpose section of the joint resolution which states that in order to restore full control by the Government of Lebanon over its own territory, the United States is currently participating in the Multinational Peacekeeping Force and that the removal of all foreign forces from Lebanon is an essential U.S. foreign policy objective in the Middle East. I want to add three points to a newspaper report of an interview by the Secretary of State over the weekend with Cable News Network. This newspaper report in the Baltimore Sunday Sun this past Sunday said:

WASHINGTON.—Secretary of State George P. Shultz said yesterday that the mission of the U.S. marines and other Western forces should continue in Lebanon until there is stability in that country, which he indicated should include the withdrawal of Israeli, Syrian and Palestine Liberation Organization forces.

Given the chaotic situation in Lebanon, a senior administration official acknowledged, this could mean an indefinite commitment to remain there because "nobody knows if the Syrians will ever agree to pull out."

Mr. Shultz's comments, which came in an interview over the Cable News Network, were likely to cause further concern in Congress because, as he did when he testified last Wednesday before two congressional committees, the secretary refused to guarantee that the marines now in Lebanon would be pulled out in 18 months or that the size of the contingent or the scope of its mission would not be expanded.

The article reporting on the interview later stated:

At one point in the interview, the secretary refused to provide details on the conditions for pulling out the approximately 5,500 American, British, French and Italian members of the multinational force. But under questioning, he added:

"We have to judge the situation, and we want to have the marines continue their mission, and the other multinational force elements continue their mission, in supporting the emergence of stability in Lebanon. If we can find a situation in Lebanon that has stability in it, in terms of the structure of the government and removal of foreign forces, that's the objective."

When asked if that meant it would not be possible to achieve "stability" without the removal of the foreign forces, he agreed, saying: "I think that if you have a country with, say, 75 percent or so occupied by foreign forces, it's hard to see how the government of that country has control of it, and has stability."

Then, and listen carefully as our role in Lebanon gets carried step by step further and further.

Mr. Shultz also said that even if the foreign forces are withdrawn eventually, he could foresee the multinational forces being given another mission. Instead of being stationed in the Beirut area, "we've always had it in mind that if withdrawal of all foreign forces could be brought about and the Lebanese armed forces, which we've been helping train, can move in and take charge in those

areas, that the multinational force, not just our marines, might occupy some strategic position in Lebanon."

So that even if the foreign forces are withdrawn he is contemplating a further mission for the Multinational Force.

This is what we mean when we say the mission and purpose of this force has not been defined in a way that Congress can make a reasonable judgment about whether it makes sense, whether it is feasible, whether it is achievable, what the risks are, what the benefits are and whether we want to commit under those circumstances. The Senator has put his finger on an extremely important point. In fact our colleague, Senator NUNN, who was on "Meet The Press" on Sunday was questioned about our involvement there and made the point:

I do not believe we ought to be debating a time limit. I think we ought to be debating our role in Lebanon.

I think the Senator from Delaware has pinpointed the crucial issue very well and I commend the Senator. It is an extremely important point that is being discussed.

Mr. BIDEN. I thank the Senator and I hope he will develop it more.

Let me add that he was gracious in not going on and even reading further in that article. Where he left off it says:

A senior official said that there has been planning for the Western forces to be stationed in such key areas as the Beirut-Damascus highway to ensure that Syrian or PLO forces do not reenter Lebanon. They also might be sent to port areas and other regions to serve as a political support to the Lebanese.

I really admire the candor of the administration with the press. I wish they would be as candid with us. That is what we are looking for. We are trying to figure out what they are all about. They do not say as much to us. When you press them they say it is a limited role, and that it is only so many people.

I was eating lunch in the Senate dining room with several of my Republican colleagues who have a different ideological disposition on most issues than I and I said "I am worried that we are in there forever," and one Senator said to me "Oh, don't worry about that; wait until October of 1984, wait for the October surprise."

I want to know, and I want to make it clear to those marines that if we sign on to send them there we are signing on to stay with them. We are either going to be with them or not going to be with them. That is the generational argument I was trying to articulate before. We never knew before were you in or out. The only way you know you are in is, if that is the mission this administration has for our marines, then let him send it up to us within the context of the War

Powers Act. Let us debate it here on the floor of the Senate, and let us vote and let us be on record as to whether or not we support that mission.

We all line up and the likelihood is that if we all line up, we all sign on, we are likely to stay there. We are not going to have another generation that has the rug pulled out from under it when it is sitting there.

We are not going to then find that there is a majority on the floor of the Senate saying, "I didn't know you meant to do that, therefore cut off aid, cut off the money, cut off the appropriations."

You have to give them some security, some surety. If that is the mission let us make it the mission. A problem facing our marines is pretty well illustrated by a statement by one of the platoon commanders quoted in Sunday's Post. He said, "It is pretty hard to find out who is shooting at you. You have no idea who are the good guys and who are the bad guys. That is what I am trying to find out."

I want to make sure when that discussion takes place 2 months or 6 months or 18 months from now, in Lebanon among marines, they are not deciding whether we are the good guys or the bad guys, not just who is shooting at them but back here is the good guy and the bad guy, who is with them and who is against them, who signed on and who signed off. I do not see anything in this resolution that says that.

Now if every Senator who is going to vote for this resolution is saying, "Mr. President, we are signing on with you for 18 months, to accomplish the mission that you have cited as objectives, and we are not going to pull out on you, we are going to stick with you," then fine, wonderful.

I happen to think that would be a mistake. But, wonderful, we know what we are talking about then.

But, mark my words what is going to happen. People are going to sign on for the 18 months, which this resolution does, even though it has a review after 6 months, they are going to sign on for 18 months and then, God forbid, which I do not hope, if things get real bad, public pressure starts to build, these same folks who voted for that resolution are going to be on the floor of the U.S. Senate saying: "I didn't know it meant this. That ol' President, he is doing something he said he wasn't going to do. We didn't know it meant that. We only thought such and such."

And they will be able to say that because they can say, "I didn't know that was the military objective that we were signing onto."

The whole question before us, it seems to me, is, first and foremost, does the War Powers Act apply? The Senator from Illinois quoted or made reference to Camp David and talked

about how that was a chance and a historical occasion. All true. Only one little difference: We did not send American troops to assure Camp David was accommodated. We did not do that. We are here. Again, a laudable objective, but we are sending American troops, I assume, to stay with it until the objective is accomplished.

I do not understand how we can, as we seem to be trying to do, disconnect the presence of the marines from the objective. If they are not there to meet these broad objectives, why are they there? And if they are there for that reason, does not the President need a broader grant of authority than we are giving him in order to accomplish those objectives?

The President of the United States, in an address to the Nation back on November 20, 1982, started off by saying:

My fellow Americans, the scenes that the whole world witnessed this past weekend are among the most heart-rendering in the long nightmare of Lebanon's agony.

Then he went on to get to this phrase:

Secretary Shultz, on my behalf, has also reiterated our views to the Government of Israel through its Ambassador in Washington.

Continuing to quote:

Unless Israel moves quickly and courageously to withdraw, it will find itself ever more deeply involved in problems that are not of its own and which it cannot solve.

Now, I wonder why the President seemed so confident that we can solve the dilemma that has plagued Lebanon for centuries. In terms of U.S. national interests, to what degree is that interest jeopardized if, in fact, there is not a unified Lebanon? And if you assume that the objective, that we will have a significant diminution of our security interests in the region absent a united Lebanon, therefore, we must project force sufficiently to secure Lebanon, are we willing to go head to head and run the risk with that other superpower that is just across the line?

Mr. President, there are Soviet soldiers across the way—not 500, 5,000 or 8,000 miles away; they are miles away.

Now, what are we signing onto? Is it so important in our interests that we cannot have a situation that, in effect, is a situation where the Syrians are in the east, the Israelis in the south, and the Lebanese Government in the Beirut area while diplomacy works or attempts to make it work?

We are said to be protecting Israel's northern border. I thought Israel did a pretty good job of that all by itself. For the last 30 some years, we have not had to interdict any American Forces in the Middle East to protect Israel. They do a pretty credible job.

Why is it that we think that the American public and the world, that

understandably was outraged when Israel was shelling Beirut and other population centers to get after the PLO and innocent civilians were being killed, why is it we think the world will not think that of us when the battleship *New Jersey* is firing off into the Shuf?

Do we think somehow we are going to be able to do it with great precision and only (a) the bad guys, who ever they are, and (b) military bad guy types are going to be hit? This notion that on paper seems so compelling and reasonable that all we have to do is put together a Government of Lebanon or allow one to blossom—which it will do if it only has time—and then, with a little bit of help from their friends, all the bad guys will leave and everybody will be in harmony, and, therefore, if that occurs, the Middle East is more secure and that in turn is positive in terms of United States interests and so on and so on and so on, all sounds reasonable. It is compelling, except it defies history. I do not see that happening in any short time.

And yet, we are going to nickle and dime, apparently, the Marines to death while we seek that goal in an incremental way that is designed to produce this unified Lebanon that, in fact, has a central government that is in control of all Lebanon, absent the presence of foreign forces, all foreign forces.

I do not know. It sounds very good. The President could have just as easily come up here and said, through his Secretary of State, "Our objective is to secure the Beirut area."—at least that would have been more circumscribed—and define what constitutes the Beirut area. But we are going a little bit further than that. We are not just waiting for this Gemayel government to get its wings, we want it to be able to fly at the top speed for which it has been rated, and that is fly over all of Lebanon, unite all of Lebanon.

And how long do we stay? How long does the multinational force stay? As I said, do we stay beyond what the rest of the multinational force stays?

Well, I think the mission in Lebanon is changing the same incremental way that the mission in Southeast Asia changed. In August of 1982, the Marines were deployed in Beirut for less than 3 weeks to help supervise the PLO withdrawals. Then on September 25, 1982, the Marines reentered Beirut according to the United States agreement with Lebanon "temporarily to establish an environment which will permit the Lebanese Armed Forces to carry out their responsibilities in the Beirut area." The United States "will facilitate restoration of the Lebanese Government sovereignty and authority over the Beirut area."

And a U.S. Government statement said, "This agreement was to provide

appropriate assistance to the GOL's (the Government of Lebanon's) efforts to restore order, safety, and control in Beirut."

Then on September 29, 4 days later, President Reagan informed Congress: "The Marines' mission is to provide an interposition force at agreed locations and, therefore, provide the multinational presence requested by the Lebanese Government."

The President also reported that "All armed elements in the area have given us assurances that they will refrain from hostilities and will not interfere with the activities of the multinational force."

In recent weeks that mission has been expanded. In his report to the Congress on August 30 President Reagan said the multinational force, including Marines, "was designed to facilitate the restoration of the Lebanese Government's sovereignty and authority," thus omitting the previous limiting condition, that is, "in the Beirut area."

The President also said, "The continued presence of U.S. forces in Lebanon is essential to the objective of helping to restore the territorial integrity, sovereignty and political independence of Lebanon."

A little different.

September 21 of this year, Secretary Shultz described the mission in broader and vaguer terms: "Peacekeeping mission 'to provide sense of security' an added measure of stability in the overall equation 'one crucial pillar in the structure of stability' an important deterrent, a symbol of the international backing behind the legitimate government of Lebanon, an important weighting of the scales."

He also described the important objectives: One, withdrawal of all external forces; two, restoration of control by the Lebanese Government; three, security for Israel's northern border.

And then we heard quoted by the Senator from Maryland at some length quotes by Secretary Shultz to the press on what I would characterize as even a further expansion of the mission of the Marines and the multinational force beyond what has already been stated.

Now, if that is not an incremental increase in the objective and the mission for the Marines, I do not know what is.

The fact of the matter is I think that we are now in a situation where we this week are about to vote on a resolution signing on the U.S. Marines in Lebanon. We should understand that the ante is able to be put up by the President, in my view is likely to be increased, and in my view is going to continue this incremental presence of the U.S. Government, the U.S. military, with or without the multinational force present in the region for objectives which are laudable but do not

lend themselves to a military solution totally.

It seems to me that you in fact are going to find that, God forbid, there are 8 body bags in the next 4 months, or 80, or 800. Whatever in God's name is going to happen it is not likely that there is going to be no loss of American life or casualties in the region among those Marines in Lebanon.

So that is all I want to know as one Senator before I vote for anything, and the only way I know to get the answer is to invoke the War Powers Act and require nothing more than the War Powers Act, for the President within 48 hours to come up here and tell us how long we are in for, not in terms of time, that is, how many months, but how long do we stay before we can, as the Senator from Florida said earlier, declare we won and go home. What are we signing on for?

Since this is the first day of this debate, I will now yield the floor. Before I do, however, I would like to insert at this point the minority views of the Foreign Relations Committee so that as people go through this first day of comment and debate on this issue they will have up front the minority views set out.

I would like to take just a moment to read them, if I may.

Minority views signed on by all Democratic members of the Foreign Relations Committee.

MINORITY VIEWS OF ALL DEMOCRATIC COMMITTEE MEMBERS

We strongly oppose the joint resolution on Lebanon sponsored by Senators Baker and Percy and approved in the Foreign Relations Committee by a vote of 9-7. In our judgment, its enactment would constitute (1) a dereliction of Congressional responsibility to uphold the principles and procedures of the War Powers Resolution of 1973; (2) a failure to require of the Administration a clearly articulated and persuasive statement of the mission which U.S. Marines have been deployed in Lebanon to implement; and (3) an 18-month "blank check" under which the Administration could pursue hitherto unspecified military objectives in Lebanon while asserting that it is operating with full Congressional sanction. These gravely serious flaws warrant elaboration:

(1) Dereliction of Congressional responsibility relating to the War Powers Resolution. The Baker-Percy language has been presented as a "bipartisan compromise" which, in the interest of avoiding a dispute over "legalisms," would allow Congress and the Executive to affirm principles which are in conflict. This would present, it is argued, a united front regarding U.S. policy in Lebanon.

We do not believe that the issues surrounding proper implementation of the War Power Resolution are mere "legalisms." At issue are constitutional questions of immense gravity. The War Powers Resolution is law, a law passed over President Nixon's veto by overwhelming majorities in both houses. The reservations expressed by the executive branch about the Resolution's constitutionality do not diminish or compro-

mise its legal standing. In the absence of a Supreme Court ruling, only Congress can change or nullify that law. But by failing to demand adherence to obligations prescribed in the Resolution, Congress would abdicate its responsibility to uphold the law. In any event, Congress must not concede to the executive branch the contention that the War Powers Resolution is not binding in all of its particulars.

One approach, first proposed by Minority Leader Byrd and advocated in Committee by Senator Cranston, would have limited any joint resolution to a simple declaration that key provisions of section 4(a) of the War Powers Resolution were triggered by hostilities in Lebanon on August 29, 1983, which resulted in the deaths of 2 Marines. Enactment of such a resolution would not—

I repeat "not," entail a withdrawal of U.S. forces from Lebanon. It would, however, achieve the essential result of affirming unmistakably the applicability of War Powers resolution procedures, including the requirement for Congressional authorization for the maintenance of U.S. forces in Lebanon beyond 60-90 days. Unfortunately, this proposal was defeated in Committee by a vote of 9-7.

The determined unwillingness of the Administration to recognize that the procedures stipulated by the War Powers Resolution are now in fact required became starkly evident during the Secretary of State's testimony before the Committee. Under questioning on September 21st about the relationship between the Baker-Percy resolution and future U.S. actions in Lebanon, Secretary Shultz was assiduously careful to reserve for the Commander-in-Chief a full range of options—regarding the scope of operations, the number of U.S. forces, and the duration of the involvement—even in disregard if necessary of the War Powers Resolution framework the Baker-Percy resolution would purportedly impose on the U.S. presence there. Congress cannot ignore what this means. The Administration is prepared to participate in a procedure which would give some appearance of creating a War Powers Resolution framework without really conceding that any such framework exists.

Not only is the War Powers Resolution the law; its applicability to the situation in Lebanon is manifest. Accordingly, we believe strongly that any resolution passed should allow no ambiguity as to whether the procedures set forth in the War Powers Resolution are required. By intentionally side-stepping the issue, the Baker-Percy resolution fails to meet that test.

(2) The Absence of a Clearly-Defined Policy. The constitutional ambiguity of the Baker-Percy resolution is paralleled by an alarming vagueness concerning the mission of the U.S. forces whose presence in Lebanon the resolution would purport to authorize. One year ago, on August 25, 1982, when U.S. Marines were first introduced into Lebanon, their mission was limited and precise: to provide a temporary buffer that would allow the evacuation from Lebanon of elements of the Palestine Liberation Organization within a specified period of time. Shortly thereafter, when the Marines were re-introduced into Lebanon, they were deployed to perform, as part of a Multinational Force, the less precisely-worded mission set forth in the September 25, 1982, exchange of letters between the U.S. and Lebanese Governments. That agreement did, however, make clear that the U.S. military

role would be confined to "the Beirut area" and would preclude involvement in combat.

While citing the September 25th agreement, the Baker-Percy resolution is drafted so as to be susceptible to an extremely broad—almost infinitely elastic—interpretation of the mission associated with the presence of the U.S. forces in Lebanon. The "purposes" cited in Section 2 include "the removal of all foreign forces from Lebanon" and the restoration of "full control by the Government of Lebanon over its own territory." Thus, over the period of one year, the stated mission of U.S. forces in Lebanon has expanded from a limited role, the feasibility of which Congress could evaluate, to a role too nebulous for Congress to evaluate and too far-reaching for U.S. military forces alone possibly to accomplish. Consequently, the effect of the resolution is to provide Congressional acquiescence in a policy involving American soldiers in a commitment the scope of which has yet to be defined even by its proponents.

A major advantage of the Byrd-Cranston proposal to invoke section 4(a)(1) of the War Powers Resolution is that it would require the Administration to submit for Congressional evaluation a clear statement of military mission. This the Baker-Percy resolution would not do. It is not an example of any "Vietnam syndrome" to find in that resolution a disturbing similarity to the "Gulf of Tonkin" resolution of 1964 which, being comparably vague and invoking the necessity of protecting American forces, was used by a different Administration to assert that it possessed Congressional support for an Indochina policy which proved to be one of everwidening involvement.

(3) An 18-Month "Blank Check." Since we take as serious the Administration's patent unwillingness to be bound by the stipulations of the War Powers Resolution, the duration of the Baker-Percy "authorization" is technically a moot point. Practically, however, a shorter "authorization" would at least require that Congress face again the issues—constitutional and policy—which Congress faces now but which the Baker-Percy formulation would allow it negligently to defer. Accordingly, we supported—but failed in a 9-8 vote to achieve—the substitution of a six-month "authorization" period, after which these issues would again necessarily be joined if U.S. forces remain in Lebanon. We reject the argument that a time period shorter than 18 months will endanger the lives of American soldiers by inviting hostile action against them intended to sway U.S. public opinion against a continued U.S. presence. If the Administration had offered a clearly-defined mission in Lebanon for the U.S. armed forces and had also acknowledged its legal obligations under the War Powers Resolution, such a limited "authorization" might be unnecessary. But if the Baker-Percy formulation is to be adopted, it should certainly stipulate a duration short enough to require Congress to review soon the crucial questions surrounding the U.S. involvement in Lebanon. We believe in any case—meaning, no matter what duration is specified—that to pass this resolution would represent a grave abdication of congressional responsibility.

Mr. President, I yield the floor.

Mr. SARBANES. Will the Senator yield to me?

Mr. BIDEN. Yes, I yield to the Senator from Maryland.

Mr. SARBANES. Mr. President, I thank the Senator from Delaware for yielding.

This is the first and opening day of debate on this very grave and serious issue. I think it is reasonable to expect that, before the Senate finally votes on the matter, each Member will understand just how important the decision we are making here is.

Mr. BIDEN. Mr. President, will the Senator let me interrupt him for 60 seconds?

Mr. SARBANES. Surely, Mr. President.

Mr. BIDEN. Earlier, when I was referring to Camp David, I made reference, in reference to a comment by the Senator from Illinois, that we did not have American troops there assuring that it would be upheld. The fact of the matter is that, as the Senator knows, as we all know, there are U.S. troops to police the Sinai withdrawal. They are part of the Camp David peace treaty. But there are three significant differences. In Sinai, the administration specifically requested legislation, the mission of troops was governed by the Israeli and Egyptian treaty and the Sinai situation was one where hostilities were clearly not expected to develop and did not develop.

Mr. SARBANES. I might add that was a mission that was very clearly defined. I was a member of the committee when the request was made and we were able to have put before us exactly what was expected of the Americans involved, the responsibilities that they would be carrying out, and the circumstances in which those responsibilities would be carried out.

Mr. President, that brings me the first point I want to make in considering this resolution. That goes to the fact that the nature and mission of our troop involvement in Lebanon is not only not clearly defined, but is in the constant process of being expanded—of being started in broader, more general terms. I am going to have some material included in the RECORD and I hope Members will have an opportunity to look at it. It shows the administration moving to an expanded, unclearly defined commitment.

When the American marines were first put in in the late August as part of the multinational force, they went into Lebanon under a plan for the evacuation of the PLO from West Beirut. That commitment was very carefully defined. The President made a statement on the 20th of August in the course of which he said:

Our purpose will be to assist the Lebanese Armed Forces in carrying out their responsibility for insuring the departure of PLO leaders, offices, and combatants in Beirut from Lebanese territory under safe and orderly conditions. The presence of U.S. forces also will facilitate the restoration of the sovereignty and authority of the Lebanese Government over the Beirut area. In no

case will our troops stay longer than 30 days.

Mr. President, I ask unanimous consent to have the full statement of President Reagan on August 20, from which I have just quoted, be printed in the RECORD at this point.

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

PRESIDENT'S STATEMENT, AUGUST 20, 1982

Thank you all and let me just say in advance I'll be taking no questions because Secretary Shultz, a little later in the day, will be having a full press conference, so you can take everything up with him.

Ambassador Habib [Philip C. Habib, President's special emissary to the Middle East] has informed me that a plan to resolve the west Beirut crisis has been agreed upon by all the parties involved. As part of this plan, the government of Lebanon has requested, and I have approved, the deployment of U.S. forces to Beirut as part of a multinational force (MNF). The negotiations to develop this plan have been extremely complex and have been conducted in the most arduous circumstances. At times it was difficult to imagine how agreement could be reached and yet it has been reached. The statesmanship and the courage of President Sarkis and his colleagues in the Lebanese Government deserve special recognition as does the magnificent work of Ambassador Habib, Phil never lost hope and, in the end, his spirit and determination carried the day. We all owe him a debt of gratitude.

The parties who made this plan possible have a special responsibility for insuring its successful completion, or implementation. I expect its terms to be carried out in good faith and in accordance with the agreed timetable. This will require meticulous adherence to the cease-fire. Violations by any party would imperil the plan and bring renewed bloodshed and tragedy to the people of Beirut, and under no circumstances must that be allowed to happen. As you know, my agreement to include U.S. forces in a multinational force was essential for our success. In the days ahead, they and forces from France and Italy will be playing an important but carefully limited noncombatant role. The parties to the plan have agreed to this role and have provided assurances on the safety of our forces.

Our purpose will be to assist the Lebanese Armed Forces in carrying out their responsibility for insuring the departure of PLO leaders, offices, and combatants in Beirut from Lebanese territory under safe and orderly conditions. The presence of U.S. forces also will facilitate the restoration of the sovereignty and authority of the Lebanese Government over the Beirut area. I no case will our troops stay longer than 30 days. The participation of France and Italy in this effort is further evidence of the sense of responsibility of these good friends of the United States.

Successful resolution of the west Beirut crisis by responsible implementation of the plan now agreed will set the stage for the urgent international action required to restore Lebanon's full sovereignty, unity, and territorial integrity; obtain the rapid withdrawal of all foreign forces from that country; and help insure the security of northern Israel. We must also move quickly in the context of Camp David to resolve the Palestinian issue in all its aspects, as well as the other unresolved problems in the Arab-Is-

raeli conflict. Only when all these steps are accomplished can true and lasting peace and security be achieved in the Middle East.

Mr. SARBANES. Mr. President, that introduction of troops was pursuant to a departure plan which had been very carefully worked out. That plan set out the departure in great detail and provided among other things for the schedule of departures, the mandate of the multinational force, the duration of the multinational force—let me just quote that paragraph:

DURATION OF MNF

It will be mutually agreed between the Lebanese Government and the governments contributing forces to the MNF that the forces of the MNF will depart Lebanon not later than 30 days after arrival, or sooner at the request of the Government of Lebanon, or at the direction of the individual government concerned, or in accordance with the termination of the mandate of the MNF provided for above.

The departure plan goes on to set out the role of the International Committee of the Red Cross, provides for liaison and coordination, provides for matters governing the transit through Lebanon of PLO elements, and so forth and so on.

I ask unanimous consent that the departure plan and the factsheets on the departure be printed at this point in the RECORD.

There being no objection, the departure plan and fact sheets were ordered to be printed in the RECORD, as follows:

DEPARTURE PLAN

PLAN FOR THE DEPARTURE FROM LEBANON OF THE PLO LEADERSHIP, OFFICES, AND COMBATANTS IN BEIRUT

1. *Basic Concept.* All the PLO leadership, offices, and combatants in Beirut will leave Lebanon peacefully for prearranged destinations in other countries, in accord with the departure schedules and arrangements set out in this plan. The basic concept in this plan is consistent with the objective of the Government of Lebanon that all foreign military forces withdraw from Lebanon.

2. *Cease-fire.* A cease-fire in place will be scrupulously observed by all in Lebanon.

3. *U.N. Observers.* The U.N. Observer Group stationed in the Beirut area will continue its functioning in that area.

4. *Safeguards.* Military forces present in Lebanon—whether Lebanese, Israeli, Syrian, Palestinian, or any other—will in no way interfere with the safe, secure, and timely departure of the PLO leadership, offices, and combatants. Law-abiding Palestinian noncombatants left behind in Beirut, including the families of those who have departed, will be subject to Lebanese laws and regulations. The Governments of Lebanon and the United States will provide appropriate guarantees of safety in the following ways.

The Lebanese Government will provide its guarantees on the basis of having secured assurances from armed groups with which it has been in touch.

The United States will provide its guarantees on the basis of assurances received from the Government of Israel and from the leadership of certain Lebanese groups with which it has been in touch.

5. *"Departure Day"* is defined as the day on which advance elements of the multina-

tional force (MNF) deploy in the Beirut area, in accordance with arrangements worked out in advance among all concerned, and on which the initial group or groups of PLO personnel commence departure from Beirut in accord with the planned schedule.

6. *The Multinational Force.* A temporary multinational force, composed of units from France, Italy, and the United States, will have been formed—at the request of the Lebanese Government—to assist the Lebanese Armed Forces in carrying out their responsibilities in this operation. The Lebanese Armed Forces will assure the departure from Lebanon of the PLO leadership, offices, and combatants, from whatever organization in Beirut, in a manner which will:

(A) Assure the safety of such departing PLO personnel;

(B) Assure the safety of other persons in the Beirut area; and

(C) Further the restoration of the sovereignty and authority of the Government of Lebanon over the Beirut area.

7. *Schedule of Departures and Other Arrangements.* The attached schedule of departures is subject to revision as may be necessary because of logistical requirements and because of any necessary shift in the setting of Departure Day. Details concerning the schedule will be forwarded to the Israeli Defense Forces through the Liaison and Coordination Committee. Places of assembly for the departing personnel will be identified by agreement between the Government of Lebanon and the PLO. The PLO will be in touch with governments receiving personnel to coordinate arrival and other arrangements there. If assistance is required the PLO should notify the Government of Lebanon.

8. *MNF Mandate.* In the event that the Departure from Lebanon of the PLO personnel referred to above does not take place in accord with the agreed and predetermined schedule, the mandate of the MNF will terminate immediately and all MNF personnel will leave Lebanon forthwith.

9. *Duration of MNF.* It will be mutually agreed between the Lebanese Government and the governments contributing forces to the MNF that the forces of the MNF will depart Lebanon not later than 30 days after arrival, or sooner at the request of the Government of Lebanon or at the direction of the individual government concerned, or in accord with the termination of the mandate of the MNF provided for above.

10. *The PLO leadership* will be responsible for the organization and management of the assembly and the final departure of PLO personnel, from beginning to end, at which time the leaders also will all be gone. Departure arrangements will be coordinated so that departures from Beirut take place at a steady pace, day by day.

11. *Lebanese Armed Forces Contribution.* The Lebanese Army will contribute between seven and eight army battalions to the operation, consisting of between 2,500-3,500 men. In addition, the internal security force will contribute men and assistance as needed.

12. *ICRC.* The International Committee of the Red Cross (ICRC) will be able to assist the Government of Lebanon and Lebanese Armed Forces in various ways, including in the organization and management of the evacuation of wounded and ill Palestinian and Syrian personnel to appropriate destinations, and in assisting in the chartering and movement of commercial vessels for use in departure by sea to other countries. The Liaison and Coordination Committee will

insure that there will be proper coordination with any ICRC activities in this respect.

13. *Departure by Air.* While present plans call for departure by sea and land, departures by air are not foreclosed.

14. *Liaison and Coordination.*

The Lebanese Armed Forces will be the primary point of contact for liaison with the PLO as well as with other armed groups and will provide necessary information.

The Lebanese Armed Forces and MNF will have formed prior to Departure Day a Liaison and Coordination Committee, composed of representatives of the MNF participating governments and the Lebanese Armed Forces. The committee will carry out close and effective liaison with, and provide continuous and detailed information to, the Israeli Defense Forces (IDF). One behalf of the committee, the Lebanese Armed Forces will continue to carry out close and effective liaison with the PLO and other armed groups in the Beirut area. For convenience, the Liaison and Coordination Committee will have two essential components:

(A) Supervisory liaison; and

(B) Military and technical liaison and coordination.

The Liaison and Coordination Committee will act collectively; however, it may designate one or more of its members for primary liaison contact who would of course act on behalf of all.

Liaison arrangements and consultations will be conducted in such a way as to minimize misunderstandings and to forestall difficulties. Appropriate means of communications between the committee and other groups will be developed for this purpose.

The Liaison and Coordination Committee will continually monitor and keep all concerned currently informed regarding the implementation of the plan, including any revisions to the departure schedule as may be necessary because of logistical requirements.

15. *Duration of Departure.* The departure period shall be as short as possible and, in any event, no longer than 2 weeks.

16. *Transit Through Lebanon.* As part of any departure arrangement, all movements of convoys carrying PLO personnel must be conducted in daylight hours. When moving overland from Beirut to Syria, the convoys should cross the border into Syria with no stops en route. In those instances when convoys of departing PLO personnel pass through positions of the Israeli Defense Forces, whether in the Beirut area or elsewhere in Lebanon, the Israeli Defense Forces will clear the route for the temporary period in which the convoy is running. Similar steps will be taken by other armed groups located in the area of the route the convoy will take.

17. *Arms Carried by PLO Personnel.* On their departure, PLO personnel will be allowed to carry with them one individual side weapon (pistol, rifle, or submachine gun) and ammunition.

18. *Heavy and Spare Weaponry and Munitions.* The PLO will turn over to the Lebanese Armed Forces as gifts all remaining weaponry in their possession, including heavy, crew-served, and spare weaponry and equipment, along with all munitions left behind in the Beirut area. The Lebanese Armed Forces may seek the assistance of elements of the MNF in securing and disposing of the military equipment. The PLO will assist the Lebanese Armed Forces by providing, prior to their departure, full and

detailed information as to the location of this military equipment.

19. Mines and Booby Traps. The PLO and the Arab Deterrent Force (ADF) will provide to the Lebanese Armed Forces and the MNF (through the Lebanese Armed Forces) full and detailed information on the location of mines and booby traps.

20. Movement of PLO Leadership. Arrangements will be made so that departing PLO personnel will be accompanied by a proportionate share of the military and political leadership throughout all stages of the departure operation.

21. Turnover of Prisoners and Remains. The PLO will, through the ICRC, turn over to the Israeli Defense Forces, all Israeli nationals whom they have taken in custody, and the remains, or full and detailed information about the location of the remains, of all Israeli soldiers who have fallen. The PLO will also turn over to the Lebanese Armed Forces all other prisoners whom they have taken in custody and the remains, or full and detailed information about the location of the remains, of all other soldiers who have fallen. All arrangements for such turnovers shall be worked out with the ICRC as required prior to Departure Day.

22. Syrian Military Forces. It is noted that arrangements have been made between the Governments of Lebanon and Syria for the deployment of all military personnel of the Arab Deterrent Force from Beirut during the departure period. These forces will be allowed to take their equipment with them, except for that—under mutual agreement between the two governments—which is turned over to the Lebanese Armed Forces. All elements of the Palestinian Liberation Army, whether or not they now or in the past have been attached to the Arab Deterrent Force, will withdraw from Lebanon.

FACT SHEETS ON THE DEPARTURE

PLAN FOR THE DEPARTURE OF THE PLO

A plan for the departure from Lebanon of the PLO leaders, offices, and combatants in Beirut has been accepted by the Governments of Lebanon, the troop-contributing countries, and Israel and by the PLO. That plan includes a schedule of departures which is also attached to the bilateral notes exchanged between the Government of Lebanon and the troop-contributing countries.

The PLO will go to various countries in the region including Jordan, Iraq, Tunisia, North Yemen, South Yemen, Syria, Sudan, and Algeria.

Departing PLO personnel will be accompanied by a proportionate share of the military and political leadership throughout all stages of the departure arrangements.

The PLO will turn over to the Lebanese Armed Forces their heavy and crew-served weapons, spare weaponry and equipment along with all munitions left behind in the Beirut area. They and the Arab Deterrent Force will also provide detailed information on the location of mines and booby traps to the Lebanese Armed Forces. On departure, PLO personnel may carry with them an individual side weapon and ammunition.

The Arab Deterrent Force (i.e., the Syrians) and those forces attached to the Arab Deterrent Force will also redeploy from Beirut during the period of the PLO departure. The Syrian military forces will take their equipment with them except for that which, by mutual agreement, is turned over to the Lebanese Armed Forces.

MNF COMPOSITION, AREA OF OPERATIONS, AND MISSION

Force Composition. The multinational force, which will be deployed to the Beirut area at the request of the Government of Lebanon will be comprised of approximately 400 Italian, 800 French, and 800 U.S. military personnel. The U.S. portion of the MNF will be comprised of Marines of the 32d Marine Amphibious Unit presently serving with elements of the Sixth Fleet on duty in the eastern Mediterranean.

Area of Operations. The MNF will operate in and around the Beirut area. It will take up positions and operate from locations determined by mutual agreement between the various national contingents and the Lebanese Armed Forces through the mechanism of a Liaison and Coordination Committee.

Mission. The multinational force will assist the Lebanese Armed Forces in carrying out its responsibilities for insuring the safe and orderly departure from Lebanon of the PLO leaders, offices, and combatants in a manner which will insure the safety of other persons in the area, and which will further the restoration of the sovereignty and authority of the Government of Lebanon over the Beirut area.

Duration of the MNF Mandate. It has been mutually agreed between the Government of Lebanon and those governments contributing forces to the MNF that these forces will depart Lebanon not later than 30 days after arrival, or sooner at the request of the Government of Lebanon or at the direction of the individual government concerned. There is also provision for the immediate termination of the mandate of the MNF and for its withdrawal from Beirut in the event that the departure from Lebanon of PLO personnel does not take place in accord with the predetermined schedule.

ROLE AND MISSION OF U.S. FORCES IN BEIRUT

U.S. forces will be deployed to Beirut as part of the multinational force based on an agreement between the U.S. Government and the Government of Lebanon.

The U.S. contingent of the multinational force will provide appropriate assistance to the Lebanese Armed Forces as they carry out their responsibilities concerning the withdrawal of PLO personnel in Beirut from Lebanese territory under safe and orderly conditions. The presence of U.S. forces also will facilitate the restoration of Lebanese Government sovereignty and authority over the Beirut area.

U.S. forces will enter Beirut after the evacuation is well underway (probably 5 or 6 days thereafter) in concert with the Italian MNF contingent and the remainder of the French force. Approximately 800 Marines from Sixth Fleet units will be deployed. Command authority for the Marines will be exercised by the National Command Authority (NCA) through normal American military channels (EUCOM). These forces will not engage in combat but may exercise the right of self-defense. They will have freedom of movement and the right to undertake actions necessary to perform their mission or to support their personnel. U.S. personnel will be armed with usual infantry weapons.

Close coordination will be maintained with the Lebanese Armed Forces. There will be an exchange of liaison officers among the elements of the MNF and the Lebanese Armed Forces. A Liaison and Coordination Committee composed of representatives from the U.S., French, Italian, and Lebanese armed forces will assist this process. The Government of Lebanon and the Leba-

nese Armed Forces are taking measures necessary to insure the protection of U.S. forces including having secured assurances from armed elements that they will comply with the cease-fire and cessation of hostilities.

The U.S. contingent will be in Beirut for no more than 30 days.

WAR POWERS RESOLUTION

The War Powers Resolution requires a report to Congress within 48 hours after the introduction of U.S. Armed Forces: (1) into foreign territory while equipped for combat; or (2) into hostilities or situations where imminent involvement in hostilities is clearly indicated by the circumstances.

There is no intention or expectation that U.S. forces will become involved in hostilities in Beirut. They will be in Lebanon at the formal request of the Government of Lebanon; we will have assurances regarding the safety and security of the multinational force. Although we cannot rule out isolated acts of violence, all appropriate precautions will be taken to assure the safety of U.S. military personnel during their brief assignment to Lebanon.

These matters will, in any event, be kept under constant review, and the President will report to Congress consistent with the reporting requirements of the War Powers Resolution.

AGREEMENTS AND ASSURANCES

U.S. forces will participate in the multinational force in Beirut pursuant to an agreement between the U.S. Government and the Government of Lebanon. That agreement is in the form of an exchange of notes signed by Ambassador Dillon on behalf of the U.S. Government and Deputy Prime Minister and Minister of Foreign Affairs Boutros on behalf of the Lebanese Government.

The agreement describes the missions of the Lebanese Armed Forces, the MNF, and the U.S. forces participating in the MNF. It contains provisions concerning command authority for U.S. forces, coordination with the Lebanese Armed Forces and immunities of U.S. personnel. Annexed to the agreement is the schedule for the PLO departure from Beirut.

In accordance with the agreement, the Government of Lebanon has secured assurances from all armed elements not now under the authority of the Lebanese Government that they will comply with the cease-fire and cessation of hostilities. The Government of Israel has provided appropriate assurances.

ROLE OF THE ICRC IN MOVING THE PLO FROM WEST BEIRUT

The role envisaged for the International Committee of the Red Cross (ICRC) in moving the PLO from west Beirut is still being finalized on the basis of discussions in Geneva and Beirut.

In accordance with its charter, the ICRC will be expected to care for the sick and wounded combatants while in transit. Initially, the ICRC will arrange transport and provide medical care for the sick and wounded PLO personnel going to Greece.

FINANCING THE DEPARTURE OF THE PLO FROM WEST BEIRUT

The cost of chartering transport of the PLO combatants to receiving countries will be funded through international organizations. The United States is prepared to provide initial funding from State Department funds.

Estimates regarding the cost of evacuating PLO forces from West Beirut currently

range from \$3 to \$4 million. This figure could be increased, however, as the number of people to be transported and their ultimate destinations are finalized.

(Mr. COCHRAN assumed the chair.)

Mr. SARBANES. I want to underscore again, Mr. President, that the departure plan is a very carefully prepared plan, thoroughly defining the circumstance under which our troops were first introduced into Lebanon. They went in on August 20. The mission was accomplished on September 11, and they came out ahead of schedule.

I ask that the schedule of departures related to this plan be printed in the RECORD at this point.

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

SCHEDULE OF DEPARTURES

AUGUST 21, 1983—DEPARTURE DAY

The advance elements of the MNF (approximately 350 men) land at the Port of Beirut at about 0500 and deploy in the Beirut port area in preparation for the initial departures of PLO groups by sea.

Meanwhile the Lebanese Armed Forces deploy to previously agreed positions in the Beirut area, primarily in the so-called demarcation line area, to assist in the departure of PLO personnel. The Lebanese Armed Forces will take over positions occupied by the PLO.

The PLO will insure that National Movement Forces [collection of Lebanese militias] which had occupied these positions jointly with the PLO shall also withdraw.

As the day proceeds, the Lebanese Armed Forces will take up such other positions as necessary to assist in the departure of PLO personnel.

Meanwhile, the initial group of PLO personnel assemble in preparation for departure by sea later in the day (or on August 22). The vessel or vessels to be used for this purpose will arrive at pier on August 21.

The initial groups could include the wounded and ill, who would be transported in accordance with agreed arrangements—by sea or land, or both—to their destinations in other countries.

The initial group or groups of PLO personnel destined for Jordan and Iraq would move from their assembly point to the waiting commercial vessel or vessels for onward transport by sea.

AUGUST 22

All groups destined for Jordan or Iraq will have boarded ship and will have sailed from Beirut.

Duplicating the model followed on August 21, PLO groups destined for Tunisia assemble and move to the Port of Beirut for departure by sea.

AUGUST 23

All PLO personnel destined for Tunisia complete their assembly and embark on commercial vessel for Tunisia.

PLO personnel destined for South Yemen assemble and move to a vessel for departure then or on August 24.

AUGUST 24-25

Assembly and departure by sea of PLO personnel destined for North Yemen.

AUGUST 25

Provided that satisfactory logistical arrangements have been completed, the initial

groups of PLO personnel destined for Syria assemble and move overland via the Beirut-Damascus highway to Syria.

The advance French elements of the MNF already in the port area will have taken up such other agreed positions on the land route in the Beirut area as necessary to assist in the overland departure of the PLO personnel for Syria.

The Lebanese Armed Forces join with the French in occupying such positions.

(If it should be agreed that these initial groups should go by sea to Syria rather than by land, this departure schedule also is subject to amendment to assure that logistical requirements are met.)

AUGUST 26-28 (APPROXIMATELY)

The remaining forces of the MNF (from the United States, France, and Italy) arrive in the Beirut area and deploy to agreed locations as determined through the Liaison and Coordinating Committee. This movement may be accompanied by the transfer of the advance French elements previously in the port area and elsewhere to other locations in the Beirut area.

AUGUST 26-27-28

PLO groups destined for Syria continue to move—by land or sea—to Syria.

AUGUST 29-SEPTEMBER 4

Turnover to the Lebanese Armed Forces of PLO weaponry, military equipment, and ammunition in a continuing and orderly fashion.

AUGUST 29-30-31

Redeployment out of Beirut of the Syrian elements of the ADF.

SEPTEMBER 1-4

Completion of the departure to Syria—by land or sea—of all PLO or Palestine Liberation Army personnel destined for Syria.

SEPTEMBER 2-3

Assembly and departure by sea of all PLO personnel destined for the Sudan.

Assembly and movement by sea of all PLO personnel destined for Algeria.

SEPTEMBER 4-21

The MNF assists the Lebanese Armed Forces in arrangements, as may be agreed between governments concerned, to insure good and lasting security throughout the area of operation.

SEPTEMBER 21-26

Departure of MNF.

Mr. SARBANES. This schedule of departure sets out the projected timetable beginning with August 21, 1982, the departure day, and going right through to September 21 to 26, the dates of departure of the MNF. Actually, the multinational force departed ahead of those dates, the evacuation of the PLO having been accomplished.

I also ask that an exchange of notes dated August 18 and August 20, 1982 governing the U.S. contribution to the multinational force be printed at this point in the RECORD.

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

EXCHANGE OF NOTES

LEBANESE NOTE REQUESTING U.S. CONTRIBUTION TO MNF

BEIRUT,

August 18, 1982.

Ambassador ROBERT S. DILLON,
U.S. Embassy, Beirut

YOUR EXCELLENCY, I have the honor to refer to the many conversations between their Excellencies the President of the Republic of Lebanon, the Prime Minister and myself on the one hand, and with Ambassador Philip C. Habib, Special Emissary to the President of the United States of America, on the other hand, as well as to the resolution of the Council of Ministers passed today. I have the honor to refer to the schedule set up by the Government of Lebanon, after consultations with interested parties, in order to assure the withdrawal from Lebanese territory of the Palestinian leaders, offices and combatants related to any organization now in the Beirut area, in a manner which will:

(1) assure the safety of such departing persons;

(2) assure the safety of the persons in the area; and

(3) further the restoration of the sovereignty and authority of the Government of Lebanon over the Beirut area.

In this context, the Government of Lebanon is proposing to several nations that they contribute forces to serve as a temporary Multinational Force (MNF) in Beirut. The mandate of the MNF will be to provide appropriate assistance to the Lebanese Armed Forces (LAF) as they carry out the foregoing responsibilities, in accordance with the annexed schedule. The MNF may undertake other functions only by mutual agreement. It is understood that, in the event that the withdrawal of the Palestinian personnel referred to above does not take place in accord with the predetermined schedule, the mandate of the MNF will terminate immediately and all MNF personnel will leave Lebanon forthwith.

In the foregoing context, I have the honor to propose that the United States of America deploy a force of approximately 800 personnel to Beirut, subject to the following terms and conditions:

The American military force shall carry out appropriate activities consistent with the mandate of the MNF.

Command authority over the American force will be exercised exclusively by the United States Government through existing American military channels.

The American force will operate in close coordination with the LAF. To assure effective coordination with the LAF, the American force will assign liaison officers to the LAF and the Government of Lebanon will assign liaison officers to the American force. The LAF liaison officers to the American force will, *inter alia*, perform liaison with the civilian population and manifest the authority of the Lebanese Government in all appropriate situations.

In carrying out its mission, the American force will not engage in combat. It may, however, exercise the right of self-defense.

The American force will depart Lebanon not later than thirty days after its arrival, or sooner at the request of the President of Lebanon or at the direction of the United States Government, or according to the termination of the mandate provided for above.

The Government of Lebanon and the LAF will take all measures necessary to ensure

the protection of the American force's personnel, to include securing the assurances from all armed elements not now under the authority of the Lebanese Government that they will comply with the cease-fire and cessation of hostilities.

The American force will enjoy both the degree of freedom of movement and the right to undertake those activities deemed necessary for the performance of its mission or for the support of its personnel. Accordingly, it shall enjoy all facilities necessary for the accomplishment of these purposes. Personnel in the American force shall enjoy the privileges and immunities accorded the administrative and technical staff of the American Embassy in Beirut, and shall be exempt from immigration and customs requirements, and restrictions on entering or departing Lebanon. Personnel, property and equipment of the American force introduced into Lebanon shall be exempt from any form of tax, duty, charge or levy.

I have the further honor to propose, if the foregoing is acceptable to your Excellency's government, that your Excellency's reply to that effect, together with this note, shall constitute an agreement between our two governments, to enter into force on the date of your Excellency's reply.

Please accept, your Excellency, the assurances of my highest consideration.

FUAD BOUTROS,
*Deputy Prime Minister
Minister of Foreign Affairs.*

**U.S. REPLY TO LEBANESE NOTE REQUESTING
U.S. CONTRIBUTION TO MNF**

August 20, 1982.

I have the honor to refer to your Excellency's note of 18 August 1982 requesting the deployment of an American force to Beirut. I am pleased to inform you on behalf of my government that the United States is prepared to deploy temporarily a force of approximately 800 personnel as part of a Multinational Force (MNF) to provide appropriate assistance to the Lebanese Armed Forces (LAF) as they carry out their responsibilities concerning the withdrawal of Palestinian personnel in Beirut from Lebanese territory under safe and orderly conditions, in accordance with the schedule annexed to your Excellency's note. It is understood that the presence of such an American force will in this way facilitate the restoration of Lebanese Government sovereignty and authority over the Beirut area, an objective which is fully shared by my government.

I have the further honor to inform you that my government accepts the terms and conditions concerning the presence of the American force in the Beirut area as set forth in your note, and that your Excellency's note and this reply accordingly constitute an agreement between our two governments.

ROBERT S. DILLON,
*Ambassador of the
United States of America.*

Mr. SARBANES. That exchange of notes, I would point out, stated, among other things, that in carrying out its mission the American forces will not engage in combat. Furthermore it provided that "The American force will depart Lebanon not later than 30 days after its arrival, or sooner at the request of the President of Lebanon or at the direction of the U.S. Government, or according to the termination of the mandate provided for above."

Mr. President, the President sent a letter to the Secretary General of the United Nations on August 20 concerning this matter. I ask unanimous consent that it be printed in the RECORD.

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

**PRESIDENT'S LETTER TO THE U.N. SECRETARY
GENERAL, AUGUST 20, 1982**

Letter dated August 20, 1982, from the Charge d'Affairs a.l. of the U.S. Permanent Mission to the United Nations addressed to the Secretary General

I have the honour to transmit the following message from the President of the United States:

"DEAR MR. SECRETARY-GENERAL: As you know, the Government of the Republic of Lebanon has requested the deployment of a multinational force in Beirut to assist the Lebanese armed forces as they carry out the orderly and safe departure of Palestinian personnel now in the Beirut area in a manner which will further the restoration of the sovereignty and authority of the Government of Lebanon over the Beirut area. The Lebanese Government has asked for the participation of United States military personnel in this force, together with military personnel from France and Italy.

"I wish to inform you that the United States Government has agreed, in response to this request from the Lebanese Government, to deploy a force of about 800 personnel to Beirut for a period not exceeding 30 days. It is my firm intention and belief that these troops will not be involved in hostilities during the course of this operation.

"The deployment of this United States force is consistent with the purposes and principles of the United Nations as set forth in Articles 1 and 2 of the Charter. It furthers the goals of Security Council resolutions 508 (1982) and 509 (1982) adopted in June at the beginning of the Lebanese conflict. The force will plan to work closely with the United Nations observer group stationed in the Beirut area.

"The agreement will support the objective of helping to restore the territorial integrity, sovereignty and political independence of Lebanon. It is part of the continuing efforts of the United States Government to bring lasting peace to that troubled country, which has too long endured the trials of civil strife and armed conflict.

RONALD REAGAN."

I have the honour to request that the present letter be circulated as an official document of the General Assembly, under item 34 of the provisional agenda, and of the Security Council.

KENNETH L. ADELMAN,
Ambassador.

Mr. SARBANES. And then on August 24, 1982, the President sent a letter to the Congress. In the course of that letter, he says as follows—and I am now quoting excerpts from his letter and then I will ask unanimous consent that the full text be included in the RECORD:

I want to emphasize that there is no intention or expectation the U.S. Armed Forces will become involved in hostilities. They are in Lebanon at the formal request of the Government of Lebanon. Our agreement with the Government of Lebanon expressly rules out any combat responsibilities for the U.S. forces. All armed elements in

the area have given assurances that they will take no action to interfere with the implementation of the departure plan or the activities of the multinational force. (The departure has been underway for some days now and thus far these assurances have been fulfilled.) Finally, the departure plan makes it clear that in the event of a breakdown in its implementation, the multinational force will be withdrawn. Although we cannot rule out isolated acts of violence, all appropriate precautions have thus been taken to assure the safety of U.S. military personnel during the brief assignment to Lebanon.

Mr. President, I ask unanimous consent that the full text of that letter be printed in the RECORD.

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

**PRESIDENT'S LETTER TO THE CONGRESS, AUG.
24, 1982**

On August 18, 1982, the Government of Lebanon established a plan for the departure from Lebanon of the Palestine Liberation Organization leadership, offices, and combatants in Beirut. This plan has been accepted by the Government of Israel. The Palestine Liberation Organization has informed the Government of Lebanon that it also has accepted the plan. A key element of this plan is the need for a multinational force, including a United States component, to assist the Government of Lebanon in carrying out its responsibilities concerning the withdrawal of these personnel under safe and orderly conditions. This will facilitate the restoration of Lebanese Government sovereignty and authority over the Beirut area.

In response to the formal request of the Government of Lebanon, and in view of the requirement for such a force in order to secure the acceptance by concerned parties of the departure plan, I have authorized the Armed Forces of the United States to participate on a limited and temporary basis. In accordance with my desire that the Congress be fully informed on this matter, and consistent with the War Powers Resolution, I am hereby providing a report on the deployment and mission of these members of the United States Armed Forces.

On August 21, in accordance with the departure plan, approximately 350 French military personnel—the advance elements of the multinational force—were deployed in Beirut together with elements of the Lebanese Armed Forces, and the departure of Palestinian personnel began. To date, Palestinian personnel have departed Lebanon in accordance with the terms of the plan.

On August 25, approximately 800 Marines began to arrive in Beirut. These troops are equipped with weapons consistent with their non-combat mission, including usual infantry weapons.

Under our agreement with the Government of Lebanon, these U.S. military personnel will assist the Government of Lebanon in carrying out its responsibilities concerning the withdrawal of Palestinian personnel under safe and orderly conditions. The presence of our forces will in this way facilitate the restoration of Lebanese Government sovereignty and authority in the Beirut area. Our forces will operate in close coordination with the Lebanese Armed Forces, which will have 2,500-3,500 personnel assigned to this operation, as well as with a total of approximately 800 French

and 400 Italian military personnel in the multinational force. Transportation of the personnel departing is being carried out by commercial air and sea transport, and by land. According to our agreement with the Government of Lebanon, the United States military personnel will be withdrawn from Lebanon within thirty days.

I want to emphasize that there is no intention or expectation that U.S. Armed Forces will become involved in hostilities. They are in Lebanon at the formal request of the Government of Lebanon. Our agreement with the Government of Lebanon expressly rules out any combat responsibilities for the U.S. forces. All armed elements in the area have given assurances that they will take no action to interfere with the implementation of the departure plan or the activities of the multinational force. (The departure has been underway for some days now, and thus far these assurances have been fulfilled.) Finally, the departure plan makes it clear that in the event of a breakdown in its implementation, the multinational force will be withdrawn. Although we cannot rule out isolated acts of violence, all appropriate precautions have thus been taken to assure the safety of U.S. military personnel during their brief assignment to Lebanon.

This deployment of the United States Armed Forces to Lebanon is being undertaken pursuant to the President's constitutional authority with respect to the conduct of foreign relations and as Commander-in-Chief of the United States Armed Forces.

This step will not, by itself, resolve the situation in Lebanon, let alone the problems which have plagued the region for more than thirty years. But I believe that it will improve the prospects for realizing our objectives in Lebanon:

A permanent cessation of hostilities;
Establishment of a strong, representative central government;

Withdrawal of all foreign forces;
Restoration of control by the Lebanese Government throughout the country; and

Establishment of conditions under which Lebanon no longer can be used as a launching point for attacks against Israel. I also believe that progress on the Lebanon problem will contribute to an atmosphere in the region necessary for progress towards the establishment of a comprehensive peace in the region under Camp David, based firmly on U.N. Security Council Resolutions 242 and 338.

Sincerely,

RONALD REAGAN.

Mr. SARBANES. Mr. President, all of this documentation, which has now been included in the RECORD, makes it very clear that at the time of the initial commitment of American troops to the multinational force in Lebanon there was a very careful, detailed, spelled out role. The Congress was in a position to evaluate that role, to look at it and to reach some judgment about the circumstances into which our troops were being committed, the benefits that were going to flow from that commitment, and the risks that were involved. The subsequent reintroduction of our troops into Lebanon later in September was governed only by an exchange of notes between our Ambassador to Lebanon and the Minister of Foreign Affairs and the Deputy Prime Minister of Lebanon.

Mr. President, as a reading of the motion will indicate the reference is primarily to the role that the forces were going to play in the Beirut area.

I ask unanimous consent that that exchange of notes be printed in the RECORD.

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

9. AGREEMENT BETWEEN THE UNITED STATES AND LEBANON ON UNITED STATES PARTICIPATION IN A MULTINATIONAL FORCE IN BEIRUT.

Effected by exchange of notes at Beirut September 25, 1982.

Entered into force September 25, 1982.

BEIRUT, September 25, 1982.

No. 100

YOUR EXCELLENCY: I have the honor to refer to Your Excellency's note of 25 September 1982 requesting the deployment of an American Force to the Beirut area. I am pleased to inform you on behalf of my Government that the United States is prepared to deploy temporarily a force of approximately 1200 personnel as part of a Multinational Force (MNF) to establish an environment which will permit the Lebanese Armed Forces (LAF) to carry out their responsibilities in the Beirut area. It is understood that the presence of such an American Force will facilitate the restoration of Lebanese Government sovereignty and authority over the Beirut area, an objective which is fully shared by my Government, and thereby further efforts of the Government of Lebanon to assure the safety of persons in the area and bring to an end the violence which has tragically recurred.

His Excellency
FOUAD BUTRUS,

Deputy Prime Minister and Minister of Foreign Affairs, Beirut.

I have the further honor to inform Your Excellency that my Government accepts the terms and conditions concerning the presence of the American Force in the Beirut area as set forth in your note, and that Your Excellency's note and this reply accordingly constitute an agreement between our two Governments.

BEIRUT, the 25th of September 1982.

His Excellency Mr. ROBERT DILLON,
Ambassador of the United States, Beirut.

YOUR EXCELLENCY: I have the honor to refer to the urgent discussions between representatives of our two governments concerning the recent tragic events which have occurred in the Beirut area, and to consultations between my government and the Secretary General of the United Nations pursuant to United Nations Security Council Resolution 521. On behalf of the Republic of Lebanon, I wish to inform Your Excellency's Government of the determination of the Government of Lebanon to restore its sovereignty and authority over the Beirut area and thereby to assure the safety of persons in the area and bring an end to violence that has recurred. To this end, Israeli forces will withdraw from the Beirut area.

In its consultations with the Secretary General, the Government of Lebanon has noted that the urgency of the situation requires immediate action, and the Government of Lebanon, therefore, is, in conformity with the objectives in U.N. Security Council Resolution 521, proposing to several nations that they contribute forces to serve as a temporary Multinational Force (MNF) in the Beirut area. The mandate of the

MNF will be to provide an interposition force at agreed locations and thereby provide the Multinational presence requested by the Lebanese Government to assist it and the Lebanese Armed Forces (LAF) in the Beirut area. This presence will facilitate the restoration of Lebanese Government sovereignty and authority over the Beirut area, and thereby further efforts of my government to assure the safety of persons in the area and bring to an end the violence which has tragically recurred. The MNF may undertake other functions only by mutual agreement.

In the foregoing context, I have the honor to propose that the United States of America deploy a force of approximately 1200 personnel to Beirut, subject to the following terms and conditions:

The American military force shall carry out appropriate activities consistent with the mandate of the MNF.

Command authority over the American Force will be exercised exclusively by the United States Government through existing American military channels.

The LAF and MNF will form a liaison and coordination Committee, composed of representatives of the MNF participating governments and chaired by the representatives of my Government. The Liaison and Coordination Committee will have two essential components: (A) Supervisory liaison; and (B) Military and technical liaison and coordination.

The American Force will operate in close coordination with the LAF. To assure effective coordination with the LAF, the American Force will assign liaison officers to the LAF and the Government of Lebanon will assign liaison officers to the American Force. The LAF liaison officers to the American Force will, inter alia, perform liaison with the civilian population and with the U.N. observers and manifest the authority of the Lebanese Government in all appropriate situations. The American Force will provide security for LAF personnel operating with the U.S. contingent.

In carrying out its mission, the American Force will not engage in combat. It may, however, exercise the right of self-defense.

It is understood that the presence of the American Force will be needed only for a limited period to meet the urgent requirements posed by the current situation. The MNF contributors and the Government of Lebanon will consult fully concerning the duration of the MNF presence. Arrangements for the departure of the MNF will be the subject of special consultations between the Government of Lebanon and the MNF participating governments. The American Force will depart Lebanon upon any request of the President of Lebanon or upon the decision of the President of the United States.

The Government of Lebanon and the LAF will take all measures necessary to ensure the protection of the American Force's personnel, to include securing assurances from all armed elements not now under the authority of the Lebanese Government that they will refrain from hostilities and not interfere with any activities of the MNF.

The American Force will enjoy both the degree of freedom and movement and the right to undertake those activities deemed necessary for the performance of its mission for the support of its personnel. Accordingly, it shall enjoy the privileges and immunities accorded the administrative and technical staff of the American Embassy in Beirut, and shall be exempt from immigration and customs requirements, and restric-

tions on entering or departing Lebanon. Personnel, property and equipment of the American Force introduced into Lebanon shall be exempt from any form of tax, duty, charge or levy.

I have the further honor to propose, if the foregoing is acceptable to Your Excellency's Government, that Your Excellency's reply to that effect, together with this Note, shall constitute an agreement between our two governments.

Please accept, Your Excellency, the assurances of my highest consideration.

FOUAD BOUROS,
Deputy Prime Minister,
Minister of Foreign Affairs.

Mr. SARBANES. Mr. President, what has happened is that the mission and purpose of our troops is being expanded, broadened; it is becoming more general and more vague, and therefore, it is becoming increasingly difficult to evaluate what the task is and how feasible it is that our troops there will be able to achieve it.

Furthermore, it is difficult to evaluate whether in fact the resources made available are adequate to the task. Are we in effect taking on a responsibility for which we have not committed the resources? Does that mean in the future we will diminish the responsibility or increase the resources?

The two notes that I referred to dated September 25, 1982, governing the reintroduction of American troops—I want to be very clear about this—the first commitment of troops in my judgment was done under very specific, detailed terms that allowed an evaluation to be made as to why they were being sent, what the purpose was, and the likelihood of accomplishment. The second reintroduction was much more vague. The note from our Ambassador says:

I am pleased to inform you on behalf of my Government that the United States is prepared to deploy temporarily a force of approximately 1,200 personnel as part of a Multinational Force (MNF) to establish an environment which will permit the Lebanese Armed Forces (LAF) to carry out their responsibilities in the Beirut area. It is understood that the presence of such an American Force will facilitate the restoration of Lebanese government sovereignty and authority over the Beirut area. * * *

Now, Mr. President, the resolution that is before us to provide an authorization goes well beyond the responsibilities set out in the exchange of notes.

As to Senate Joint Resolution 166, the matter that is now before the Senate, I am now quoting the title of this joint resolution:

Providing statutory authorization under the War Powers Resolution for continued U.S. participation in the Multinational Peacekeeping Force in Lebanon in order to obtain withdrawal of all foreign forces from Lebanon.

Note that well: "in order to obtain withdrawal of all foreign forces from Lebanon."

Then, in its findings and purposes, section 2.(a), the resolution states:

The Congress finds that—

(1) the removal of all foreign forces from Lebanon is an essential United States foreign policy objective in the Middle East.

(2) in order to restore full control by the Government of Lebanon over its own territory, the United States is currently participating in the multinational peacekeeping force (hereafter in this resolution referred to as the "Multinational Force in Lebanon") which was established in accordance with the exchange of letters between the Governments of the United States and Lebanon dated September 25, 1982;

(3) the Multinational Force in Lebanon better enables the Government of Lebanon to establish its unity, independence, and territorial integrity;

Mr. President, we see a clear progression. We see the following movement; the first introduction of the forces to cover the evacuation of the PLO was very carefully and specifically defined; the reintroduction of the forces governed by two notes which were vague about its role, although referenced to the Beirut area; and now a joint resolution before us which, while referring in section 3 to the earlier exchange of notes, contains language in its findings and purposes and its title which clearly reflects a broader role and assignment for our troops. Nor is that the end of the progression that is taking place.

The distinguished Senator from Delaware and I had a discussion earlier about the comments of the Secretary of State over the weekend, in an interview, in which he said that the mission of the U.S. Marines and other Western forces should continue in Lebanon until there is stability in that country, which he indicated should include the withdrawal of Israeli, Syrian, and Palestine Liberation Organization forces.

The article went on to say:

Mr. Shultz also said that even if the foreign forces are withdrawn eventually, he could foresee the multinational force's being given another mission. Instead of being stationed in the Beirut area, "we've always had it in mind that if withdrawal of all foreign forces could be brought about and the Lebanese armed forces, which we've been helping train, can move in and take charge in those areas, that the multinational force, not just our marines, might occupy some strategic positions in Lebanon."

A senior official said that there has been planning for the Western forces to be stationed in such key areas as the Beirut-Damascus highway to ensure that Syrian or PLO forces do not reenter Lebanon. They also might be sent to port areas and other regions to serve as a political support to the Lebanese.

Mr. President, I ask unanimous consent that the entire article be printed in the RECORD.

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

[From the Baltimore Sun, Sept. 25, 1983]

SHULTZ TIES WITHDRAWAL TO LEBANON'S STABILITY

WASHINGTON.—Secretary of State George P. Shultz said yesterday that the mission of the U.S. marines and other Western forces should continue in Lebanon until there is stability in that country, which he indicated should include the withdrawal of Israeli, Syrian and Palestine Liberation Organization forces.

Given the chaotic situation in Lebanon, a senior administration official acknowledged, this could mean an indefinite commitment to remain there because "nobody knows if the Syrians will ever agree to pull out."

Mr. Shultz's comments, which came in an interview over the Cable News Network, were likely to cause further concern in Congress because, as he did when he testified last Wednesday before two congressional committees, the secretary refused to guarantee that the marines now in Lebanon would be pulled out in 18 months or that the size of the contingent or the scope of its mission would be expanded.

A resolution pending before Congress that President Reagan has agreed to sign is meant by its congressional sponsors to put definite limits on the role of the marines under the authority of the 1973 War Powers Act.

When asked if he would guarantee that the size of the force would not be enlarged, Mr. Shultz said yesterday that although there was no plan for an increase, he would not provide a "guarantee, which is a flat, unequivocal, never-say-never type of thing."

He said in defending his refusal to give a pledge of no change that "you can't foresee what the situation may be."

"And I don't want to be in the position of acting as though I know exactly what the situation will be," he said.

At one point in the interview, the secretary refused to provide details on the conditions for pulling out the approximately 5,500 American, British, French, and Italian members of the multinational force. But under questioning, he added:

"We have to judge the situation, and we want to have the marines continue their mission, and the other multinational force elements continue their mission, in supporting the emergence of stability in Lebanon. If we can find a situation in Lebanon that has stability in it, in terms of the structure of the government and removal of foreign forces, that's the objective."

When asked if that meant it would not be possible to achieve "stability" without the removal of the foreign forces, he agreed, saying: "I think that if you have a country with, say, 75 percent or so occupied by foreign forces, it's hard to see how the government of that country has control of it, and has stability."

Mr. Shultz also said that even if the foreign forces are withdrawn eventually, he could foresee the multinational force's being given another mission. Instead of being stationed in the Beirut area, "we've always had it in mind that if withdrawal of all foreign forces could be brought about and the Lebanese armed forces, which we've been helping train, can move in and take charge in those areas, that the multinational force, not just our marines, might occupy some strategic positions in Lebanon."

A senior official said that there has been planning for the Western forces to be stationed in such key areas as the Beirut-Damascus highway to ensure that Syrian or

PLO forces do not reenter Lebanon. They also might be sent to port areas and other regions to serve as a political support to the Lebanese.

U.S. officials said yesterday they were not certain how many foreign troops are in Lebanon. But one official estimated there are about 15,000 Israelis in southern Lebanon, about 40,000 Syrians in eastern and northern Lebanon and 11,000 to 15,000 Palestinian forces, some of them attached to the Syrian army and others on their own. There also are small numbers of Iranians and Libyans in support of the anti-government forces in Lebanon.

Senator Charles McC. Mathias, Jr. (R, Md.), when told of Mr. Shultz's comments yesterday, said that he felt the administration was being "ungenerous" and "unresponsive," given the desire of Congress to be cooperative. But he said that although the administration does not want "to waive any of its rights," he believed that once the resolution limiting the time, scope and size of the U.S. involvement in Lebanon was passed and signed, the administration probably would be "willing to live with it."

Mr. SARBANES. Mr. President, I think it is becoming more and more apparent that we do not have a clear definition of what the role of our men in Lebanon is to be; that, in effect, what is happening is that we are being drawn into an open-ended commitment.

The joint resolution, in fact, even states in section 6 that the withdrawal of all foreign forces from Lebanon will not necessarily mean that our troops will come out, because the President could determine and certify that their continued participation in the multinational force is required.

So, even if the foreign forces are taken out—which is in itself a tremendous expansion of our responsibility and role—but even if that is achieved, the administration has made it clear that it may continue to keep the troops there. That is the point the Secretary made in his interview over the weekend.

Mr. President, before Senators focus too much on the 18-month versus the 6-month question—and that has been portrayed by some as critical in this matter—it is more important to focus on the role and scope of our troops. By way of comparison, we have people in the Sinai carrying out a role that was carefully defined, whose risks could be evaluated, whose benefits could be evaluated, and that role has continued over a lengthy period of time.

I agree with the distinguished Senator from Georgia (Mr. NUNN), who said yesterday on "Meet the Press":

I do not believe we ought to be debating a time limit. I think we ought to be debating our role in Lebanon.

Beyond that—and this is the final point I want to get on the record before today's debate finishes—beyond that is the indication by the administration that, whatever the terms of this authorizing resolution are, they do not feel that their authority to act is contained within the terms of the

resolution and that they will continue to assert a constitutional authority outside the resolution: in effect, to increase the role, the numbers, the time period—all on the basis of an assertion of the President's constitutional authority.

As we know, the President has indicated that he intends to make a reservation at the time he signs this resolution, and it is very clear that the reservation which he intends to make is that he is reserving all of his constitutional authorities.

I had an extended question period with the Secretary on this particular issue in the committee, and in a moment I am going to ask that a substantial portion of that discussion be printed in the RECORD. I just want to quote from it. This is my question to the Secretary:

... you would not agree to the authorization being for 18 months and then it being clear that to stay there, the President would have to come back to the Congress; is that correct?

Secretary Shultz said: "That is correct."

The administration reads this resolution, even with an 18-month period, as not constituting a limitation upon them.

Later, I asked Secretary Shultz:

Now, there is a difference between consultation and obtaining an authorization from the Congress. Is it the administration's position that what they need to do is consult with the Congress, or that they need to obtain an authorization from the Congress, that they could not expand the number or role without a specific congressional authorization?

The Secretary frequently stated that the administration would consult with Congress, but as we all know, consultation and authorization are two very different things and that difference goes to the very meaning of the War Power Act.

The Secretary said, in response to that question:

I think the President or perhaps any of you if you were President, thinking about your role, your constitutional role as Commander in Chief, would be very reluctant to tie your hands and say that you could only order U.S. forces to do something or often after the Congress had authorized it.

The PRESIDING OFFICER. The Chair advises the Senator that the Democratic leader's time has expired.

Mr. SARBANES. Mr. President, could I get 10 minutes from the other side to finish this opening statement?

Mr. PERCY. Mr. President, I understand that my distinguished colleague from Maryland, a member of the Foreign Relations Committee, would like 10 minutes yielded time of our time.

Mr. SARBANES. I understand that we had a 3-hour debate period and we have exhausted our time.

Mr. PERCY. I am happy to yield 10 minutes if that would be sufficient.

Mr. SARBANES. I thank the Senator.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 10 minutes.

Mr. SARBANES. A further question directed to the Secretary was as follows:

... as I pointed out, the word "consultation" and the word "authorization" are two very different things. As I understand the responses to the questions, the administration, at the same time that it seeking to obtain this authorization, is not any way relinquishing its assertion of authority to increase numbers, scope and time period.

Secretary Shultz responded:

I can only go back to the generality of it and say that the President has no intention of turning over the Congress his constitutional responsibilities as Commander in Chief. Now that does not mean that you ignore the Congress wishing and, of course, the Congress has to provide funds and so on. It is only sensible to consult and try to move forward in tandem on these matters. But in the end, as a matter of principle, the President must maintain his constitutional responsibility as Commander in Chief.

Mr. President, I ask unanimous consent that the longer exchange from which these questions and answers were taken be printed in the RECORD at this point. I note that the exchange appears at pages 26-29 of the printed hearing of September 21, 1983, before the Committee on Foreign Relations, which is on the Secretary's desk.

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

Senator SARBANES. Mr. Secretary, I want to try to develop with you the breadth and range of the authorization that the administration is seeking from the Congress. I think I can do that by making reference to provisions of the resolution and obtaining your understanding of them.

Is it the administration's view that at the end of the 18-month period that the President, pursuant to the other constitutional powers which the President asserts, could maintain troops there without a congressional authorization?

Secretary SHULTZ. If we get to the end of the 18-month period, of course, we do not know what the fact situation will be. The resolution sets out conditions for termination, including an 18-month period, and provides for, and unless the Congress votes I think it is fair to say, as Chairman Zablocki stated this morning in the House, that essentially you would be constitutionally where we are right now.

Senator SARBANES. In other words, the administration does assert the constitutional authority to maintain the troops under the other provisions of the constitution, is that correct?

Secretary SHULTZ. The President has stated that he will sign this resolution, and among the reasons for doing so is it seems to be a way of preserving the constitutional principles that each side to this negotiation feels are of great importance, without prejudging them one way or another.

Senator SARBANES. I understand that, and I take it the reservation which the president is going to express upon the signing—I have not seen what that reservation is going to

be; I have only been told that he is going to express reservations—I take it will run to an assertion that he does have constitutional authority acting as Commander in Chief to commit these troops and to keep them there; is that correct? Is that the reservation that will be made?

Secretary SHULTZ. I certainly would expect that the heart of the reservation runs to his constitutional duties as Commander in Chief.

Senator SARBANES. Then I take it, consistent with that, it is the position of the Administration that at the end of the 18-month period the President could keep the troops there pursuant to that constitutional authority?

Secretary SHULTZ. I think the constitutional issue is a general one and would apply across the board. This resolution is an effort to put that issue to the side for the time being and go on to the substance of this matter.

Senator SARBANES. I take it you would be opposed, in section 6 of the resolution, to striking the language "for purposes of the War Powers Resolution" as far as the authorization for 18 months is concerned? In other words, you would not agree to the authorization being for 18 months and then it being clear that to stay there the President would have to come back to the Congress, is that correct?

Secretary SHULTZ. That is correct.

Senator SARBANES. Now, the resolution also provides that:

"Nothing in this joint resolution modifies, limits or supersedes any of the provisions of the War Powers Resolution or the requirements of Section 4(a) of the Lebanon Emergency Assistance Act relating to Congressional authorization for any substantial expansion in the number of or role of the United States Armed Forces in Lebanon."

Does that mean that the role or number, substantial expansion of the number or role of the U.S. Armed Forces cannot take place without a congressional authorization? Or would the Executive again assert that it could do that under the Commander in Chief powers and that therefore that question also remains open, just as the previous one does?

Secretary SHULTZ. The President has signed that statute and it is our full intention, if there is any change in the mission or a significant change in the numbers of marines deployed, to come and consult with the Congress about that as required by the law.

Senator SARBANES. As I read the law—and I am trying to be clear on this, because you did mention it earlier. You said you would come back to the Congress and consult about it.

Now, there is a difference between consultation and obtaining an authorization from the Congress. Is it the administration's position that what they need to do is consult with the Congress, or that they need to obtain an authorization from the Congress, that they could not expand the number or role without a specific congressional authorization?

Secretary SHULTZ. I think the President, or perhaps any of you if you were president, thinking about your role, your constitutional role as Commander in Chief, would be very reluctant to tie your hands and say that you could only order U.S. forces to do something or other after the Congress had authorized it.

Senator SARBANES. So it is your position, then, that you could substantially expand

them without a congressional authorization?

Secretary SHULTZ. The constitutional reservation goes to the President's role as Commander in Chief, and therefore to his capacity to be in charge of the deployment of the Armed Forces of the United States. I have no doubt that he will continue to assert that role.

The effort that is being made here in putting together this resolution and in working on the Lebanon situation generally is to try to work in a collaborative and consultative fashion with the Congress, and certainly that is our intent, at the same time not to prejudice or foreclose these fundamental constitutional principles.

Senator SARBANES. I understand that. But what this questioning is bringing out is that, while the administration is here seeking an authorization from the Congress, it is reserving its authority and right to increase the numbers, increase the scope, and increase the time period, in each instance without a congressional authorization.

Secretary SHULTZ. It is the intent of the administration to consult closely with the Congress on such matters.

Senator SARBANES. I understand that. But as I pointed out, the word "consultation" and the word "authorization" are two very different things. As I understand the responses to the questions, the administration, at the same time that it is seeking to obtain this authorization, is not in any way relinquishing its assertion of authority to increase numbers, scope and time period.

Secretary SHULTZ. I can only go back to the generality of it and say that the President has no intention of turning over to the Congress his constitutional responsibilities as Commander in Chief. Now, that does not mean that you ignore the Congress wishes, and of course the Congress has to provide funds and so on. It is only sensible to consult and try to move forward in tandem on these matters.

But in the end, as a matter of principle the President must maintain his constitutional responsibility as Commander in Chief.

Mr. SARBANES. Mr. President, I urge Members to read the minority views to the committee report before reaching a judgment on this important issue. The above questioning is one of the reasons why the minority views make the point that the war powers resolution is not being applied in this instance, despite the assertion that a so-called compromise has been reached.

As the report states, "The determined unwillingness of the administration to recognize that the procedures stipulated by the war powers resolution are now in fact required became starkly evident during the Secretary of State's testimony before the committee. Under questioning on September 21 about the relationship between the Baker-Percy resolution and future U.S. actions in Lebanon, Secretary Shultz was assiduously careful to reserve for the Commander in Chief a full range of options—regarding the scope of operations, the number of U.S. Forces and the duration of the involvement—even in disregard if necessary of the war powers resolution framework the Baker-Percy resolution

would purportedly impose on the U.S. presence there." Congress cannot ignore what this means. The administration is prepared to participate in a procedure which would give some appearance of creating a war powers resolution framework without really conceding that any such framework exists.

So aside from the terms contained in Senate Joint Resolution 166, which, of course, raise serious questions in and of themselves, particularly with respect to the role and mission of our troops, we also have to face the situation that the administration is asserting an authority to act beyond or outside of the resolution.

And it is for that reason that the minority in its views has made it very clear that in our judgment the war powers resolution is not being applied. We do not believe that the issues surrounding proper implementation of the war powers resolution are mere "legalisms." At issue are constitutional questions of immense gravity, involving how this Nation is going to make the decision to involve American Forces in hostilities.

It does not take much anticipation of what might develop to recognize that Congress is being drawn into providing an open-ended authorization. The terms of the authorization itself, both as to time and nature and scope, are in effect open ended and beyond that the administration asserts that the terms are not really limitations, but that they have the authority to go beyond the terms.

It is no wonder that the Sunday New York Times in commenting on the question-and-answer session with Secretary Shultz stated:

It left one senior House Democrat leader worrying privately that instead of being a cautioning or restraining hand, this resolution becomes a legitimizing instrument for the President, freeing him from political pressures to move cautiously.

Mr. President, clearly this is a matter to which we need to give the most serious and careful attention. We have the issue of the congressional role as it concerns the warmaking power. We have been through that before. The war powers resolution was passed simply to guard against situations of the very sort that we are being confronted with here.

The administration does not accede that it is bound by the terms of this resolution. They continue to assert an authority outside of it.

If they conceded they were bound by the terms of the resolution, then one would have to look at its terms, and there would be serious questions about the lack of a clearly defined policy; about the 18-month blank check.

I agree with the conclusion of the minority report that to pass this resolution before us would represent a

grave abdication of congressional responsibility. It would represent a dereliction of congressional responsibilities relating to the war powers resolution. It would represent providing an authorization in the absence of a clearly defined policy and, in fact, in the presence of a policy being more broadly and vaguely defined with each passing day.

We need a clearly defined policy because we need to be able to evaluate whether there is a reasonable prospect of achieving that policy.

The Secretary suggests now that we will be in there until the foreign troops leave. Are we to drive the foreign troops out? And, once they leave, are we to stay in order to make sure that they do not come back? What is our role to be? It has not been fully, clearly defined and, therefore, we are facing once again the prospect of providing an open ended commitment.

I think that would be a serious mistake. I join with the minority report—a very close minority, 9 to 7 in the committee—in urging that this resolution not be passed.

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

Mr. SARBANES. Mr. President, I suggest the absence of a quorum to be charged against the time remaining on this debate.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PERCY. 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. PERCY. Mr. President, with regard to the war powers resolution offered by Senators BAKER and myself, those who oppose this resolution may be under the mistaken impression that this resolution provides unlimited authority for the President in Lebanon. That is clearly not the intention of this resolution. The resolution puts limitations on the scope of U.S. Forces in Lebanon in at least two ways.

First, it is written in such a way that it does not fulfill the requirements of section 4 of the Lebanon Emergency Assistance Act. That section requires the President to obtain statutory authorization for "any substantial expansion in the number or role" of U.S. Armed Forces in Lebanon. Thus, under the provisions of that act, if the President intends to substantially expand either the "number or role" of U.S. Armed Forces in Lebanon, additional authorization would still be required.

Second, the resolution provides the President with authority to implement the September 25, 1982, exchange of letters with the Lebanese Government. According to our committee report:

Three principal limitations on the U.S. role are contained in that agreement: the number of U.S. troops will be approximately 1,200; they will operate in the Beirut area in support of the Lebanese Government; and they are not expected to perform a combat mission.

Finally, there has been discussion of language in the resolution which authorizes U.S. Forces to take measures to protect themselves. The committee does not interpret this as an open ended authorization. The committee's report language also interprets this authority in a limited way. The committee report states:

The committee does not believe that such actions—protective measures—necessarily change the role of the U.S. Forces, so long as the task of the U.S. Forces is not to duplicate or supplant the functions of the Lebanese Armed Forces or to redeploy from the Beirut area, or in other respects to exceed the limited mandate of the multinational force or the limitations of the Lebanon Emergency Assistance Act of 1983.

Therefore, I believe we are providing the President the authority he needs to uphold the commitments made by all members of the multinational force. We are not providing him with a new Gulf of Tonkin resolution.

Let me answer just a few questions that have been put on the floor of the Senate by other Senators. Let me also note that except for Senator Sarbanes, there is not another single Senator on the floor of the Senate right now on this important resolution involving the War Powers Act. Maybe the steam has been taken out, and I trust that it has been taken out, by the cease-fire that has been achieved.

Maybe we have already proven the point, that the passage of that resolution by a vote of 30 to 6 by the House Foreign Affairs Committee, its support by the Speaker of the House and its support by the Senate Foreign Relations Committee although by a much tighter and, regrettably, partisan vote of 9 to 7, is an indication that the Senate and the House support the resolution.

We again need to speak with one voice. The proof that this action is a wise action is evidenced by the fact that, as of last night, Syria, Lebanon, the Palestinians, and Saudi Arabia came to agreement on a cease-fire that, as of this moment is still holding.

No one can guarantee that it will hold permanently.

Our hopes are high. Nevertheless, we have to be somewhat skeptical because dozens of cease-fires have been made and broken in Lebanon during the last 8 years.

Mr. SARBANES. Will the Senator yield?

Mr. PERCY. I am happy to yield.

Mr. SARBANES. I think the fact that only a few Senators have been present reflects the fact that this was the opening debate, and therefore would probably be occupied by the

members of the Foreign Relations Committee.

I hope Senators will read very carefully not only the statements but the materials that have been included in the RECORD today. Also that they will review the committee report and minority views and the transcripts of the hearing and the markup that were held on Wednesday and Friday of last week.

I think it is very important that Senators do that. The Senator from Illinois just rejected the view asserted by some of the opponents of the resolution that the terms contained therein were not in fact limitations. I take that view in light of the testimony of the Secretary of State before our committee and his responses to questions.

I do not ask Senators to take either my assertion or the assertion of the Senator from Illinois on that issue. I ask them to read the RECORD, to read the questions and answers and reach their own judgment as to what the import of the Secretary's responses are. The same applies with respect to the article placed in the RECORD reporting on an interview of the Secretary's over the weekend in which he indicates a much broader role for the American Marines in Lebanon, a role running throughout that country and even going so far, as one senior spokesman in the administration apparently stated, as insuring that once the Syrians and PLO left we would insure that they would not come back.

So I simply say to the Senator that I think we have begun the debate today and hopefully much of what is being put in the RECORD will be carefully reviewed by Members. I agree completely that it is a very serious judgment we have before us.

Mr. PERCY. I thank my distinguished colleague. First of all, I would like to repeat what I said in the Foreign Relations Committee. I think the debate held in that committee on the war powers action was among the best debates I have ever heard in any committee at any time in 16½ years, and it dealt with one of the most important issues we have had.

I particularly commend the Senator from Maryland, who really gave incisive thought and reasoned arguments. I did not agree with every one of them, but the issues he raised and the questions he asked proved extraordinarily valuable. No member of the executive branch could leave that hearing without having an added respect for the Senate and for the function that we perform in not only the writing and drafting of legislation but oversight of our policy. It was one of the high points in my Senate career to listen to my colleagues on both sides of the aisle.

Let me make clear that the debate today was started on the floor of the

Senate with the majority leader and the minority leader taking very, very active roles. They recognize the importance of it.

Mr. President, to save time, I ask unanimous consent that my answer to the question: Is this resolution another Gulf of Tonkin resolution? be printed in the RECORD at this point.

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

The Gulf of Tonkin Resolution was much more open-ended. The current Resolution is much more limited in scope.

The 1964 Tonkin Gulf Resolution stated that the President was authorized not only to defend U.S. forces against attack, but also to "take all necessary measures . . . to prevent future aggression" and "to take all necessary steps, including the use of armed forces, to assist any [SEATO] member . . . requesting assistance in defense of its freedom." This was a very broad statement, since it was generally accepted at the time that North Vietnamese and other Communist forces were using massive combat forces to commit aggression throughout Indochina.

In contrast, the mandate authorized by the current Resolution is much more limited in scope. Section 3 of the Resolution clearly states that the authorization granted for the continued participation of U.S. forces in the MNF will be limited to performance of the functions set forth in the September 1982 exchange of letters between the U.S. and Lebanese Governments, and will be subject to the limitations stated in those letters. That means that U.S. forces are not authorized to undertake a combat role, but only to help provide a multinational presence that would assist the Lebanese Government in the Beirut area.

Of course the Resolution recognizes that our forces are not precluded from taking such protective measures as may be necessary to ensure the safety of the MNF. This has always been the case, and this right of self-defense is essential for any force of this kind. But it does not expand the basic role and mission of the force: Congress is not being asked to authorize the President to use military force to expel foreign forces from Lebanon, or to reoccupy those parts of Lebanon now controlled by non-Government elements, or to intervene on behalf of the Lebanon Government to suppress internal Lebanese factions.

The PRESIDING OFFICER (Mr. EVANS). The time for debate has expired.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

Mr. President, I ask unanimous consent that there now be a period of 5 minutes for the transaction of routine morning business in which Senators may speak.

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

Mr. BAKER. Mr. President, I thank all Senators for their participation in the debate today. If I appeared anxious to conclude, it was because earlier today an order was entered by unani-

mous consent that limited the time for debate on the war powers resolution from 3 p.m. until 5 p.m. I felt that we should abide by the terms of that arrangement since the act provides for the division of time equally, and that was the arrangement that was made with the minority leader on behalf of many Senators.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 12:36 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 1850 An act to amend title 38, United States Code, to extend for 1 year the authority of the Veterans' Administration to provide certain contract medical services in Puerto Rico and the Virgin Islands.

The enrolled bill was subsequently signed by the President pro tempore (Mr. THURMOND).

At 1:15 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1872. An act to increase endowment funds for eligible individuals under part C of title III of the Higher Education Act of 1965.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3913. An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1984, and for other purposes.

At 3:04 p.m., a message from the House of Representatives, delivered by Mr. Berry, announced that the House has agreed to the amendment of the Senate to the bill (H.R. 2840) to provide for the orderly termination of Federal management of the Pribilof Islands, Alaska, with an amendment,

in which it requests the concurrence of the Senate.

ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

S. 1872. An act to increase endowment funds for eligible individuals under part C of title III of the Higher Education Act of 1965.

The enrolled bill was subsequently signed by the President pro tempore (Mr. THURMOND).

HOUSE MEASURE REFERRED

The following bill was read the first and second times by unanimous consent, and referred as follows:

H.R. 3913. An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1984, and for other purposes; to the Committee on Appropriations.

BILLS READ THE SECOND TIME AND PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 1881. A bill to amend the Federal Campaign Act of 1971 to prohibit the use of compulsory union dues for political purposes; and

H.R. 1036. An act to provide employment opportunities to long-term unemployed individuals in high-unemployment areas in projects to repair and renovate vitally needed community facilities, and for other purposes.

ENROLLED BILLS PRESENTED

The Secretary reported that on today, September 26, 1983, he had presented to the President of the United States the following enrolled bills:

S. 1850. An act to amend title 38, United States Code, to extend for 1 year the authority of the Veterans' Administration to provide certain contract medical services in Puerto Rico and the Virgin Islands; and

S. 1872. An act to increase endowment funds for eligible individuals under part C of title III of the Higher Education Act of 1965.

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-1776. A communication from the Director of the Defense Security Assistance Agency transmitting, pursuant to law, a report on necessary revisions in country-by-country funding to implement the fiscal 1983 international military education and training program; to the Committee on Appropriations.

EC-1777. A communication from the Secretary of the Navy transmitting, pursuant to law, a report on the proposed transfer of

the obsolete submarine *ex-Albacore* to the Portsmouth, N.H., Submarine Memorial Association, Inc.; to the Committee on Armed Services.

EC-1778. A communication from the Assistant Secretary of the Air Force for Manpower, Reserve Affairs, and Installations transmitting a draft of proposed legislation to assure equity for members of the Reserve components in computation of hazardous duty pay; to the Committee on Armed Services.

EC-1779. A communication from the General Counsel of the Department of Defense transmitting a draft of proposed legislation to provide for participation of members of the Armed Forces in international sports activities; to the Committee on Armed Services.

EC-1780. A communication from the Assistant Secretary of the Army for Civil Works transmitting a draft of proposed legislation to amend the Panama Canal Act of 1979 relative to employee pay; to the Committee on Armed Services.

EC-1781. A communication from the Acting Deputy Assistant Secretary of the Air Force for Logistics and Communications transmitting, pursuant to law, a report on a decision to convert the consolidation containerization point function at McClellan AFB to performance under contracts; to the Committee on Armed Services.

EC-1782. A communication from the General Accounting Office transmitting, pursuant to law, a report entitled "Consolidation of Federal Assistance Resources Will Enhance the Federal-State Emergency Management Effort"; to the Committee on Armed Services.

EC-1783. A communication from the Acting Director of the Defense Security Assistance Agency transmitting, pursuant to law, a report on a foreign military sale to the United Kingdom; to the Committee on Armed Services.

EC-1784. A communication from the Secretary of Defense transmitting, pursuant to law, a report on the latest fiscal year 1983 allocation of civilian end strength in the Department of Defense; to the Committee on Armed Services.

EC-1785. A communication from the Secretary of the Interior transmitting, pursuant to law, the 1982 annual report on the administration of the Marine Mammal Protection Act; to the Committee on Commerce, Science, and Transportation.

EC-1786. A communication from the Chairman of the Board of the U.S. Railway Association transmitting, pursuant to law, a report on the Association's determination of the fair market value of the Alaska Railroad; to the Committee on Commerce, Science, and Transportation.

EC-1787. A communication from the Secretary of Energy transmitting, pursuant to law, the comprehensive technology application and market development plan; to the Committee on Energy and Natural Resources.

EC-1788. A communication from the Secretary of Energy transmitting, pursuant to law, the quarterly report on biomass energy and alcohol fuels; to the Committee on Energy and Natural Resources.

EC-1789. A communication from the Acting Administrator of the General Services Administration transmitting, pursuant to law, an emergency prospectus for structural alterations to the Howard Street parking facility in Detroit, Mich.; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOMENICI, from the Committee on the Budget, without amendment:

S. Res. 213. A resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1714.

By Mr. DOLE, from the Committee on Finance, without amendment:

S. 1887. An original bill to extend the Federal supplemental program for 18 months, and for other purposes (Rept. No. 98-240).

By Mr. PERCY, from the Committee on Foreign Relations:

A report to accompany S. 1762, a bill entitled the "Comprehensive Crime Control Act of 1983" (Rept. No. 98-241).

By Mr. PERCY, from the Committee on Foreign Relations, with an amendment in the nature of a substitute, an amendment to the title, and an amendment to the preamble:

S.J. Res. 159. Joint resolution to authorize the further participation of U.S. Armed Forces in the multinational peacekeeping force in Lebanon (together with minority and supplemental views) (Rept. No. 98-242).

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, with an amendment:

H.R. 1556. An act to authorize the conveyance of the Liberty ship *John W. Brown*.

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 254. A bill to provide for inclusion of capital construction funds for fishery processing facilities (Rept. No. 98-243).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. GARN, from the Committee on Banking, Housing, and Urban Affairs:

Philip Abrams, of Massachusetts, to be Under Secretary of Housing and Urban Development.

(The above nomination was reported from the Committee on Banking, Housing, and Urban Affairs with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DOLE:

S. 1887. An original bill, reported from the Committee on Finance, to extend the Federal supplemental compensation program for 18 months, and for other purposes; placed on the calendar.

By Mr. HELMS:

S. 1888. A bill to amend title II of the Social Security Act to provide for due process requirements for the termination of disability benefits; 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. PERCY:

S. Con. Res. 69. A concurrent resolution expressing the sense of the Congress that the Secretary of Transportation should make available for civilian use certain satellite-directed navigational aids developed by the Department of Defense for the guidance of aircraft; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HELMS:

S. 1888. A bill to amend title II of the Social Security Act to provide for due process requirements for the termination of disability benefits; to the Committee on Finance.

SOCIAL SECURITY DISABILITY REVIEW

● Mr. HELMS. Mr. President, I have been deeply concerned about the content of letters which have been coming into my office for the last year. These letters contain touching and heart-rendering stories of families who are losing their homes, who no longer can afford life-sustaining medicine and who are being deprived of much needed doctor's attention because of what they believe are unjustified cut-offs of their social security disability benefits.

I have heard from a poor woman who has an incurable heart and lung disease and is struggling to raise a child by herself. This woman cannot walk up a flight of steps without incurring severe physical consequences. Her bad health and lack of physical capacity has prevented her from finding employment, yet social security cut off her monthly disability support putting her in jeopardy of losing her home.

Another example of the extreme problems in the social security review system was the cutoff of monthly payments to a woman struck down with a progressive, deterioration muscle disease caused by the swine flu vaccine. This woman used her small amount of disability funds to buy medicine, without which she would die. I have been trying to help these and similar people on an individual basis, but, unfortunately, arbitrary disability cutoffs of this kind have persisted.

I had sincerely hoped the problems with social security disability would have been addressed and remedied last January when Congress focused their attention on the social security system. I introduced legislation at that time which would have put an end to erroneous cutoffs of the livelihood of helpless people.

Congress approved some—but not all—of my social security proposals at that time. Unfortunately, my proposal

for a guide for disability review was one of the elements not adopted. Therefore, with this major problem still facing the American public, I believe it is imperative that I reintroduce that important segment of my former bill.

I would be the first to acknowledge that there has been much abuse of social security disability, but, the movement to correct the abuse must have guidelines and it must be fair. I propose that Congress insure due process to every individual disability recipient before any benefits can be cutoff. The bill I am introducing today, entitled "Social Security Disability Guidelines," will do this. Under the legislation, each disability beneficiary would be entitled to a hearing before an administrative law judge before benefits could be stopped. The Social Security Administration could bring a case before a judge for determination only after showing the claimant either: one, had a physical or mental medical improvement or two, was subject to a mistake in the initial determination of disability or three, had perpetrated a fraud on the social security system in claiming his condition disabled him from all work activities.

This is a much needed change in the social security disability system. The problems involving the arbitrary cutoff of benefits to disabled citizens must be addressed. We cannot allow life-sustaining funds for so many individuals to continue to be terminated by an overzealous Social Security Administration. Each beneficiary's individual situation must be thoroughly reviewed before action is taken. The seriousness of this issue is indicated by the fact that administrative law judges have reversed roughly 70 percent of the disability cutoff cases they review. I sincerely urge my colleagues to look toward solving the root of the disability problem. Another temporary measure to extend payments without setting forth appropriate guidelines, as adopted last year, is not the answer. Let us move now to prevent disabled, deserving Americans from living in fear of losing their only means of support. I urge you all to work quickly to pass this bill.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

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

S. 1888

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, (a) section 221(d) of the Social Security Act is amended by inserting "(1)" before "(c)" and by adding at the end thereof the following new paragraph:

"(2)(A) In any case where—

"(i) an individual is a recipient of disability insurance benefits, or of child's, widow's,

or widower's insurance benefits based on disability, and

"(ii) a preliminary finding is made that the physical and mental impairment on the basis of which such benefits are payable has ceased, did not exist, or is no longer disabling (as determined in accordance with subparagraph (B)),

such benefits may not be terminated until such preliminary finding has been upheld after a hearing by the Secretary as provided in section 205(b). The Secretary shall provide opportunity for such hearing at a time and place reasonably accessible to the individual. Failure without good cause to appear at such hearing shall constitute a waiver of the right to such a hearing prior to termination.

"(B)(i) Except as provided in clause (ii), no benefits described in subparagraph (A) may be terminated on the grounds that the physical or mental impairment on the basis of which such benefit was payable has ceased, did not exist, or is no longer disabling, unless the Secretary makes a finding that there has been a medical improvement in the case of such individual's impairment such that the individual is no longer under a disability under the standards for disability in effect at the time of such prior decision, or that the prior decision that such individual was under a disability was clearly erroneous under the standards for disability in effect at the time of such prior decision.

"(ii) Clause (i) shall not apply in the case of a termination of benefits based upon a finding made in accordance with section 223(d)(4) that services performed or earnings derived from services demonstrate an individual's ability to engage in substantial gainful activity, or to a termination based on a finding of fraud."

(b) Section 223 of such Act is amended by striking out subsection (g).

(c) Section 205(b) of such Act is amended by striking out "(1)" after "(b)" and by striking out paragraph (2).

(d) Section 5 of Public Law 97-455 is repealed.

(e) The amendments made by this section shall apply with respect to determinations (that individuals are not entitled to benefits) made after the date of the enactment of this Act.●

ADDITIONAL COSPONSORS

S. 128

At the request of Mr. ROTH, the name of the Senator from Wisconsin (Mr. KASTEN) was added as a cosponsor of S. 128, a bill entitled "The Equal Opportunity Retirement Act of 1983."

S. 462

At the request of Mr. GRASSLEY, the name of the Senator from California (Mr. WILSON) was added as a cosponsor of S. 462, a bill to amend section 1951 of title 18 of the United States Code, and for other purposes.

S. 948

At the request of Mr. THURMOND, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 948, a bill to reform Federal criminal and civil forfeiture.

S. 1691

At the request of Mr. ARMSTRONG, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a co-

sponsor of S. 1691, a bill to amend the Social Security Act to recognize effective program administration in the financing of State programs of child support enforcement, to improve the ability of States to collect child support for non-AFDC families, and otherwise strengthen and improve such programs, and for other purposes.

S. 1762

At the request of Mr. THURMOND, the name of the Senator from California (Mr. WILSON) was added as a cosponsor of S. 1762, a bill entitled the "Comprehensive Crime Control Act of 1983."

S. 1837

At the request of Mr. GORTON, the names of the Senator from West Virginia (Mr. RANDOLPH), and the Senator from New York (Mr. MOYNIHAN) were added as cosponsors of S. 1837, a bill to designate the Federal Building in Seattle, Wash., as the "Henry M. Jackson Federal Building."

S. 1842

At the request of Mr. ARMSTRONG, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1842, a bill to amend the Colorado River Basin Salinity Control Act to authorize the Secretary of Agriculture to develop and implement a coordinated agricultural program in the Colorado River Basin.

SENATE JOINT RESOLUTION 113

At the request of Mr. WILSON, the name of the Senator from Louisiana (Mr. JOHNSTON) was added as a cosponsor of Senate Joint Resolution 113, a joint resolution to provide for the designation of the week beginning June 3 through June 9, 1984, as "National Theater Week."

SENATE JOINT RESOLUTION 122

At the request of Mr. HATCH, the names of the Senator from New York (Mr. MOYNIHAN), and the Senator from Ohio (Mr. GLENN) were added as cosponsors of Senate Joint Resolution 122, a joint resolution to designate the week of November 27, 1983, through December 3, 1983, as "National Home Care Week."

SENATE CONCURRENT RESOLUTION 21

At the request of Mr. COHEN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of Senate Concurrent Resolution 21, a concurrent resolution expressing the sense of the Congress respecting the administration of title X of the Public Health Service Act.

SENATE CONCURRENT RESOLUTION 67

At the request of Mr. GORTON, the name of the Senator from Maine (Mr. MITCHELL) was added as a cosponsor of Senate Concurrent Resolution 67, a concurrent resolution expressing the sense of the Congress that it is not appropriate at this time to transfer ownership or management of any civil meteorological satellite system and asso-

ciated ground system equipment to the private sector.

SENATE CONCURRENT RESOLUTION 69—RELATING TO THE USE OF SATELLITE NAVIGATIONAL AIDS

Mr. PERCY submitted the following concurrent resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. CON. RES. 69

Whereas an unarmed South Korean commercial air transport plane was shot down on September 1, 1983, with the loss of 269 lives, including many American citizens;

Whereas the Korean Air Lines jet had apparently strayed off-course into Soviet-controlled air space;

Whereas the cause for the deviation from the plane's assigned route of flight is still under investigation and may never be known;

Whereas the current aviation system is safe if internationally recognized procedures are followed;

Whereas the Government of the Soviet Union has arrogantly declared that in the future if another civilian aircraft strays off course and enters Soviet air space it would repeat its inhuman behavior, ignoring procedures developed to protect passengers;

Whereas there is an urgent need to provide pilots with additional navigational back-up systems to prevent aircraft from straying off-course and to protect passengers from becoming victims of the renegade behavior of the Government of the Soviet Union or other nations with similar disregard for the lives of innocent people;

Whereas the Department of Defense has developed the Global Positioning System (hereafter in this concurrent resolution referred to as the "GPS") that can provide highly accurate navigational information to civilian aircraft as early as 1988;

Whereas the GPS could be implemented before the date to provide at least partial coverage near the borders of nations which have threatened and continue to threaten civilian airliners that may accidentally go off-course; and

Whereas commercial airlines and general aviation operators have opposed the imposition of a surcharge because it would set a precedent for the charging of fees for other navigational aids, and such operators have declared that they may not use the system if a surcharge is imposed: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) the Secretary of Transportation make available the civilian version of the GPS to domestic airlines and to the commercial airlines of those countries which strictly abide with both the spirit and letter of the International Air Services Transit Agreement, done at Chicago on December 7, 1944;

(2) the Secretary of Transportation should work with relevant agencies to speed up the timetable for the civilian use of the GPS in international air space; with particular attention to the use of such system in the North Pacific, including the availability of on-board receivers;

(3) the Secretary of Transportation should encourage both domestic and foreign-flag carriers to test the GPS before its operational implementation; and

(4) the Secretary of Defense should not consider imposing user fees for foreign and domestic civilian use of the GPS in view of the benefits of such systems to public safety.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the Secretary of Transportation and the Secretary of Defense.

Mr. PERCY. Mr. President, I am submitting today a concurrent resolution that urges the administration to speed up the timetable to permit civilian use of the military navigational satellite system called the global positioning system (GPS).

A month has passed since the brutal action of the Government of the Soviet Union in destroying a civilian air transport plane, flown by Korean Air Lines.

Both the Senate and the House have passed strong resolutions condemning the action which killed all 269 passengers aboard. U.S. revulsion has been shared by the world community, including many nations that have responded by suspending air service to the Soviet Union.

Despite the marshaling of world opinion against the Soviet action, it appears that the Soviet Government wants to dodge responsibility for this outrage. It has concocted ludicrous alibis.

It has publicly proclaimed that it intends ruthlessly to enforce its so-called border law and shoot down the next passenger plane that innocently strays across its borders.

Therefore, it is imperative that new "fail-safe" air navigational devices be used to aid pilots of commercial aircraft flying near Soviet borders. This would serve as an independent position monitor.

We are indeed fortunate because the Defense Department has successfully tested the GPS. When fully operational in 1988, it will provide around-the-clock, all-weather coverage for aircraft, anywhere on the globe. It can tell pilots where they are located within 300 feet, the length of a football field.

Let us not forget, as the President pointed out to the United Nations today, scores of Soviet planes have strayed from their course. We have never shot them down. They have strayed right over U.S. sovereign territory. We have warned them; we have gone through the procedures that any civilized nation would; we have even caused them to land to explain what they were doing there. But we did not shoot them down. Now, no excuse exists for their straying. We have the technical capability—when all 18 satellites are in the air, 11,000 miles above Earth, we shall be able to monitor, every place on Earth, every single airplane. There is no use just doing this for defense; why not do it for civilian aircraft as well? We are fortunate that we are as far along as we are and that

the system has proven out to be as accurate as it has.

One plane took off from Des Moines, Iowa, I believe it was, and landed in Paris, used only this directional system, and it landed within 26 feet, on a Paris airstrip, of where it was intended to be landed, never being touched by human hands, all done by automatic procedures. That is the competence and the capability that is now available to us for civilian aircraft.

Technical experts believe that the GPS timetable can be advanced to provide 15-hour-a-day coverage over the North Pacific Great Circle route in a year. In view of the threat to civilian aviation on that route, I would urge that the Defense Department and the Federal Aviation Administration work together to provide this additional navigational check by early 1985.

One of the primary purposes of this resolution is to put Congress on record in favor of continued momentum toward civilian use of the GPS. All too often after a disaster, public attention shifts to the next pressing crisis, and necessary corrective measures are delayed or never implemented. In view of the Soviet attitude, we cannot afford that luxury.

Mr. President, I would ask unanimous consent to have printed in the RECORD an editorial from the Chicago Sun-Times urging a speedup in the GPS timetable, together with articles from the same newspaper and the Philadelphia Inquirer. I would also like to submit for the record information about the GPS, prepared by Rockwell Collins, a GPS contractor.

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

[From the Chicago Sun-Times, Sept. 20, 1983]

LIFE-SAVING IDEA

Sen. Charles H. Percy (R-Ill.) has a good idea to help prevent another tragedy like the brutal downing of the Korean airliner that strayed into Soviet airspace.

Percy asked President Reagan to speed up steps that will make new military navigation aids available to all civilian aircraft flying near Soviet borders on their way to the Orient.

The additional use of the satellite navigation system, scheduled to be fully deployed by 1988, won't involve any extra cost to taxpayers. But it can help keep airliners on a more accurate course across the treacherous northern Pacific skies.

[From the Chicago Sun-Times, Sept. 16, 1983]

PERCY URGES MILITARY-SATELLITE AID IN AIRLINE NAVIGATION

(By William Hines)

WASHINGTON.—Sen. Charles H. Percy called on President Reagan Thursday to make new satellite-based military navigation aids available to commercial aviation as a means of preventing a reoccurrence of the

Sept. 1 Soviet destruction of a South Korean jumbo jet.

Percy, as Senate Foreign Relations Committee chairman, said in a letter to Reagan that immediate and effective countermeasures should be taken to warn civilian airliners of their precise position in relation to Soviet borders."

Percy pointed out that a military satellite network, the Global Positioning System, is in the early stages of deployment, with six of the planned 16 satellites in orbit and undergoing development testing.

"I have been told that, GPS satellites now in orbit could be used within one year to provide coverage 16 hours per day for civilian airliners flying the great circle route to the Orient," Percy wrote. "They would provide a valuable backup to existing on-board navigational systems."

He noted that the Defense Department "has supported commercial use of the GPS" and that such use would not cost the taxpayers anything.

At the White House, a spokesman said Reagan is considering making the GPS available to commercial jets. The spokesman said Federal Aviation Administrator J. Lynn Helms had asked as much earlier in the day in response to a press conference question at a meeting of the International Civil Aviation Organization in Montreal.

The military satellite network is scheduled to be in full operation by 1988, with 16 satellites circling the globe. The Defense Department reportedly has said the system could be used by civil aviation beginning in 1988, but the Soviet destruction Sept. 1 of the Korean Air Liner 747 jet has lent urgency to earlier availability.

Navigation by satellite has been a top-priority military objective since the earliest days of the Space Age because of the accuracy such a system can provide. With the GPS in place, it will be possible for a plane in flight to know its position instantly to within about 50 feet, and its speed to within a quarter of a mile an hour.

[From the Philadelphia Inquirer, Sept. 17, 1983]

U.S. WILL GIVE WORLD ITS NEW AIR NAVIGATION SYSTEM

WASHINGTON.—Prompted by the Korean airlines tragedy, the United States will make available to the world's commercial airliners an advanced navigation system now under development by the government, the White House said yesterday.

Deputy White House press secretary Larry Speakes told reporters that the Global Positioning System was expected to begin operating in 1988. It is designed to give pilots more accurate information on latitude, longitude and altitude and help keep them from straying off course, Speakes said.

He said the Reagan administration's move was prompted by the Soviet downing of Korean Air Lines Flight 007 on Sept. 1 and the desire to see that such an action did not happen again. The plane was hundreds of miles off course when it was shot down.

Senate Foreign Relations Committee Chairman Charles H. Percy (R., Ill.) had recommended the move in a letter to President Reagan on Thursday, but said the system could be used sooner than Speakes indicated.

Reagan's overall restrained response to the tragedy has generally been praised. That was reflected in a New York Times-CBS poll published yesterday that said 55 percent generally supported Reagan's re-

sponse but 56 percent said he should have been tougher.

The poll also showed that 61 percent of the 705 adults surveyed said they felt that the U.S. government was "holding back information that people ought to know."

The telephone survey, taken Wednesday night, showed that half the respondents favored halting grain sales to the Soviet Union to retaliate, 40 percent opposed such a step, and 9 percent had no opinion.

Meanwhile, the Agriculture Department announced yesterday that the Soviets had purchased more U.S. grain—250,000 metric tons of wheat and 125,000 tons of corn—for delivery in 1983-84 under the terms of a long-term agreement signed last month.

That pushed the estimated value of Moscow's purchases since Sept. 1—the day the Soviets shot down the jetliner—to more than half a billion dollars.

That purchase, one on Sept. 1, the day of the shooting, and related deals since that day were disclosed in terse announcements that noted only the amount of grain involved and the delivery date. None of the announcements, which have come at the rate of three or four a week, mentioned the airliner or the administration's outrage at the Soviets.

Another finding of the Times-DBS poll was that respondents rejected, by a 2-1 ratio, such retaliatory measures as breaking off arms control talks or diplomatic relations.

However, conservatives appearing at Republican-sponsored hearings at the Capitol called for a tougher response.

John Fisher, president of the American Security Council, said the Soviets had gained "significant nuclear and conventional military superiority" because the United States had "neither a goal nor a strategy in this conflict."

"We must spend whatever is necessary to rebuild a superior war-fighting capability," Fisher said. "That is the most cost-effective approach—deterrence is cheaper than war."

NAVSTAR GLOBAL POSITIONING SYSTEM—FACT SHEET

The system is comprised of three segments:

1. Satellite constellation circling the earth
2. Ground control stations which monitor the satellites and transmit data to the satellites
3. User segment—all land, sea and air users which receive position, velocity and time information.

GPS ACCURACY

Position accuracy within 16 meters in three dimensions.

Velocity accuracy within 0.1 meters per second.

Time accurate to within one-millionth of a second.

BACKGROUND

The Navstar Global Positioning System is a Department of Defense program administered by the Space Division of the U.S. Air Force. The system is currently undergoing operational testing and evaluation by the Air Force.

MAJOR CONTRACTORS

Satellites—North American Space Operations of Rockwell International Corporation.

Ground Control Stations—IBM Federal Systems Division.

User Equipment—Collins Government Avionics Division of Rockwell International Corporation and Magnavox Corporation.

WHEN

Currently six satellites are orbiting the earth for development testing. When the system is operational in 1988 it will consist of a network of 18 satellites. Users equipped with GPS receivers will know their location within 10-20 meters anywhere in the world, in any weather.

GPS OPERATION

When the GPS set is turned on, an estimate of present position, velocity and time is entered. The GPS set then begins to track the nearest satellites and provide position information to the operator. The system is relatively immune to operator errors since once it tracks the satellites all position information comes from the satellites and the system disregards the operator's initial estimate of his position.

STATEMENT BY THE PRINCIPAL DEPUTY PRESS SECRETARY TO THE PRESIDENT

In their recent statements on the Korean Airlines tragedy, senior Soviet officials have shocked the world by their assertion of the right to shoot down innocent civilian airliners which accidentally intrude into Soviet airspace. Despite the murder of 269 innocent victims, the Soviet Union is not prepared to recognize its obligations under international law to refrain from the use of force against civilian airliners. World opinion is united in its determination that this awful tragedy must not be repeated. As a contribution to the achievement of this objective, the President has determined that the United States is prepared to make available to civilian aircraft the facilities of its Global Positioning System when it becomes operational in 1988. This system will provide civilian airliners three-dimensional positional information.

The U.S. delegation to the ICAO Council meeting in Montreal, under the leadership of FAA Administrator J. Lynn Helms, is urgently examining all measures which the international community can adopt to enhance the security of international civil aviation. The United States is prepared to do all it can for this noble aim. We hope that the Soviet Union will at last recognize its responsibilities, and join the rest of the world in this effort.

NAVSTAR GLOBAL POSITIONING SYSTEM—COLLINS USER EQUIPMENT

Navstar—a revolution in navigation. For thousands of years man has looked to the stars to guide his travels. Beginning in 1978 some new stars were placed in orbit 11,000 miles above the earth. These Navstar satellites are transmitting signals that provide a user three-dimensional navigation and the precise time worldwide. By the late 1980's the operational Navstar system of 18 satellites will be aiding users throughout the world and saving time, energy, money and lives.

Current navigation systems such as Loran and Omega are plagued with coverage gaps and frequency shifts after sundown. Inertial navigation systems are accurate when first programmed but the longer the system operates without updating, the larger the errors in position become. Navstar, on the other hand, has typical accuracy of 16 meters in three dimensions, the correct time within one-millionth of a second and the user's velocity to the nearest one-tenth of a meter per second.

GPS SYSTEM ACCURACY

Navstar GPS can determine position, velocity and time with a greater degree of ac-

curacy than any current system. Widely-accepted accuracies for various navigation systems are shown in the table.

This degree of accuracy is not obtainable from any other navigation system available today or in the foreseeable future.

Benefits available to military and civilian users include: reducing costs of operation through efficient navigation and improved management of resources in a variety of applications. In the civilian community, GPS will improve aircraft traffic flow, improve the accuracy of geodetic surveys, enable better prediction of earthquakes and precise mapping of the seas for energy exploration. Many additional productivity improvements will be discovered as the system comes into day-to-day usage.

On the military side, one study predicted that GPS could be worth the equivalent of a \$50 billion investment in additional weapons systems.

HOW IT WORKS

The Navstar Global Positioning System is comprised of three segments: 1. The space segment—the constellation of satellites circling the earth. 2. The control segment—a series of ground stations which monitor the satellites and transmit corrected position and time data to the satellites. 3. The user segment—all sea, air and land equipment which receives the satellites signals and calculates user position, time and velocity. The user segment can receive the signals anywhere in the world, in any weather, without transmitting any information, making GPS an ideal military navigation system. The signals are designed to be jam-resistant.

THE USER SEGMENT

The navigation requirements of the user will determine how sophisticated the Navstar system must be. Collins Navstar GPS systems are available with one-, two- and five-channel receivers. Generally, single-channel systems are designed to be used in ground situations, in a backpack, truck or light vehicle. Two-channel systems find applications on helicopters, transport aircraft and surface ships. Five-channel systems are designed for supersonic aircraft and users with complex requirements.

GPS OPERATION

Basic operation of any GPS system is very similar. When the GPS set is turned on, an estimate of present position velocity and time is entered. The GPS set then begins to search for and track satellites. The data coming from the satellite signals does several things. It identifies the satellite number, locates the satellite in space and establishes system time. The GPS receiver then calculates the range to the satellite by measuring the time of receipt of the signal and multiplying that time by the speed of light. The result of this calculation is that the user has been located on a sphere of radius R_1 whose center is the transmitting satellite.

With the range to one satellite known, a range measurement is made to a second satellite to define a second sphere of range R_2 . Range R_3 is also determined by measurement to a third satellite. Using the three range measurements and elementary geometry the GPS set determines that point which is the users precise position in terms of latitude, longitude and altitude. Range to a fourth satellite is required to determine the time offset from the users crystal clock with respect to the GPS atomic time standard. The velocity measurement is determined by counting the doppler shift from the GPS center frequency.

Each satellite transmits two L-band signals: L_1 is 1575.42 MHz and L_2 is 1227.6 MHz. Both signals contain data which includes satellite location; thus the range to the satellite can be determined by the GPS set by comparing the time delay between satellites. The precise latitude, longitude, altitude, velocity and time can be determined for an unlimited number of system users.

GPS Navigation Modes: Collins Navstar Global Positioning User Systems are capable of operating in an autonomous mode or they can interoperate with other navigation systems such as inertial and doppler radars.

Figure-of-Merit: A "Figure-of-merit" number from one to four is displayed to the GPS user as an estimate of the GPS system performance. The higher the number, the lower the comparable performance of the system. The figure-of-merit is based upon the following criteria:

- User equipment status and performance.
- Jamming-to-signal ratio.
- Receiver channel tracking loop performance.
- Receiver operating state and navigation mode.
- Time correlation of GPS-derived navigation data.
- Correlation between GPS and aiding navigation system.
- Satellite constellation performance.

INPUTS AND OUTPUTS

- Typical GPS Inputs:
 - Satellite signals.
 - Position, velocity, altitude, acceleration and attitude—from aiding navigation system.
 - Waypoints—entered from a control-display unit or data loader.
 - Aiding navigation system mode and status data.
 - Typical GPS Outputs:
 - Position, velocity and time.
 - Altitude (mean sea level or absolute).
 - Steering information—track angle, cross track error.
 - Time and distance to waypoint.
 - Groundspeed and groundtrack angle.
 - Elevation angle to waypoint.
 - True magnetic heading.
 - Magnetic variation.
 - Calendar and time-of-day.
 - Test and status data.
 - Figure-of-merit.
- Interface characteristics are dependent on the type of installation, power and other requirements.

APPLICATIONS

Because the Navstar Global Positioning System is referenced to a common grid, the World Geodetic System 1972 (WGS-72), civil and military position data can be standardized on a worldwide basis. The user equipment can transform navigation information into other commonly used datums as well. The current military sets store 46 different datums. Military operations benefit in a variety of ways for guidance, rendezvous, reconnaissance, and targeting operations. Civil applications as well can benefit from the total GPS worldwide coverage, all-weather operation and the unlimited number of passive users that the system can support.

Potential commercial uses for aircraft, ground vehicles and sea-going vessels are practically unlimited. Search-and-rescue techniques can be enhanced, mineral exploration and geophysical survey crews can more accurately locate ore bodies and active fault belts in a shorter time. Precision airline or general aviation navigation any-

where in the world is possible, with approaches at nearly Category I standards. GPS could ultimately be used in airborne collision avoidance systems and maritime hazard avoidance systems.

As the system gains acceptance and is used in military and civil sectors, more sophisticated uses for the system will be established. The Navstar Global Positioning System is truly the positioning and navigation system for today and tomorrow.

NAVSTAR 1 IS NUMBER ONE!

When Navstar 1 departed May 22 on its transatlantic flight using Global Positioning System (GPS) satellite signals as a principal means of navigation, darkness had fallen over the Cedar Rapids municipal airport. It was broken only by purplish-blue bulbs lining the runways, landing lights gleaming from the sleek blue-and-white business jet, and a narrow slice of the moon.

It was relatively quiet, too, until Collins Flight Operations Director Chuck Hall eased forward the throttles, sending Sabreliner N6NR screaming down the asphalt and into a starlit sky.

Navigating at night was nothing new to this crew of Hall; Chief Pilot Dave Selzer; veteran navigator Loren DeGroot, director of Avionics Systems for the Collins Government Avionics Division; and David Van Dusseldorp, the division's manager of GPS Manpack and Vehicular Engineering. Together, they had conducted extensive late-night taxi and flight tests, the hours dictated by signal coverage from five orbiting Navstar satellites. This same coverage, and its associated limitations, would necessitate enroute stops at Burlington, Vt.; Gander, Newfoundland; Reykjavik, Iceland; and Luton Airport, near London.

Now, joined by three others, the crew of Navstar 1—so named only 24 hours prior to departure—embarked upon its over-the-ocean journey: 11 hours, 15 minutes of flying which, in real time, would consume three days, 12 hours, 35 minutes.

Now they were seven; alone, flying mostly at night, watching their instruments, conversing with air traffic controllers, pausing to rest at some of the world's barren outposts. Left behind were the briefings, the press conferences, the blinding lights used by the television news crews, the seemingly endless demonstrations.

Now, everything was for real.

When they landed May 26 under overcast skies at Le Bourget Airport, site of the 35th Paris Air Show, Hall and Selzer had flown the Sabreliner 65 straight into the aviation record books.

More importantly, the crew had proven that a revolutionary navigation system—still in its infancy despite nearly ten years of research and development activity—performs as advertised.

"I was totally impressed with the whole thing," said Selzer, after bringing Navstar 1 to a stop within 26 feet of a predesignated spot on the ramp at Le Bourget. "It was easy to fly; it just worked perfectly."

Echoed Hall, "The equipment performed flawlessly. But it took a maximum effort by the whole crew to make the flight a success."

The Navstar 1 crew members, admittedly operating to a large degree on adrenaline at the end of their 4,228-nautical-mile trip, were greeted with champagne, handshakes and congratulations from a reception party led by Collins Government Avionics Divi-

sion Vice President and General Manager Richard E. Derr.

Then came the formal presentation of certificates by Col. Alex Rankin, observer for the National Aeronautic Association, which sanctioned the flight as an official attempt to establish new national and world records.

Concluded Selzer: "The timing was right for this flight. Two years from now would have been too late.

"We realize these records eventually will be broken, and that's okay. But we were the first—that's the important thing.

"How many people remember the name of the second U.S. astronaut to set foot on the moon?"

Mr. PERCY. Mr. President, on September 15, 1983, I wrote to President Reagan to urge that civilian carriers be permitted to use the GPS.

The letter reads as follows:

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C., September 15, 1983.

THE PRESIDENT,
The White House

DEAR MR. PRESIDENT: Now that both the United States Senate and House have officially condemned the brutal action of the Soviet Union in shooting down an airliner, further steps are necessary. The Soviet Union continues to show no remorse for its savage act of September 1, 1983. Quite to the contrary, it has arrogantly proclaimed that it will ruthlessly enforce its so-called border law, which is nothing more than a shoot-to-kill order against those who innocently stray over its borders.

I fully support and endorse your action taken in the aviation area against the Soviet commercial air carrier, Aeroflot. It is heartening to see so many of our allies—and even one neutral country—suspend landing rights for Aeroflot at the same time that their own national carriers have chosen to shut down service to Moscow. We must continue to raise our voices in international organizations until the Soviets decide to refrain from exposing to attack civilians flying near its borders.

I have already proposed to officials in your Administration an additional step to make clear the revulsion of the international community against the Soviet act. The United States, in my judgment, should organize opposition to the re-election of the Soviet Union to the Council of the International Civil Aviation Organization (ICAO). As you know, ICAO is the principal international forum and policy-setter for civil aviation matters and includes 151 member countries. The Council is the chief governing body of the organization, whose 33 members are elected to three-year terms. That election should take place shortly after the organization opens its triennial meeting September 20, 1983, in Montreal. I believe that the Soviets should be denied the privilege of serving on the Council as another effective expression of condemnation by the rest of the world for their unjustified aggression against civil aviation. I urge you to direct United States representatives to take this position, as well as to seek a resolution condemning the Soviet act and calling for the payment of compensation to the families of the victims of this atrocity.

Additionally, until the Soviets agree to abide by current international procedures to ensure the safety of airline passengers, we should explore additional back-up systems to enhance navigation. Immediate and effective countermeasures should be taken to

warn civilian airliners of their precise position in relation to Soviet borders.

The Department of Defense (DoD) has developed the Navstar Global Positioning System (GPS) that can tell pilots their precise position anywhere on the globe with a high level of accuracy. The civilian version of this system would permit commercial pilots to know their position within 300 feet or one football field, anywhere on the globe, regardless of the time of day or weather conditions.

Officials are confident that the Korean Air Lines flight would have been less likely to stray of-course if GPS had been operational and had been utilized. Full world coverage is expected to be available in 1988, when 18 satellites will be in orbit.

I would urge that the Defense Department move up the timetable so that coverage could be secured over the Great Circle Route to the Orient. I understand from technical experts that such coverage is possible within one year for at least 15 hours per day. This would provide a valuable on-board navigational system as a back-up to existing systems.

I understand that the user community is opposed to a fee being charged for the use of GPS. As this was not part of the law (although in the Report language), I see no reason for imposing the fee in view of the enormous benefits that would accrue to the civilian aviation community and the traveling public.

Mr. President, air travelers of all countries are rightfully concerned about their safety in view of the inhuman attitude taken by the Soviet authorities. The immediate utilization of the GPS could provide additional safeguards to protect the lives of innocent travelers.

Sincerely,

CHARLES H. PERCY,
Chairman.

AMENDMENTS SUBMITTED

EXTENSION OF FEDERAL SUPPLEMENTAL COMPENSATION PROGRAM

COHEN (AND OTHERS) AMENDMENT NO. 2227

(Ordered to lie on the table.)

Mr. COHEN (for himself, Mr. LEVIN, Mr. HEINZ, Mr. RIEGLE, Mr. DURENBERGER, Mr. METZENBAUM, Mr. BOSCHWITZ, Mr. PRYOR, Mr. HOLLINGS, Mr. BOREN, Mr. KENNEDY, and Mr. QUAYLE) submitted an amendment intended to be proposed by them to the bill (S. 1887) to extend the Federal supplemental compensation program for 18 months, and for other purposes; as follows:

At the end of the bill add the following new section:

EXTENSION OF PROVISION ALLOWING PAYMENT OF DISABILITY BENEFITS DURING APPEAL
Sec. 9. Section 223(g)(3)(B) of the Social Security Act is amended by striking out "October 1, 1983" and inserting in lieu thereof "December 1, 1983".

NOTICES OF HEARINGS

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. ANDREWS. Mr. President, I would like to announce for the information of the public that the Select Committee on Indian Affairs will be holding a hearing on Tuesday, October 4, 1983, at 9:30 a.m., in SD-608. The hearing will be on S. 1638, a bill to amend the act of June 24, 1983, to allow the Secretary of the Interior to invest certain funds collected by Indian irrigation and power projects.

Those wishing additional information should contact Max Richtman of the committee at 224-2251.

ADDITIONAL STATEMENTS

FEDERAL SUPPLEMENTAL COMPENSATION AND THE USE OF THE TOTAL UNEMPLOYMENT RATE (TUR)

● Mr. QUAYLE. Mr. President, now that the Senate will be considering the further extension of jobless benefits, I would like to call the attention of my colleagues to the yardstick we use to measure the need for Federal supplemental compensation (FSC). We have two measures of unemployment called the total unemployment rate (TUR) and the insured unemployment rate (IUR). In the former we count all the unemployed; in the latter only those who are drawing regular State unemployment benefits. We base a State's eligibility for FSC on its insured unemployment rate, but that is not necessarily the right measure. The total unemployment rate used to run about 3 percentage points above the insured unemployment rate, back in 1981, but that relationship no longer holds.

The reason that we created the Federal supplemental compensation program is that in high unemployment periods it is unusually difficult for a large percentage of the population to find a job. We believed that the insured unemployment rate and the total unemployment rate correlated and that therefore the insured unemployment rate could be an appropriate measure of how difficult it was to find a job. We felt that States with a high insured unemployment rate should be eligible for more weeks of FSC than ones with a low insured unemployment rate.

The normal rule does not hold true any longer. The gap between the insured unemployment rate and the total unemployment rate is widening, as evidenced by the attached table. In my own State of Indiana, the civilian total unemployment rate, nonseasonally adjusted for July was 9.4 percent. The insured unemployment rate as of July 30, 1983, was 3.31 percent. It has since dropped further and thus makes this State with unemployment above

the national average eligible for still fewer weeks of FSC.

Ironically the insured unemployment rate is not the best measure of hardship in the very States where unemployment is the most serious and the most persistent. Many of my colleagues have questioned the use of the insured unemployment rate as a trigger for FSC and I believe that we

should recognize that those States which have unemployment above the national average must be included in the States with maximum duration of benefits.

I plan to offer such an amendment at the appropriate time.

Mr. President, I ask to have printed in the RECORD a table which shows each of the States' total unemploy-

ment rate, insured unemployment rate, and the gap between the total and insured unemployment rates over a period of 1 year. This table not only details the monthly gap, but also gives the average gap between the total unemployment rate and the insured rate.

The material follows:

STATE TOTAL UNEMPLOYMENT RATE AND WEEKLY RATE FOR WEEK OF THE 12TH

State	1982						1983						Average gap
	July	August	September	October	November	December	January	February	March	April	May	June	
Alabama:													
Total unemployment rate	014.5	014.2	014.3	015.0	015.3	015.9	016.6	016.1	015.0	013.5	012.9	012.7	
Week of the 12th rate	003.8	005.5	004.8	005.7	005.6	005.7	007.0	006.3	005.6	004.9	004.4	004.1	
Gap	+8.7	+8.7	+9.5	+9.3	+9.7	+10.2	+9.6	+9.8	+9.4	+8.6	+8.5	+8.6	9.2
Alaska:													
Total unemployment rate	008.8	008.4	007.7	008.7	009.8	010.0	012.3	012.5	012.1	011.4	010.7	009.9	
Week of the 12th rate	005.9	005.7	004.7	005.8	007.8	007.5	010.0	010.5	009.3	008.0	007.0	005.9	
Gap	+2.9	+2.7	+3.0	+2.9	+2.0	+2.5	+2.3	+2.0	+2.8	+3.4	+3.7	+4.0	2.9
Arizona:													
Total unemployment rate	010.9	011.3	010.7	010.5	010.4	010.4	011.1	011.3	011.1	010.3	010.1	010.3	
Week of the 12th rate	004.8	004.7	004.6	004.7	004.5	004.1	004.4	004.0	004.3	003.6	003.3	003.1	
Gap	+6.1	+6.6	+6.1	+5.8	+5.9	+6.3	+6.7	+7.3	+6.8	+6.7	+6.8	+7.2	6.5
Arkansas:													
Total unemployment rate	009.5	009.7	009.4	009.6	010.0	010.6	011.1	010.6	009.6	008.8	009.0	009.1	
Week of the 12th rate	005.3	005.1	004.8	005.5	005.9	006.1	007.5	007.3	006.5	005.3	004.6	003.9	
Gap	+4.2	+4.6	+4.6	+4.1	+4.1	+4.5	+3.6	+3.3	+3.1	+3.5	+4.4	+5.2	4.1
California:													
Total unemployment rate	010.7	010.2	009.7	010.3	011.0	011.0	011.7	011.9	010.9	009.9	009.9	010.1	
Week of the 12th rate	005.0	005.0	005.1	005.0	005.5	005.8	005.9	006.3	006.4	005.5	005.2	004.4	
Gap	+5.7	+5.2	+4.6	+5.3	+5.5	+5.2	+5.8	+5.6	+4.5	+4.4	+4.7	+5.7	5.2
Colorado:													
Total unemployment rate	007.2	007.2	007.6	008.2	008.9	009.0	009.5	009.5	008.9	008.5	007.8	007.3	
Week of the 12th rate	003.0	003.0	003.2	003.2	003.6	003.2	004.3	004.8	004.1	003.8	003.2	003.1	
Gap	+4.2	+4.2	+4.4	+5.0	+5.3	+5.8	+5.2	+4.7	+4.8	+4.7	+4.6	+4.2	4.8
Connecticut:													
Total unemployment rate	007.1	006.6	006.5	006.9	006.9	007.1	008.3	008.3	007.9	007.0	006.3	006.4	
Week of the 12th rate	003.6	003.4	003.1	003.2	003.2	003.5	004.6	004.2	003.8	003.3	002.8	002.5	
Gap	+3.5	+3.2	+3.4	+3.7	+3.7	+3.6	+3.7	+4.1	+4.1	+3.7	+3.5	+3.9	3.7
Delaware:													
Total unemployment rate	008.2	010.0	008.0	007.6	009.2	007.4	008.4	008.3	007.6	006.5	006.8	007.7	
Week of the 12th rate	003.0	003.3	003.7	002.8	003.6	003.1	003.8	003.9	003.6	002.8	002.5	002.3	
Gap	+5.2	+6.7	+4.3	+4.8	+5.6	+4.3	+4.6	+4.4	+4.0	+3.7	+4.3	+5.4	4.8
District of Columbia:													
Total unemployment rate	011.4	011.1	010.7	011.1	010.8	010.0	010.3	010.4	010.4	010.3	010.4	011.0	
Week of the 12th rate	003.7	004.2	003.4	004.0	004.0	003.6	004.3	004.3	004.1	003.4	003.2	003.1	
Gap	+7.7	+6.9	+7.3	+7.1	+6.8	+6.4	+6.0	+6.1	+6.3	+6.9	+7.2	+7.9	6.9
Florida:													
Total unemployment rate	007.5	007.8	008.2	009.2	009.5	009.5	010.4	009.5	008.9	008.4	008.7	008.8	
Week of the 12th rate	002.7	002.9	002.8	002.7	002.9	002.3	002.6	002.6	002.4	002.2	002.0	002.1	
Gap	+4.8	+4.9	+5.4	+6.5	+6.6	+7.2	+7.8	+6.9	+6.5	+6.2	+6.7	+6.7	6.4
Georgia:													
Total unemployment rate	008.1	007.4	007.5	007.8	008.0	007.9	008.2	008.5	008.1	007.2	007.1	006.8	
Week of the 12th rate	003.5	003.1	003.0	003.1	003.3	003.0	003.0	003.4	003.2	002.8	002.5	002.2	
Gap	+4.6	+4.3	+4.5	+4.7	+4.7	+4.9	+5.2	+5.1	+4.9	+4.4	+4.6	+4.6	4.7
Hawaii:													
Total unemployment rate	007.6	007.6	007.9	007.8	007.0	006.3	005.6	005.6	005.8	006.1	006.4	007.2	
Week of the 12th rate	003.4	003.2	003.2	003.6	003.5	003.3	003.4	003.3	003.2	003.5	003.5	003.8	
Gap	+4.2	+4.4	+4.7	+4.2	+3.5	+3.0	+2.2	+2.3	+2.6	+2.6	+2.9	+3.4	3.3
Idaho:													
Total unemployment rate	009.0	008.9	007.7	008.0	008.6	010.2	012.9	013.0	012.7	011.6	010.5	009.7	
Week of the 12th rate	006.0	006.1	005.7	005.1	006.4	007.5	009.1	008.2	008.4	006.4	005.2	004.3	
Gap	+3.0	+2.8	+2.0	+2.9	+2.2	+2.7	+3.8	+4.8	+4.3	+5.2	+5.3	+5.4	3.7
Illinois:													
Total unemployment rate	012.2	011.4	012.1	012.0	012.7	012.6	013.5	013.8	012.5	011.9	011.8	012.7	
Week of the 12th rate	005.5	005.4	005.0	005.5	005.9	005.9	007.3	007.0	006.8	006.0	005.3	004.7	
Gap	+6.7	+6.0	+7.1	+6.5	+6.8	+6.7	+6.2	+6.8	+5.7	+5.9	+6.5	+8.0	6.6
Indiana:													
Total unemployment rate	011.4	011.1	011.4	011.9	013.0	012.9	013.8	013.2	012.0	011.2	010.2	009.8	
Week of the 12th rate	004.1	003.9	003.9	004.6	005.2	005.0	006.1	006.0	005.2	004.5	003.8	003.2	
Gap	+7.3	+7.2	+7.5	+7.3	+7.8	+7.9	+7.7	+7.2	+6.8	+6.7	+6.4	+6.6	7.2
Iowa:													
Total unemployment rate	008.6	008.3	007.7	007.8	008.5	008.9	010.9	010.8	009.8	008.9	008.1	007.7	
Week of the 12th rate	004.3	004.0	003.5	003.6	003.8	004.7	006.0	005.9	005.4	004.7	003.6	003.1	
Gap	+4.3	+4.3	+4.2	+4.2	+4.7	+4.2	+4.9	+4.9	+4.4	+4.2	+4.5	+4.6	4.5
Kansas:													
Total unemployment rate	005.4	007.1	007.1	007.0	007.1	007.1	007.6	007.4	006.9	006.4	006.1	006.2	
Week of the 12th rate	004.3	004.6	004.3	004.1	004.2	004.2	004.6	004.5	003.9	003.4	002.9	002.7	
Gap	+1.1	+2.5	+2.8	+2.9	+2.9	+2.9	+3.0	+2.9	+3.0	+3.0	+3.2	+3.5	2.9
Kentucky:													
Total unemployment rate	011.2	010.8	010.6	010.6	010.8	011.3	012.4	012.5	011.6	011.0	010.0	010.8	
Week of the 12th rate	005.5	005.1	005.4	005.8	006.0	005.0	007.7	007.2	006.4	005.7	005.2	004.6	
Gap	+5.7	+5.7	+5.2	+4.8	+4.8	+6.3	+4.7	+5.3	+5.2	+5.3	+5.2	+6.2	4.5
Louisiana:													
Total unemployment rate	011.0	010.9	010.6	010.9	011.0	010.7	011.3	012.4	012.1	011.9	012.5	012.8	
Week of the 12th rate	004.7	004.8	004.8	005.1	005.3	005.4	005.9	006.2	006.5	006.1	005.8	005.4	
Gap	+6.3	+6.1	+5.8	+5.8	+5.7	+5.3	+5.4	+5.4	+5.6	+5.8	+6.7	+7.4	5.9
Maine:													
Total unemployment rate	009.7	007.6	007.5	007.5	007.0	008.0	010.0	010.9	010.7	009.9	009.6	008.6	
Week of the 12th rate	004.7	003.9	003.7	004.2	004.3	004.9	006.5	006.4	005.9	005.2	004.7	003.8	
Gap	+5.0	+3.7	+3.8	+3.3	+2.7	+3.1	+3.5	+4.5	+4.8	+4.7	+4.9	+4.8	4.1
Maryland:													
Total unemployment rate	008.6	008.7	008.1	008.0	007.7	007.9	009.1	008.8	008.3	007.2	006.6	006.5	
Week of the 12th rate	004.2	004.1	003.9	004.0	004.2	004.1	005.4	005.1	004.8	004.1	003.6	003.2	
Gap	+4.4	+4.6	+4.2	+4.0	+3.5	+3.8	+3.7	+3.7	+3.5	+3.1	+3.0	+3.3	3.7
Massachusetts:													
Total unemployment rate	009.6	007.6	007.4	007.2	006.5	007.1	008.7	008.2	008.0	006.7	006.5	007.5	
Week of the 12th rate	004.0	003.8	003.6	003.4	003.7	004.1	004.9	004.8	004.4	003.6	003.1	002.8	
Gap	+5.6	+3.8	+3.8	+3.8	+2.8	+3.0	+3.8	+3.4	+3.6	+3.1	+3.4	+4.7	3.7

STATE TOTAL UNEMPLOYMENT RATE AND WEEKLY RATE FOR WEEK OF THE 12TH—Continued

State	1982						1983						Average gap
	July	August	September	October	November	December	January	February	March	April	May	June	
Michigan:													
Total unemployment rate.....	014.7	014.5	014.5	014.9	016.4	017.3	017.0	016.5	017.0	015.5	014.7	014.6	
Week of the 12th rate.....	005.9	006.5	006.1	006.9	007.3	008.6	009.0	007.7	006.8	005.7	004.7	003.7	
Gap.....	+8.8	+8.0	+8.4	+8.0	+9.1	+8.7	+8.0	+8.8	+10.2	+9.8	+10.0	+10.9	9.1
Minnesota:													
Total unemployment rate.....	007.4	007.3	007.2	007.6	008.6	009.3	010.4	010.3	010.2	009.0	007.9	008.1	
Week of the 12th rate.....	004.3	004.0	003.9	003.2	003.8	004.5	005.4	005.4	005.1	003.9	002.9	002.5	
Gap.....	+3.1	+3.3	+3.3	+4.4	+4.8	+4.8	+5.0	+4.9	+5.1	+5.1	+5.0	+5.6	4.5
Mississippi:													
Total unemployment rate.....	012.3	012.5	012.2	012.2	011.9	011.4	012.2	012.4	011.6	011.4	011.9	013.6	
Week of the 12th rate.....	005.9	005.9	005.6	005.7	005.6	006.2	007.2	007.3	006.5	005.8	005.0	005.1	
Gap.....	+6.4	+6.6	+6.6	+6.5	+6.3	+5.2	+5.0	+5.1	+5.1	+5.6	+6.9	+8.5	6.2
Missouri:													
Total unemployment rate.....	008.9	009.0	008.0	008.7	009.5	009.8	010.9	011.3	010.6	010.0	009.3	009.2	
Week of the 12th rate.....	004.0	004.1	004.4	004.2	004.8	003.8	005.3	006.2	004.7	004.2	003.6	003.2	
Gap.....	+4.9	+4.9	+4.4	+4.5	+4.7	+6.0	+5.6	+5.1	+5.9	+5.8	+5.7	+6.0	5.3
Montana:													
Total unemployment rate.....	008.4	007.7	007.4	008.3	009.5	009.2	010.9	010.6	009.9	008.9	008.1	008.2	
Week of the 12th rate.....	004.6	004.3	003.6	003.9	004.6	005.5	006.7	007.1	006.7	005.4	004.5	004.2	
Gap.....	+3.8	+3.4	+3.8	+4.4	+4.9	+3.7	+4.2	+3.4	+3.2	+3.5	+3.6	+4.0	3.8
Nebraska:													
Total unemployment rate.....	005.9	005.5	005.6	005.6	006.2	007.0	007.9	007.9	007.1	006.4	006.1	005.7	
Week of the 12th rate.....	002.5	002.3	002.1	002.3	002.5	003.1	004.3	004.4	004.0	003.3	002.6	002.2	
Gap.....	+3.4	+3.2	+3.5	+3.3	+3.7	+3.9	+3.6	+3.5	+3.1	+3.1	+3.5	+3.5	3.4
Nevada:													
Total unemployment rate.....	009.8	010.2	010.4	011.0	011.3	012.2	012.3	012.4	011.3	010.0	009.5	009.0	
Week of the 12th rate.....	004.2	004.3	004.0	004.4	004.8	005.4	005.8	005.8	005.3	004.5	004.0	003.4	
Gap.....	+5.6	+5.9	+6.4	+6.6	+6.5	+6.8	+6.5	+6.6	+6.0	+5.5	+5.5	+5.6	6.1
New Hampshire:													
Total unemployment rate.....	009.1	006.5	006.3	007.1	007.0	007.1	008.5	008.4	007.3	006.7	005.6	004.7	
Week of the 12th rate.....	003.7	002.6	002.6	002.4	002.7	002.9	003.5	003.5	003.0	002.6	002.3	001.9	
Gap.....	+5.4	+3.9	+3.7	+4.7	+4.3	+4.2	+5.0	+4.9	+4.3	+4.1	+3.3	+2.8	4.2
New Jersey:													
Total unemployment rate.....	008.4	008.7	008.6	008.3	009.4	008.8	009.0	009.1	009.1	007.4	007.5	008.5	
Week of the 12th rate.....	004.6	004.4	003.9	004.1	004.4	004.5	005.5	005.7	005.1	004.3	003.8	003.4	
Gap.....	+3.8	+4.3	+4.7	+4.2	+5.0	+4.3	+3.5	+3.4	+4.0	+3.1	+3.7	+5.1	4.1
New Mexico:													
Total unemployment rate.....	010.1	010.1	009.9	010.4	009.9	009.4	010.6	010.8	010.6	010.0	010.3	010.8	
Week of the 12th rate.....	004.2	004.1	003.7	004.1	004.2	004.2	004.9	005.0	005.0	004.5	004.2	004.0	
Gap.....	+5.9	+6.0	+6.2	+6.3	+5.7	+5.2	+5.7	+5.8	+5.6	+5.5	+6.1	+6.8	5.9
New York:													
Total unemployment rate.....	008.5	008.4	008.4	009.0	009.5	008.6	009.6	009.5	009.8	009.0	008.5	009.1	
Week of the 12th rate.....	003.7	003.6	003.4	003.5	003.8	004.1	004.6	004.5	004.3	003.9	003.4	003.2	
Gap.....	+4.8	+4.8	+5.0	+5.5	+5.7	+4.5	+5.0	+5.0	+5.5	+5.1	+5.1	+5.9	5.2
North Carolina:													
Total unemployment rate.....	009.8	009.0	008.7	009.3	009.5	009.0	010.0	010.2	009.8	008.7	008.4	008.5	
Week of the 12th rate.....	004.6	004.1	004.6	004.0	004.4	004.0	005.4	004.9	004.5	003.6	002.9	002.5	
Gap.....	+5.2	+4.9	+4.1	+5.3	+5.1	+5.0	+4.6	+5.3	+5.3	+5.1	5.5	+6.0	5.1
North Dakota:													
Total unemployment rate.....	004.6	004.7	004.8	005.5	006.9	007.9	009.4	008.9	007.9	006.6	005.2	004.7	
Week of the 12th rate.....	002.7	002.6	002.0	002.3	002.6	004.2	005.6	006.0	006.0	005.1	003.4	002.7	
Gap.....	+1.9	+2.1	+2.8	+3.2	+4.3	+3.7	+3.8	+2.9	+1.9	+1.5	+1.8	+2.0	2.7
Ohio:													
Total unemployment rate.....	012.2	012.5	013.2	013.2	014.0	014.1	014.9	014.5	013.7	012.8	012.9	012.8	
Week of the 12th rate.....	005.3	005.2	005.1	005.2	005.8	006.1	006.8	006.4	005.8	005.0	004.2	003.7	
Gap.....	+6.9	+7.3	+7.2	+8.0	+8.2	+8.0	+8.1	+8.1	+7.9	+7.8	+8.7	+9.1	7.9
Oklahoma:													
Total unemployment rate.....	006.0	005.6	005.8	006.3	006.7	006.8	007.7	008.6	008.8	008.1	008.5	009.0	
Week of the 12th rate.....	003.3	003.3	003.6	004.0	004.3	003.7	003.9	004.2	004.0	003.6	003.4	003.0	
Gap.....	+2.7	+2.3	+2.2	+2.3	+2.4	+3.1	+3.8	+4.4	+4.8	+4.5	+5.1	+6.0	3.6
Oregon:													
Total unemployment rate.....	010.3	010.1	010.0	010.3	011.9	012.2	013.6	013.1	012.2	011.2	010.2	009.1	
Week of the 12th rate.....	006.1	006.1	005.5	005.4	006.7	007.1	008.3	007.8	007.1	006.3	005.8	004.7	
Gap.....	+4.2	+4.0	+4.5	+4.9	+5.2	+5.1	+5.3	+5.3	+5.1	+4.9	+4.4	+4.4	4.8
Pennsylvania:													
Total unemployment rate.....	010.7	010.3	010.9	011.2	011.6	012.5	014.9	014.1	013.9	013.0	012.1	012.9	
Week of the 12th rate.....	006.8	006.6	006.7	006.9	007.5	007.6	008.4	008.1	007.6	006.8	005.8	005.8	
Gap.....	+3.9	+3.7	+4.2	+4.3	+4.1	+4.9	+6.5	+6.0	+6.3	+6.2	+6.3	+7.1	5.3
Puerto Rico:													
Total unemployment rate.....	000.0	000.0	000.0	000.0	000.0	000.0	000.0	000.0	000.0	000.0	000.0	000.0	
Week of the 12th rate.....	006.6	009.8	009.0	009.4	008.7	008.6	008.8	008.7	007.6	007.3	007.0	006.9	
Gap.....	-9.6	-9.8	-9.0	-9.4	-8.7	-8.6	-8.8	-8.7	-7.6	-7.3	-7.0	-6.9	8.5
Rhode Island:													
Total unemployment rate.....	010.4	009.5	008.6	009.1	009.5	010.9	012.2	012.1	011.1	009.6	008.6	008.3	
Week of the 12th rate.....	005.9	005.9	004.9	004.6	004.6	006.0	007.1	006.5	006.0	005.0	004.2	003.8	
Gap.....	+4.5	+3.6	+3.7	+4.5	+4.9	+4.9	+5.1	+5.6	+5.1	+4.6	+4.4	+4.5	4.6
South Carolina:													
Total unemployment rate.....	001.7	001.3	010.7	010.8	010.8	011.1	011.6	011.6	010.9	010.2	010.1	009.8	
Week of the 12th rate.....	006.0	005.6	005.9	004.9	005.3	005.1	005.3	005.3	004.7	004.0	003.4	003.2	
Gap.....	+5.7	+5.7	+4.8	+5.9	+5.5	+6.0	+6.1	+6.3	+6.2	+6.2	+6.7	+6.6	6.0
South Dakota:													
Total unemployment rate.....	004.5	004.3	004.6	005.0	005.8	006.6	007.7	007.6	006.9	006.2	005.0	005.2	
Week of the 12th rate.....	002.3	001.9	002.1	002.0	002.0	002.2	003.3	003.2	002.9	002.4	001.6	001.4	
Gap.....	+2.2	+2.4	+2.5	+3.0	+3.8	+4.4	+4.4	+4.4	+4.0	+3.8	+3.4	+3.8	3.5
Tennessee:													
Total unemployment rate.....	001.6	001.1	011.4	011.2	011.9	013.3	013.7	013.6	012.3	011.7	011.3	011.1	
Week of the 12th rate.....	004.8	004.2	004.3	004.2	004.5	004.6	005.4	005.4	004.8	004.2	003.7	003.3	
Gap.....	+6.8	+6.9	+7.1	+7.0	+7.4	+8.7	+8.3	+8.2	+7.5	+7.5	+7.6	+7.8	7.6
Texas:													
Total unemployment rate.....	007.3	007.0	008.0	007.6	007.6	007.4	008.5	008.8	008.7	008.1	008.0	008.5	
Week of the 12th rate.....	002.1	002.2	002.4	002.8	003.4	001.9	003.3	003.2	003.1	002.7	002.4	002.5	
Gap.....	+5.2	+4.8	+5.6	+4.8	+4.2	+5.5	+5.2	+5.6	+5.6	+5.4	+5.6	+6.0	5.3
Utah:													
Total unemployment rate.....	007.5	007.5	007.7	008.0	008.8	008.9	009.7	009.9	009.6	009.3	009.3	009.4	
Week of the 12th rate.....	004.4	004.5	004.3	004.4	004.6	005.3	006.6	006.4	005.9	005.0	004.4	003.7	
Gap.....	+3.1	+3.0	+3.4	+3.6	+4.2	+3.6	+3.1	+3.5	+3.7	+4.3	+4.9	+5.7	3.8
Vermont:													
Total unemployment rate.....	006.9	006.3	005.7	006.0	006.7	006.8	008.0	008.1	007.8	008.0	007.6	007.0	
Week of the 12th rate.....	005.0	004.5	004.1	003.8	004.8	005.2	006.6	006.5	005.9	005.7	004.9	003.6	
Gap.....	+1.9	+1.8	+1.6	+2.2	+1.9	+1.6	+1.4	+1.6	+1.9	+2.3	+2.7	+3.4	2.0
Virginia:													
Total unemployment rate.....	007.6	007.3	007.4										

STATE TOTAL UNEMPLOYMENT RATE AND WEEKLY RATE FOR WEEK OF THE 12TH—Continued

State	1982						1983						Average gap
	July	August	September	October	November	December	January	February	March	April	May	June	
Virgin Islands:													
Total unemployment rate.....	000.0	000.0	000.0	000.0	000.0	000.0	000.0	000.0	000.0	000.0	000.0	000.0	000.0
Week of the 12th rate.....	004.7	004.4	004.1	004.0	004.3	004.0	003.8	005.8	005.6	005.6	005.0	004.8	004.8
Gap.....	-4.7	-4.4	-4.1	-4.0	-4.3	-4.0	-3.8	-3.8	-5.6	-5.6	-5.0	-4.8	4.7
Washington:													
Total unemployment rate.....	012.2	012.0	010.9	011.4	012.4	012.5	013.3	012.8	012.4	011.5	011.1	010.9	010.9
Week of the 12th rate.....	006.5	006.2	005.8	006.0	006.7	006.9	008.2	007.7	007.2	006.3	005.7	005.0	005.0
Gap.....	+5.7	+5.8	+5.1	+5.4	+5.7	+5.6	+5.1	+5.1	+5.2	+5.2	+5.4	+5.9	5.4
West Virginia:													
Total unemployment rate.....	013.7	013.6	014.0	015.3	016.4	017.8	020.4	021.0	020.1	019.0	018.2	017.5	017.5
Week of the 12th rate.....	007.4	007.0	007.2	008.2	008.9	008.3	011.7	011.4	010.2	008.8	007.8	007.2	007.2
Gap.....	+6.3	+6.6	+6.8	+7.1	+7.5	+9.5	+8.7	+9.6	+9.9	+10.2	+10.4	+10.3	8.6
Wisconsin:													
Total unemployment rate.....	010.1	010.4	010.2	010.5	011.1	012.2	013.4	012.7	012.0	010.8	010.2	009.5	009.5
Week of the 12th rate.....	005.4	005.1	005.1	005.0	004.9	006.6	008.0	007.6	007.2	005.8	004.3	003.7	003.7
Gap.....	+4.7	+5.3	+5.1	+5.5	+6.2	+5.6	+5.4	+5.1	+4.8	+5.0	+5.9	+5.8	5.4
Wyoming:													
Total unemployment rate.....	005.6	005.8	005.5	006.3	006.8	008.0	009.9	010.9	011.2	011.0	010.1	009.5	009.5
Week of the 12th rate.....	003.7	003.8	003.5	004.0	004.4	005.0	006.0	006.6	006.6	006.7	005.1	004.5	004.5
Gap.....	+1.9	+2.0	+2.0	+2.3	+2.4	+3.0	+3.9	+4.3	+4.6	+4.3	+5.0	+5.0	3.4

Source: Division of Actuarial Services.

CLINCH RIVER—SECURING A FINAL VOTE

● Mr. HUMPHREY. Mr. President, backers of alternative financing for the Clinch River breeder reactor project are now arguing that although their plan will end up costing the Government more than if Congress continued to fund the project through annual appropriations, if is still worth voting for because, if approved, the plan would end controversy about the project.

How the plan would do this is left unclear. All that the plan's proponents emphasize is that their plan provides an up-or-down vote on \$1.5 billion in funding for the project. This amount, they note, should be enough to keep the project going for several years.

What they do not like speaking about, though, is that it is almost certain to prove insufficient to complete the project. Presumably, the Federal Government will be good for any further cost overruns several years from now and such funding will be noncontroversial.

They also are not keen on emphasizing that Congress may undo what it has done and that the Congress of 1984 will be a new Congress. Nor do they speak about the conservative groups, the taxpayer organizations, and environmental lobbyists who have vowed to continue to fight to terminate the Clinch River breeder reactor project even if the plan's proponents succeed in their attempt to end-run congressional procedure by attaching their plan to the continuing appropriations resolution.

The reason the plan's proponents do not like discussing these topics, of course, is that their airing undermines the proponents' contention that if we only give our vote this one last time, they will never have to come back for our vote again. This is simply not true and is a bad reason to approve a bad plan.

Indeed, if the Senate is anxious to secure a single final vote on the Clinch

River breeder reactor project, there is only one way to do it—keep any legislation or new spending authorization for the project off the continuing appropriations resolution and demand instead that such legislation be submitted as separate legislation and considered under normal procedure.

If this is done, we will have one final vote on the project and I am certain that not only will the House clearly reject further support, but the Senate will also see the futility of further Federal support, and vote to terminate.

Mr. President, I am anxious that the Senate not be drawn in by promises of no more controversy. I am especially anxious that it not allow itself to be an accessory to a short circuiting of established legislative practice. Today, the Washington Post ran an editorial deploring the possible use of last-minute tactics to attach Clinch River legislation on to the continuing appropriations resolution. I ask that this editorial be printed at an appropriate place in the Record along with an American Nuclear Society nuclear report of August 4, 1983, that details how supporters of Clinch River should avoid a House vote.

The material follows:

[From the Washington Post, Sept. 26, 1983]

END RUN TO CLINCH RIVER

The Clinch River Breeder Reactor project is in trouble—but its promoters, with characteristic ingenuity, may have found a way to keep it alive. Congress said earlier this year that there was to be no more money for Clinch River unless a better financial plan was enacted. The House has been voting against Clinch River by substantial margins, but it may still have a narrow majority in the Senate. The project's managers now seem to be preparing to attach a financial plan and further funding for the reactor to urgent legislation—perhaps the continuing resolution to keep the government operating after the fiscal year ends on Friday. The House might then find itself with a choice between accepting the continuing resolution, Clinch River and all, forcing most of the federal government into paralysis.

Those are tactics of desperation on the part of Clinch River's friends and advocates. But tactics of desperation sometimes succeed, and congressmen will have to keep a careful eye on this maneuvering. To allow the Clinch River construction to proceed through this kind of tricky last-minute parliamentary game would mean perpetuating a \$4 billion error by the most dubious means.

Congress originally authorized the Clinch River reactor more than a decade ago. It was supposed to be the demonstration of the plutonium breeder technology on a large scale as the prototype of a generation of commercial breeders. But in recent years, the whole economic base for the project has eroded with huge new discoveries of uranium and the declining forecasts of the need for electricity.

That's why Congress voted earlier to turn the whole thing off, unless its backers could come up with a new financial scheme including greater support from private investors. The backers have come up with a scheme—and the Reagan administration has endorsed it—that claims to meet that requirement. But on closer inspection, private industry's support turns out to be mainly loans fully covered by federal guarantees and tax breaks. The director of the Congressional Budget Office, Rudolph G. Penner, testified last week that this alleged private support would cost the government more than conventional appropriations would.

That devastating testimony makes it very unlikely that the Clinch River breeder can now get further funding through the usual legislative route. But the end run remains a possibility. Whether it works will depend on the vigilance of the House leadership and particularly its Rules Committee. The degree of political skill and passion being devoted to the breeder reactor by its partisans is worthy of a better cause.

NUCLEAR REPORT

Hodel sent the CRBR alternative financial proposal to Capitol Hill on August 1, in time for it to be available to all Members of Congress, giving them an opportunity to discuss it with their constituents during the summer congressional recess, which begins this week and ends after Labor Day. (See NR of July 6 for a more detailed discussion of the proposal). The current strategy is to have the plan before the Congress for a suitable period, with public hearings on it scheduled for the middle of September. The

proposal's legislative vehicle will be the continuing resolution to be prepared by the appropriations committees and submitted during the last few days of this fiscal year (before October 1) to appropriate FY-1984 money for ongoing programs not covered by previously enacted appropriations bills. A full appropriation of about \$1.4 billion to cover seven years of construction (to project completion) will be offered in the continuing resolution. The CRBR item, most probably, will first be voted up or down in the Senate, where a scant majority in favor of project completion is believed to exist. Such a maneuver could seek to avoid a vote in the House, where "closed" rules often preclude votes on individual items in continuing resolutions.●

URGING SUPPORT FOR 1984 NATIONAL BUILDING SAFETY WEEK AND SENATE JOINT RESOLUTION 70

● Mr. GARN. Mr. President, this fall State and local building safety departments, architects, engineers, home builders, representatives of the building trades, and consumer groups will be meeting across our country to plan programs to participate in next April 8 to 14, 1984, National Building Safety Week.

Earlier this year, together with Senators JOHN TOWER, DONALD RIEGLE, Jr., and RICHARD LUGAR, I sponsored Senate Joint Resolution 70 designating the third week of April 1983 as the "Nation's First National Building Safety Week." That resolution is currently before the Senate Judiciary Committee for amendment to include the April 8 to 14, 1984, safety week dates and passage onto the full Senate for our consideration. As I have noted previously before this body, the purpose of National Building Safety Week is to focus public awareness on the important health and life-safety services which are available to all of us from our State and local professional building departments.

As the Senate Judiciary Committee begins consideration of Senate Joint Resolution 70, I would briefly like to highlight the accomplishments of last spring's 1983 National Building Safety Week program and describe the preparations which are underway for 1984.

On April 18 to 24, 1983, State and local building code departments in 32 States across the country held successful programs commemorating the Nation's first National Building Safety Week. Through radio and television public service announcements, newspaper articles, open houses, and exhibits, millions of Americans received important information on building safety. Residents of Indiana, for example, heard radio public service spots on the importance of the installation and proper maintenance of smoke detectors and received a five-part television news feature series on potential safety hazards encountered in home remodeling by the do-it-yourselfer.

In Minnesota, television viewers heard about the importance of having alternate means of escape from their homes in case of fire and radio listeners in Florida, Montana, Nebraska, Oregon, and many other States heard public service announcements on a number of other health and life-safety issues.

In New Jersey, building departments held exhibits and demonstrations on various aspects of building safety at shopping centers and malls throughout their State. In addition, State's Governors, mayors, State legislators, and city councils in over half of our States issued National Building Safety Week proclamations of their own.

Earlier this month, building officials, architects, engineers, and representatives from national organizations representing those parties involved in the construction industry met in Madison, Wis., during the annual meeting of the National Conference of States on Building Codes and Standards, Inc., to discuss cooperative efforts for next spring's National Building Safety Week. Among the activities approved at that session were the development of national public service spots on building safety, the development of a "Guide to Holding National Building Safety Week Functions," and the conducting of a 1984 National Building Safety Week Poster Design Contest which is currently underway.

As the building safety and construction community begins to plan their activities for April 8 to 14, 1984, I urge my colleagues in the Senate to express their support for this important national safety campaign by joining me in cosponsorship and passage of an amended Senate Joint Resolution 70.

As the safety week theme states, "Building Safety Is No Accident." As I have noted before, making our constituents more aware of and encouraging their increased participation in the building safety process, is an important concern to all of us in Congress. I ask your support for this important endeavor.●

TIME FOR EQUAL TREATMENT FOR COMPETITIVE INSURERS

● Mr. D'AMATO. Mr. President, I would like to express my support for the competitive insurance amendment being offered by my distinguished colleague from the State of Washington. Currently, U.S. insurers are frequently denied the right to compete for insurance business resulting from Eximbank financed sales and projects. Many, if not most, client countries invoke discriminating laws and business practices to direct the placement of this significant amount of business with insurance companies in their own countries.

I think this is a much needed and responsible amendment. This language

is identical to the language which appears in the House bill. It does not require or guarantee preferential treatment for U.S. insurers. It simply requests Eximbank to work with U.S. insurers and other relevant U.S. Government agencies to promote equal and nondiscriminatory opportunities for U.S. insurers. The amendment, in effect, merely encourages adherence to the agreed upon principles of fair and nondiscriminatory access to foreign markets already incorporated in the GATT and other international trade agreements. Moreover, this amendment is an opportunity for the U.S. Government to demonstrate its resolve to eliminate nontariff barriers that inhibit the growth of our important service industries, as well as encourage free trade.

I want to congratulate my distinguished colleague for his work on this important issue and I urge passage of the amendment.●

DISCRIMINATION AGAINST HANDICAPPED PERSONS

● Mr. WEICKER. Mr. President, I rise to call my colleagues' attention to a most important and recent report. On September 15 the U.S. Commission on Civil Rights issued a comprehensive report documenting discrimination against disabled persons. The report, entitled "Accommodating the Spectrum of Individual Abilities" estimates that 9 to 14 percent of the American people—20 to 31 million people—are handicapped, either mentally, physically, or emotionally. The findings cited in the report include:

Unemployment rates for handicapped workers range from 50 percent to 75 percent, up from a prerecession rate of 45 percent.

Increased documentation that disabled workers perform satisfactorily or better in those job situations for which they are qualified.

Handicapped people face discrimination in the availability and delivery of medical services.

Currently 15 States have statutes authorizing compulsory sterilization of mentally ill or mentally retarded individuals, and at least four authorize the sterilization of persons with epilepsy.

Architectural barriers continue to present serious problems of inaccessibility. A 1980 study found 76 percent of State-owned buildings inaccessible and unsuitable for handicapped persons.

Handicapped people are frequently denied access to various means of transportation. For example, over 1 million physically disabled, blind, or deaf persons live within a short walk of transit services but cannot physically use them.

Other areas of discrimination against handicapped persons include

voting, holding public office, and obtaining a driver's license.

Once again, the serious problem of discrimination against handicapped persons has been documented. As chairman of the Subcommittee on the Handicapped of the Labor and Human Resources Committee, I intend to examine this serious and far-reaching problem by conducting hearings on title V of the Vocational Rehabilitation Act in the spring of 1984. As you recall, title V includes provisions which prohibit discrimination against handicapped persons.

Mr. President, the Senate can take pride in the steps it has taken to preserve and enhance necessary services for and rights of disabled people. That justifiable pride, however, must not obscure the work that yet remains before us if we are to fulfill the promise of equal opportunity for American's disabled citizens. The Civil Rights Commission report provides a most valuable guide to where the Senate might direct its attention in this regard.

I urge my colleagues to give careful attention to the serious social problem of discrimination against handicapped persons as we approach next year's oversight hearings.●

POLAND'S SEPTEMBER

● Mr. MURKOWSKI. Mr. President, I have risen many times in this Chamber to take note of significant events in Poland or in Polish history. Today, I rise to commemorate not a day, but a month.

The month of September holds a special place in the annals of Polish history. It was in September of 1683 that King John III Sobieski led his Polish knights to victory against the Turks. His triumph meant freedom for all Europe from Ottoman domination. Two weeks ago the Pope celebrated the tricentennial of that victory in Austria. Mr. President, we should acknowledge the significance of that battle, not only because it left Europe free to develop its own institutions, but also because, for one of the few precious times in history, it unified Western and Eastern Europeans against a common enemy of freedom. Since that time, Poland has had to struggle against divisive forces in Europe aimed directly at her heart.

Mr. President, September must also be remembered for less auspicious events in Polish history. In 1939, the German Nazi armies overran Poland and ignited World War II. That invasion held tragic meaning for the future of Europe and the Western World. As the catalyst for the bifurcation between East and West, it obliterated the possibility of common endeavor by European nations against foreign domination and tyranny.

Mr. President, I hope that my colleagues will join me in celebrating the first September event and lamenting the other. Let them both serve to remind us of the Poland that was, and, with our support, that may be again.●

TERMINATING CLINCH RIVER—A CLEAR BREEDER BARGAIN

● Mr. HUMPHREY. Mr. President, in recent testimony before the Senate Energy and Natural Resources Committee proponents of the Clinch River breeder reactor project attempted to argue that it made no sense to terminate the project now that nearly \$1.5 billion had been spent. Their argument was simple: We will lose all that we have invested and terminating the project now would cost nearly \$300 million. In short, they would have us believe that we have gone so far already that we can only terminate at a price too high to consider.

The truth of the matter is quite different. As the project's backers themselves admit, \$1.5 billion has been spent but the project's design work is over 90 percent complete and nearly half of the project's critical components have been acquired. If Congress terminates the project, these accomplishments remain. We can file the designs. And we can use the base breeder research and development test facilities in California, Washington, and Idaho to test the key components we have acquired.

Indeed, one of the most important components—the reactor's steam generators—has not yet passed testing and are the weakest link in the project's design. Since these generators are now available, they could be tested at modest cost as a part of the base breeder program to give us even more information about the soundness of the Clinch River design. In taking this approach, little of what has so far been invested would be lost.

Certainly, if we began construction in earnest, we would gain no new design insights for our money; we would simply be paying construction firms to pour concrete and bolt existing parts together. This would be wasteful and it is just this sort of waste that our breeder program can ill afford.

Indeed, recently Energy Daily revealed that Secretary of Energy Hodel has been forced to cut the breeder program back. His Assistant Secretary for Nuclear Energy, Shelby Brewer, had asked for \$643 million for breeder reactor work in fiscal year 1985—\$331.5 million for the base breeder research and development effort, \$285 million for Clinch River and another \$26 million for the water cooled breeder effort. Secretary Hodel, however, wrote Mr. Brewer, August 22, 1983, that he could only have \$331.5 million for all of these activities due to "the

fiscal constraints which we must adhere."

Given these constraints, Mr. Hodel apparently is convinced that we have to make a choice between continuing Clinch River and keeping what he himself has stated is the key to our breeder future, our base breeder program, alive—for Hodel's statements concerning the nonessentiality of Clinch River see S 11513.

If, as Clinch River supporters claim, terminating Clinch River cost \$300 million, we would have to pay it to keep the base breeder program alive. The good news, however, is that terminating the project would in fact, cost less than \$150 million.

Why the discrepancy? Simple: The termination cost figure Clinch River proponents use includes repayment of the utilities for their \$158 million in contributions, a repayment that Government is not legally required to make.

In fact, the legal division of the Congressional Research Service determined that any utility suit to secure repayment of these contributions would almost certainly be thrown out of court.

It should be noted, that even \$150 million for termination costs is probably high since the House Science and Technology Committee determined in May of 1981 that only \$45 million would be required to terminate the project.

Mr. President, I believe the advantages to our breeder program of terminating the Clinch River breeder reactor project more than outweigh the advantages of proceeding with the project and I ask that the full text of the Energy Daily article and the Congressional Research Service legal finding be printed in the RECORD.

The material follows:

[From the Energy Daily, Sept. 12, 1983]

HODEL GOUGES THE BREEDER PROGRAM

If Energy Secretary Donald Hodel prevails, there will be no money at all in Fiscal Year 1985 for the so-called "base program" in breeder reactor development, which basically includes all breeder reactor R&D besides the Clinch River demonstration project.

Hodel's decision to drop the base program from about \$340 million in fiscal year 1984 to basically zero in 1985 was taken as the agency prepared its budget for 1985, to be submitted to Congress next January as part of the President's overall budget request. In the course of the budget review, DOE's nuclear energy division requested about \$643 million for breeder reactor development—roughly \$285 million for the Clinch River breeder reactor (CRBR) project, \$331.5 million for the base program, and \$26 million for water-cooled breeders.

On August 22, Hodel informed his assistant secretary for nuclear energy that he could have just \$331.5 million—to cover everything. In his memorandum, Hodel spoke of "the fiscal constraints to which we must adhere." Later, he directs that "the breeder reactor preliminary allowance of \$331.5 mil-

lion is to include funding for CRBR. The breeder base technology program should be reexamined and restructured to meet only the essential activities necessary to prepare for commercialization efforts beginning after the year 2005 at the earliest, and to maintain U.S. contact with the international breeder community."

Hodel's directive would basically force the Energy Department to close down the base program in liquid metal fast breeder reactors: \$285 million for Clinch River plus \$26 million for water-cooled breeders leaves only \$20-21 million, a steep drop from about \$340 million in the 1984 fiscal year. By any measure it is a draconian step. There are many in the nuclear community who would argue that the base program is the jewel in the crown, and more important to the technology's long-term future than the Clinch River project. The base program includes all the unspectacular but no less critical items, like component development and engineering, fuels and core design, materials and structures, basic physics and safety. The base program is also the source of funds for some large scale test facilities at the Fast-Flux Test Facility at DOE's Hanford, Wash. Lab the Energy Technology Engineering Center (formerly the Liquid Metal Engineering Center) in Santa Susana, Calif., and several smaller projects at the Idaho National Engineering Lab including EBR-2 (a 20-MW sodium-cooled pool-type fast reactor) the Hot Fuel Examination Facility Zipper (the Zero Power Plutonium Reactor) and TREAT (a transit test reactor).

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, D.C., September 28, 1982.
From: American Law Division.

Subject: Overview of Legal Issues Governing Contract Liability in the Event of Termination under the Private Participation Contracts for the Clinch River Breeder Reactor Project.

This is in response to your request for an analysis of possible contractual liabilities which may arise under the participation agreements for the construction of the Clinch River Breeder Reactor (CRBR) among the United States, the Tennessee Valley Authority (TVA), Commonwealth Edison Company (CE), the Project Management Corporation (PMC), and the many private utilities participating through the Breeder Reactor Corporation (BRC).

Special emphasis will be placed upon the legal obligation of the United States to reimburse the private utilities for their contributions in the event that Congress terminates the CRBR project by discontinuing funding therefor.

First, we will examine the termination provisions of the participation agreements. Second, we will explore the ramifications of a breach of contract by either the United States or the contributing utilities—recognizing, however, that making findings of breach of contract and awarding damages therefor is a judicial function. In the instant case, given the complexity of the contractual arrangements and the uniqueness of the CRBR project, coupled with your own time constraints, we will limit our analysis to an overview of legal issues.

I. THE PARTICIPATION AGREEMENTS

Two basic agreements form the basis for this analysis: The agreement for contributions between the utility industry through BRC and PMC (hereinafter "BRC-PMC

contract");¹ and the participation agreement among the United States, TVA, Commonwealth Edison, and PMC (hereinafter "participation agreement").²

Section 7 of the participation agreement delineates the basis for project resources and costs. Subsection 7.1 acknowledges that the financial assistance or monetary obligations of CE and TVA are limited to the contributions delineated throughout the contract. Subsection 7.1.2 acknowledges pledged utility contributions through BRC, estimated at approximately \$250 million. Subsection 7.1.1 refers by reference to section 4 to the responsibility of the Department of Energy's Energy Research and Development Administration (ERDA), as successor to the contractual obligations of the United States through the Atomic Energy Commission, to seek continuing appropriations from Congress:

ERDA hereby assumes a continuing obligation to seek and to endeavor to maintain such legislative authorization (not necessarily limited to presently authorized authority or forms of assistance) and appropriations as may be required to enable the continued effective conduct of Project Activities, including funds to cover costs of or associated with turbine-generators and auxiliary equipment, the switchyard, and associated facilities.—Section 4.1.4.

Section 11 of the participation agreement deals with project termination.

It may be noted that rights and obligations under the BRC-PMC contract are incorporated by reference pursuant to subsection 11.1 of the participation agreement.

Among the grounds for termination are the following:

11.4.1.1 Any necessary governmental permit, license, authorization or approval required for the construction or operation of the Plant shall not have been secured within six months following the scheduled time for such action on ERDA's approved Project schedules, and the Project is seriously delayed or hindered thereby.

11.4.4. Upon consideration of all available resources including ERDA's efforts to obtain additional funds pursuant to paragraph 4.1.4, it appears at any time that there are or will soon be insufficient Project resources . . . to permit the effective conduct of the Project, including full satisfaction of anticipated commitments and contingencies.

Thus, it appears that the failure by Congress to appropriate continuing funding for the project constitutes grounds for termination of the project under the participation agreement.

Although three or more parties to the contract must agree that any one of the termination criteria have been met, they are obligated to exercise "good faith judgment", and it would be difficult to deny the existence of demonstrable fact.

In the event of termination, the participation agreement provides, inter alia, that PMC assign to ERDA all of PMC's rights, if any, to collect amounts due and unpaid as

¹This analysis is based upon the reproduction of the PMC-BRC agreement set forth in "Closeout Costs, Clinch River Breeder Reactor Project," Hearing before the House Committee on Science and Technology, 97th Cong., 1st Sess. 281 (1981).

²This analysis is based upon the reproduction of Modification No. 1 to AT (49-18)-12 which appears in Hearing, footnote 1 supra, at 119. Negotiated contract revisions subsequent to these agreements, if any, are not within the purview of the memorandum.

of the date of termination under the Utility Contribution Agreement (although no utility is obligated to make a payment which comes due subsequent to the date of termination). If PMC's allowable costs exceed its assets, ERDA is to be responsible for them. Section 11.5.1.

Upon termination, ownership of the liquid metal fast breeder reactor (LMFBR) demonstration plant is to inhere in ERDA, which has the right to use and dispose of the facility as it deems advisable. See section 10 of the participation agreement.

Under the BRC-PMC contract, in the event of wind-up, after all the project costs have been satisfied or reserved against, the proportionate share of contributions between the Atomic Energy Commission/ERDA and the contributing utilities shall be allocated: "There shall then be a settlement based upon the foregoing final accounting, and taking into account the actual amounts paid for Project Costs through the date of final accounting by the AEC, and by BRC, electric utilities and electric systems, to the end that there shall be made, out of remaining funds, (a) a refund to AEC of any credit balance in the AEC account and (b) a disposition by PMC, as directed by BRC of any credit balance in the Utility account."³

A review of the foregoing suggests that adequate Congressional funding for the CRBR project is a condition precedent to performance under the contract. The failure of Congress to authorize adequate funding is a contingency which constitutes grounds for termination of the project under the terms of the participation agreement.

In the event of termination, the BRC and contributing utilities are entitled to receive as settlement any unpledged funds in a proportionate ratio to the utility's contribution. There is no contractual provision for full refund of utility contributions to BRC.

II. BREACH OF CONTRACT

The CRBR project has suffered many delays in development, and as a result the estimated costs of completion have skyrocketed. Allegations of breach of contract have been leveled against the U.S. Government and the utility industry.

Apparently, representatives of the utility industry, testifying before Congress, have expressed their belief that the DOE's failure to aggressively seek funding from Congress during the Carter Administration constituted a breach of contract. One witness expressed the following theory:

"Mr. Hobelman [Counsel, BRC]. The authorizations referred to have not been achieved in prior years because prior representatives at DOE did not undertake their obligations under the contract to use their best efforts to push the contract and the project forward to completion.

"One of the reasons we are here today and one of the reasons an additional \$350 million has been added to the cost of this project is that delay. In fact that is the principal reason for it.

"We therefore take the position that the obligations of the Government were not met in 1977 and 1978 and in subsequent years, and that therefore the contract was breached and therefore equitably and legally, and I hope here we are talking equitably today, is the responsibility on the Government to make the utilities whole and there-

³BRC-PMC contract, Hearing, footnote 1 supra, at 279.

by provide the benefits of this contract in another fashion to their customers."⁴

Whether the DOE breached the contract by failing to pursue necessary funding will depend, in part, upon findings of fact by a court hearing the matter.⁵

The U.S. Court of Claims does, however, have jurisdiction under the Tucker Act, 28 U.S.C. § 1491, as amended, to hear claims against the United States for breach of any express or implied contract. Likewise, Congress, in 31 U.S.C. § 724a, as amended, has appropriated sums necessary to pay judgments rendered against the United States.

But the notion that the U.S. Government will be responsible for restitution of all utility contributions in the event of a breach is but one theory of damages—one which may not necessarily be the most persuasive to a court hearing the matter.

Invariably, a court will examine the nature of the alleged breach—was it material, justifying rescission of the contract, or was it immaterial. Congress itself is not bound by the contract to unended funding of CRBR, although ERDA officials are bound to use their best efforts to seek necessary appropriations from Congress. Thus, a court might want to explore the relationship between the Administration's failure to act and Congress' termination of funding to determine whether ERDA's actions were indeed a material breach of the contract.

A court may also entertain possible Government defenses to an allegation of breach, e.g., impracticability of performance or frustration of purpose, etc. It would look at the expectations of the parties under the contract, and would determine whether plaintiff utilities had received any of the anticipated benefits under the contract to date, and whether they exercised their duty to mitigate damage once breach had occurred.

Since the contract itself makes no provision for liquidated damages, nor does it provide full reimbursement to the utilities in the event of termination due to inadequacy of resources, one may seriously question whether a court would be disposed to award the full share of utility contributions as damages, especially in light of the disproportionate share of funding responsibility which has devolved upon the Government in conjunction with Clinch River. These are, however, questions which would be subject to litigation in a breach of contract action.

With respect to breaches by the contributing utilities, Article XVII of the BRC-PMC contract provides, in part:

(a) Any controversy, claim, counterclaim or dispute arising out of or relating to this Agreement or any breach thereof, shall be submitted to arbitration upon the request of either PMC or BRC in the manner provided herein . . .⁶

Thus, claims for contribution between PMC and BRC must first go to arbitration; and industry-wide failure to pay contributing shares may prove sufficient to deplete project resources in such a manner as to trigger the termination provisions under the participation agreement.

⁴ Hearing, footnote 1 supra, at 43; see also, pages 319-321.

⁵ A letter opinion of the Comptroller General indicates that Pub. L. 85-804 may or may not be a basis for U.S. Government liability under the CRBR contracts. See Hearing, footnote 1 supra, at 319. Consideration of this jurisdictional question is beyond the scope of this memorandum.

⁶ Hearings, footnote 1 supra, at 296.

III. MISCELLANEOUS

You have also inquired as to the feasibility of requiring the utility industry to increase the ratio of their contributions to CRBR.

We can find no basis for such a unilateral action by the Government under the contractual agreements and conclude that such a new arrangement would have to be negotiated and agreed to by the parties themselves. However, nothing would preclude Congress from conditioning future appropriations upon increased utility participation.⁷

ROBIN JEWELER,
Legislative Attorney. ●

THE U.S. INDUSTRIAL COUNCIL

● Mr. DENTON. Mr. President, during the past year I have become familiar with an exceptionally fine national organization, the U.S. Industrial Council. I know many of its members personally, and I had the opportunity to meet with its board of directors at its annual meeting this summer.

The U.S. Industrial Council is committed to the preservation and strengthening of the American free enterprise system, the rebuilding of a healthy economy, and the effort to sustain a strong national defense.

The council's Declaration of Policy outlines the principles and precepts of the organization's program. I commend it to my colleagues as an example of the clear thinking that motivates many fine American businessmen, and I ask that the entire text of the U.S. Industrial Council's Declaration of Policy appear in the RECORD immediately following my remarks.

The material follows:

IN GOD WE TRUST

The strength of our nation rests upon its spiritual foundation. The Founding Fathers of the United States clearly understood this basic reality of national life. Thus, in establishing the American institutions of government, they acknowledged Almighty God as the ultimate source of strength.

The USIC is greatly concerned, therefore, over current trends inhibiting the free practice of religion and pushing the United States in the direction of purely secular society. The United States Industrial Council takes this opportunity—solemnly and humbly—to reaffirm its Faith in God, and to emphasize the importance of religion and the family structure as basic to public morality and love of country.

DECLARATION OF POLICY

INTRODUCTION

For fifty years the United States Industrial Council has maintained an unwavering and principled concern for our political and economic traditions during a half century that has incorporated unmatched disruptions in the political and economic order of the nation and the world.

⁷ We note parenthetically that CRBR authorizing legislation, Pub. L. No. 91-273, § 106, was amended by Pub. L. No. 92-84, § 105, to provide "that such assistance which the Commission undertakes specifically for this demonstration plant shall not exceed 50 per centum of the estimated capital cost of such plant".

The clear understanding that the USIC has had for its past, present and future directions is sharply reflected in its annual Declaration of Policy—a Council tradition. It is the written Declaration of Policy that has enabled the Council throughout the years to stand forthright on the issues—however unpopular or controversial—with the full support and working of its membership.

Within the past year, the USIC has structured a network of Advisory Task Forces composed from selected members—all experts in their respective industries—to mobilize and act upon the complex problems and mazed issues of the day. Each Task Force produces detailed white papers which relate the Council's positions and serve to bolster the parameters of the Declaration of Policy which give the guideline and framework for these studies.

The USIC Declaration of Policy is thus a forthright statement of what its membership believes to be the critical problems that will confront the country in the coming year based and built upon the experiences of more than a generation of thoughtful American businessmen. It is this Declaration to which is owed the continuity and consistency so evident in the fifty year history of the United States Industrial Council.

I. A STRONG AMERICA

The USIC wants this country's defense to be second to none, and favors a foreign policy that will protect our sovereignty, economic strength, and strategic interests.

Foreign policy and defense

The United States has made an important start at repairing its deteriorated defenses. It is essential, however, that the country not falter in its defense effort or cut back on programs which are only beginning to come into effect. The survival of the United States and its free society depends on demonstrated staying power.

Challenges are posed to the United States from several quarters, and these challenges will persist as far into the future as one can see. America's principal adversary, the Soviet Union, certainly has a long view in its development of policies aimed at weakening and ultimately destroying the capitalist world. The United States and the other democracies must take an equally long view and have the patience and tenaciousness required for the maintenance of freedom in the decades ahead.

It is essential that the United States not only develop and maintain weapons such as are necessary for security today but that it plan advanced defense systems that will meet America's security needs early in the 21st century. The American people must understand that they can't reach a plateau of security on which they can rest without worry or special effort.

The extent of the Soviet challenge has been underscored again in the past year as a result of worsening political conditions in Central America, where Soviet proxy forces have destabilized an area that was quiet for many years. Aggressive, subversive activities in Central America pose a growing threat to stability throughout Latin America and, most importantly, to Mexico.

The story of organized protest in Western Europe in the past year also emphasizes the continuing effort of the Soviet regime to detach the NATO countries from the United States and to Finlandize that part of Europe which is not under Soviet control. Happily, the majority of West Europeans have not been drawn into the unilateral dis-

armament movement, but the strength of that movement, which benefits the USSR, is very disturbing to thoughtful people on both sides of the Atlantic.

The USIC is mindful of the enormous capacity of the Soviet Union to harness emotional protest movements in Western countries and use them to enhance the power position of the Soviet states, to demoralize Western countries and lead them to abandon defense and foreign policy measures on which the maintenance of freedom depends.

The Soviets long have held that "the front is everywhere," and Americans in and out of public life need a renewed and strengthened awareness of this fact. Thus the campaign for a nuclear freeze is on a parallel track with the campaign to end American aid to embattled El Salvador. Both campaigns have flourished in the U.S. because of shrewdly engendered fear of larger conflicts.

The USIC supports the principle of negotiations with the Soviet Union towards the end of achieving real reductions in nuclear weapons, but firmly opposes an agreement which would allow the Soviet Union to maintain nuclear superiority. An arms control agreement must include strict provisions for on-site verification.

The USIC also believes that the United States cannot afford to let Central America slide into the Soviet orbit or allow new Cuban-type regimes emerge in a region close to U.S. territory.

Maintenance of strong national security programs has been made much more difficult in the past year because of the weakening of the U.S. economy during the global recession. There have been many short-sighted appeals to cut defense programs in order to balance the budget. Important as that goal is, national security must have priority in the national agenda. If the United States is not able to deter foreign aggression, it will not be able to maintain a free economic system. Freedom is not just another budget item.

The American economy has improved in recent months, and there is reason to hope that other economics will respond to America's locomotive effect. Severe bumps in the free world economy are possible, however, in light of the tremendous burden of debt faced by many countries. Whatever the ups or downs in the free world economy, Americans and other free peoples must adhere to security programs which undergird freedom. Actually, the United States is in a very strong position, with tremendous technological advantages which can and must be maximized. The Soviets, for all their armed might, have a basically weak and inefficient economy. The chief task for the Western countries is not to allow themselves to be convinced that they can't afford to provide themselves with necessary defenses.

Support for military and diplomatic personnel and the flag

Throughout the world, Americans in uniform stand guard, protecting the national interest. It is fitting and proper that all who wear the uniform of the United States receive the respect and support of their fellow citizens. It is equally important that the flag, as the symbol of the republic, be honored at home and abroad, particularly at American embassies and other diplomatic installations.

II. LIMITED GOVERNMENT

Intrusive and costly government is a prime concern of nearly all our citizens. The USIC favors a return to the principle of lim-

ited government, in keeping with the spirit of our Founding Fathers.

Our federal system

The authors of the U.S. Constitution wisely created a federal republic. They believed that by dispersing power, and providing for checks and balances, they would endure the survival of our freedom.

Our Founding Fathers envisioned a political system where the role of government would be limited to defending the nation, upholding the rule of law, and performing essential functions that could not be left to the private sector. They never intended that the federal government should undertake to do anything that the states and localities could do just as well on their own.

In disregarding the wisdom of our founders, we have created an imperial government characterized by oppressive taxes, meddling bureaucrats, and nit-picking laws and regulations. Ironically, while the government's power grew enormously over private enterprise, private education, and private citizens, its ability to protect us from crime and to insure our enjoyment of basic rights is very much in question.

The USIC rejects the whole socialistic leveling philosophy of the welfare state as degrading to the rights and dignity of man. There can be no political rights without economic rights; neither can the Bill of Rights be interpreted piecemeal for the convenience of those who would make liberty secondary to equality. The Bill of Rights is an integrated document with every right of equal importance—including the right to bear arms and the rights protected by the Tenth Amendment.

Better government

With a view toward reclaiming our heritage, the Council makes the following specific proposals to Congress:

1. A real and immediate cut in the number of federal employees, including reform of Civil Service laws that preserve unnecessary federal jobs.

2. An evaluation of all federal regulatory agencies with the objective of abolishing the counterproductive ones and drastically curtailing the arbitrary powers of others;

3. The repeal of all so-called "voluntary programs" which force compliance and funding from the states by threatening to penalize them in other areas if they refuse to participate. The use of tax money taken from the citizens to blackmail the states if they refuse to participate in federal programs is unconstitutional and deplorable.

4. Continuing efforts to review the most expensive agency of the federal government, the Department of Health and Human Services, to reduce its excessive size, power, and cost;

5. The enactment of a "sunset law" that would require all federal agencies and/or programs to expire automatically after a given time of not more than five years unless extended by Congress;

6. The requirement of "economic impact statements" for all new federal programs or expansion of existing programs setting forth the cost/benefit to the taxpayer and any adverse economic consequences likely to ensue;

7. The reform of government pension programs to bring public pensions into line with those in the private sector. Not only are public pensions too high, but recipients may collect more than one. The USIC is gravely concerned over the growth of unfunded pension liabilities in the public sector. The actuarial deficiency should be

stated each year as part of the budget process.

Political action and political reform

The Council takes specific notice of the fact that business and industry are entitled to the same privileges as organized labor in the formation and funding of political action committees.

The USIC believes that the financing of political campaigns with tax money is contrary to the spirit of a free society and incompatible with our federal system. Accordingly, we urge the repeal of the legislation which established such a system at the presidential level, and we strongly oppose current efforts to extend the system to congressional levels.

III. THE RULE OF LAW

Our citizens should be secure against those who would violate their persons or their property, whether they be criminals, overzealous bureaucrats, or activist judges.

Crime and violence

The USIC endorses tougher measures to deter all forms of criminal behavior. It commends those state legislatures that have restored the death penalty as a deterrent to specific crimes.

Yet it is the swiftness and certainty of punishment, more than its severity, that deters. Methods of detection and apprehension should be improved, and criminal proceedings should be streamlined to the extent that justice permits. Plea bargaining should be eliminated, and admissibility of evidence should be based upon its accuracy, not whether it has been "tainted" by some irregularity in procedures. Illegal acts committed in the course of obtaining evidence should be prosecuted separately.

The USIC strongly supports federal and state efforts to apprehend and convict drug peddlers and to enact tougher penalties for persons engaged in the illegal drug traffic. At the same time, the USIC vigorously opposes legalization of marijuana. Available evidence shows that marijuana often is the prelude to use of hard drugs and, in addition, induces in users a detachment from reality and indifference to moral values and personal obligations. The USIC holds that authorities must do everything possible to prevent America becoming a drugged society. The Council also supports sound and successful efforts to rehabilitate drug users.

Another major problem is that of pornography. The Council urges strong laws at the federal and state level to halt the growing traffic in pornography that debases the quality of American life.

We also urge businessmen to refrain from advertising in publications that are clearly pornographic, or that promote crime and violence.

While urging stricter law enforcement, the Council also favors enlargement and modernization of prison facilities as funding is available. Because of serious overcrowding in prisons, judges often hesitate to jail offenders. If adequate facilities were available, and prison authorities were able to separate youthful offenders from hardcore criminals, the prison systems could be used more efficiently to deter crime, to rehabilitate convicted persons, and to help them equip themselves for self-supporting and law-abiding lives. The Council recommends that prisoners be required to perform useful tasks while serving their sentences in order to provide restitution to victims of their crimes.

The USIC urges the subcommittee on terrorism and subversion in the Senate Judiciary Committee to increase its efforts to investigate terrorist and subversive activities in the United States.

The Federal judiciary

It is encouraging that the Supreme Court is turning away from the judicial activism which characterized it for many years and which, in the view of many Americans, violated the intent of the framers of the Constitution, produced serious strains in our society, and weakened the administration of justice. However, the Council regrets that the High Court has nevertheless upheld a number of unwise decisions by the lower federal courts concerning public education. In addition, federal judges have set up unrealistic guidelines and standards for state prisons.

Specifically, the Council objects to the judicial notion that public schools are primarily instruments of social change. Court-ordered busing and racial balancing have served only to destroy the harmony which once prevailed in the schools, to impair the education of millions of school children, and impose additional costs on taxpayers. The USIC calls for an end to such judicial experimentation and the return of schools to the control of the states and localities, by constitutional amendment if necessary.

Similarly, the Council, decrying the current trend toward atheism and moral anarchy, supports the restoration of voluntary prayer and Bible reading in the public schools by constitutional means.

The Council recommends that a mandatory retirement age for federal judges be established.

IV. A FREE ECONOMY

A free economy is essential to a free country. It is also the basis for national prosperity. However, the opponents of economic freedom have not eased the pressures for continuation and even expansion of government policies that have reduced economic freedom for many Americans. Economic difficulties of recession, unemployment, and the decline of several of our major industries have renewed the demands for a return to the massive government role in the economy, including expansionary monetary policies, huge social welfare programs and other domestic policies that are the cause of America's economic problems.

The USIC believes that the nation can only return to its traditions of prosperity, high employment, and genuine economic growth by standing firm on the principles of economic freedom, which include drastically reduced federal spending, continuing efforts to reduce regulation of business, and a consistent monetary policy.

Private property and free enterprise

The United States Industrial Council firmly supports the concept of property as the foundation of personal liberty. The USIC urges protection of the property right of the American people.

Current activities by anti-business groups disclose a studied effort to separate control from ownership of property and, in effect, to limit and qualify property rights of corporations and shareholders. The current insistence in some quarters that corporations name so-called "public" directors—spokesmen for unions and consumers—is part of the effort to restructure the traditional American concept of property rights.

It is clear that there is a major effort afoot to deny investor-owned companies the right to make key decisions affecting their

operations. The anti-business groups seek to deny business decision-making power regarding plant location or relocation, product selection, source of supply and advertising. There is a campaign underway to compel companies to disclose essentially proprietary business information. Forces of free enterprise urge Congress to authorize severe penalties, including jail terms, for company executives who violate new social guidelines.

A federal law should preempt state laws only where the law expressly states that it is the intent of Congress to do so, when the constitution so empowers. Federal courts now exercise too much discretion in deciding whether or not a federal law preempts state laws covering the same area. Congress should not allow the courts to second-guess its intentions in this fashion.

Legislation has been proposed at state and federal levels to penalize companies that wish to relocate, thus making them "captive industries." If a state is losing businesses because its taxes are too high, its regulations too rigid, and its labor-management policies too solicitous of big unions, imposing an exit tax on departing corporations will not improve its economy or that of the nation as a whole. It can only lead to more business closings and more unemployment.

The USIC believes that the managerial functions of business should be discharged by the chosen representatives of the stockholders and investors—i.e., by those who bear the risk of loss and are entitled to the profits.

Profits and the concomitant risk of loss make the free enterprise system run; they are the dynamics, the driving forces of industrial progress. Without profits, there would be no investment to provide new jobs and additional opportunities for the growing work force of an expanding population. A non-profit economy inevitably results in a socialist economy.

A pure free market, free enterprise economy is without equal in providing the greatest selection of goods and services at the least possible cost. Free enterprise means the right to succeed and the right to fail. Successful enterprises should not be penalized by government for their success, and unsuccessful enterprises should not be kept in operation with transfusions of tax dollars.

Government attempts to rescue failing corporations opens the door to vast subsidy operations and to indirect control of private companies by directors nominated by government. The business community should take the lead in opposing such bail-outs, as they undermine the free enterprise system.

Capital formation and tax reform

Rapid capital formation is the key to a prosperous economy. Unfortunately, capital formation has been discouraged in the United States.

Clearly, if free enterprise is to survive and the nation to enjoy a high standard of living, capital formation must be encouraged. Citizens must be given incentives for investing instead of spending.

The creation of such incentives means allowing citizens to retain their earnings. Therefore, the USIC believes in tax reform consistent with the principles of free enterprise. Our specific proposals in this area include the following:

1. The elimination of double taxation of corporate profits. At the present time, such profits are taxed as corporate income, and then again as personal income when paid to shareholders as dividends.

2. The adoption of adequate tax incentives, to replace and increase those formerly provided by the oil depletion allowance, to encourage exploration and development of domestic petroleum supplies.

3. A constitutional amendment setting a fixed ceiling on the rate at which federal income, estate, and gift taxes can be levied and collected, except on income taxes in time of congressionally-declared war.

4. A less restrictive business tax structure: to stimulate production and increase job opportunities. This should include the reduction and eventual elimination of capital gains taxes.

5. An evenhanded approach to the regulation of tax-exempt organizations and contributions; the withdrawal of tax-exempt status from any organization that promotes lawless and destructive ends.

6. The elimination of unfair tax advantages presently enjoyed by cooperatives, credit unions, and labor unions. These organizations are now using tax-free income to engage in a number of large, profit-making enterprises in competition with taxpaying enterprises.

7. A reduction of government spending with an appropriate lowering of personal income taxes.

Government economic policy and inflation

Thus the USIC holds firm in the conviction that the destructive forces of inflation, present and anticipated, and resultant high interest rates and thus the related problems of unemployment, widespread business bankruptcies, and general economic decline, are the consequences of government deficits.

The past two years have seen remarkable success in the lowering of inflation, which is one of the most important governmental achievements in this period, but renewed inflation is likely if federal spending is not contained. Even with essential defense spending increases, it is possible to make massive cuts through better management, as the Grace private sector task force reported, saying that \$48 billion could be saved over three years.

The Council has always held that there is a definite and undeniable link between inflation and deficit spending by the federal government. Therefore, the Council deplores attempts to explain away or to ignore deficits as unimportant or unrelated to our nation's economic well-being.

The government's bill must be paid. When it pays them by expanding the money supply, the currency is debased. More dollars in circulation do not automatically mean greater wealth. Instead, the value of the currency is inflated. Likewise, heavy government borrowing from the private sector reduces the amount of capital available for business investment and expansion.

These two approaches to financing deficits are responsible for the persistently high interest rates the nation has experienced in recent years. Rates consist of real interest, plus an inflation premium which reflects expectation of further decline in the value of money. Heavy demand for capital by government keeps rates high, making money unaffordable to smaller companies.

For years, Congress has made little or no attempt to limit spending to revenues. It has been reluctant to do so because of pressure from labor unions, financially troubled cities, the welfare lobby, and other groups favoring free-spending federal programs. This profligate spending has led to an inflationary psychology among our people * * *.

The federal debt exceeded \$1 trillion in 1982. This does not include government guaranteed loans and other contingent liabilities that are growing at an alarming rate.

The Council urges the Congress to take the following actions:

1. Reduce federal expenditures to the essential minimum for the functioning of the government as defined in the Constitution.
2. Prohibit any further increase in the debt ceiling, except in time of congressionally-declared war, and the contracting of any further obligations outside this ceiling.
3. Approve an amendment to the Constitution limiting federal expenditures to receipts in time of peace, and limiting taxes to a percent of GNP.
4. Provide for a return at the earliest possible time to a currency convertible to gold or other indexed commodity and the transformation of the present managed currency system.
5. Rescreen all previous appropriations to effect necessary savings.
6. In reaching a balanced budget, do so by spending cuts, not by increased taxation.

Wage-price controls

The Council rejects all suggestions of controls on wages, prices, rents, and dividends. Such controls would deal only with the symptoms of our economic ills, not the root causes.

Whenever they have been tried over the centuries, controls have proved to be a failure. They result in black markets and in misallocations of resources. Moreover, wage and price controls inevitably require rationing, which has been a failure when tried and which is unacceptable to the American people. Rationing also requires an army of enforcement agents and costs immense sums. It makes no sense to prevent the normal operations of the marketplace and to continue to allow the government to print money. Controls of the money supply invariably are rejected by proponents of economic controls. They would tie down everyone but the bureaucrats.

Government regulation of business

American industry and business have evolved over the years in response to the changing needs and desires of the consuming public. The USIC favors fair and effective enforcement of the antitrust laws, but rejects the yardstick of mere size as a criterion of monopoly, undue concentration, or lack of competition.

In addition, the USIC is opposed to the federal licensing of corporations as a condition of engaging in interstate and foreign commerce as an unwarranted extension of federal power.

The Council is also opposed to any form of favoritism in the awarding of government contracts. At the present time it is not uncommon for a corporation to be denied a contract simply because it is non-union, or is located in the wrong congressional district, or refuses to conform its business to the satisfaction of bureaucratic planners, or because of its size. It is the opinion of the USIC that the sole criterion for the awarding of government contracts should be the question "Which firm offers the American taxpayers the best product or service at a reasonable price?" Among other examples, the Council is opposed to favoritism in awarding contracts to cooperatives that enjoy special tax advantages.

Finally, the Council takes this opportunity to strongly condemn what it regards as the harassment of private businessmen by

government bureaucrats. Owing to a variety of circumstances—chief of which are the proliferation of government agencies and the sharp rise of legal costs—it is now possible for nonelected bureaucrats to intimidate businessmen into complying with their guidelines simply because it is no longer practical for businessmen to litigate every challenge to their constitutional rights. Such harassment is especially burdensome to the small businessman, and is a factor in small business failures—thus undermining free competition. Furthermore, this situation heralds an era of potential bureaucratic dictatorship, and imperils the rights of all Americans. The Council urges that the arbitrary power enjoyed by so many federal bureaucrats be curbed so as to prevent this development.

Toward this same end, the USIC urgently recommends that the rising tide of government forms be stemmed. Such paperwork—much of it either useless or an invasion of corporate privacy—is time-consuming, expensive and ultimately detrimental to the consumer, inasmuch as in the last analysis it is he who must pay for the government's "fishing expeditions."

Bankruptcy

The USIC believes that current bankruptcy law allows debtors to defraud creditors, and in many cases to avoid payment of just debts that they have the ability to pay from current or future earnings. The USIC urges that the Bankruptcy Reform Act of 1978 be amended in order to prevent such abuses.

Alternative economics

The threat of nationalization of U.S. industries is not an immediate one, though there is frequent advocacy of this approach in liberal and radical economic and polemical literature. A more immediate threat is a blurring of the lines between the public and private sector and efforts to institute so-called worker control in failing industries. It is to the advantage of the American people and essential to the survival of free enterprise in the United States there continue to be a sharp distinction between the private and public sectors. It is equally important that the notion of worker control of industries, as is being advanced for failing steel mills, be understood as a form of subsidization. All such schemes depend on massive public assistance in one form or another. Without skilled management such as is to be found in the private sector there is no possibility of such enterprises succeeding—only the likelihood of increased subsidization by the taxpayers. The so-called "Alternative Economic System" now being pushed by radical groups is simply socialism under a more acceptable name.

Advocates of the market economy have long recognized the fact that government can never match the efficiency and resourcefulness of private enterprise. Accordingly, the USIC believes that it is only common sense for the government to open the way for free market solutions to our pressing national problems.

Essential first steps toward this objective including the following:

1. An end to unwarranted government interference in private enterprise.
2. The gradual elimination of all federal subsidies, except those essential for national defense.
3. A return to genuine competition, the law of supply and demand, and other basic free market principles.
4. An increased effort by government at all levels to contract out as much work as

possible to the private sector, to improve the quality of government work.

Specifically, the Council urges the development of free market alternatives to the present U.S. Postal Corporation. A good beginning would be the elimination of the government monopoly on the delivery of first class mail.

One of the nostrums now being advanced is a new Reconstruction Finance Corporation that be politically independent, capitalized with \$5 billion from the Treasury and authorized to raise \$25 billion more through the issuance of federally guaranteed bonds. It would be a bailout mechanism for floundering cities and sick industries. Such an institution would be virtually beyond public control and be able to deflect investment from needed venture capital projects.

Consumerism and the market

The USIC, representing a broad range of industrial, commercial, and general business activities, is deeply concerned about the needs of consumers. Indeed, all sectors of American business share that concern. If business weren't interested in the wants of consumers, business would fail.

The advocates of "consumer" legislation deliberately ignore this fundamental truth. They dismiss efforts of industry to provide high quality goods and services and to police fly-by-night operators. Rather, the advocates of consumer legislation seem more determined to destroy business than to encourage quality goods and services. Indeed, many of their proposals have had the effect of raising prices to consumers.

Some consumer advocates admit that regulation has often backfired on the consumer, but they seem to think that additional regulation will somehow solve the problem. What is really needed, of course, is a return to free market principles.

Nowhere in the world outside the United States do consumers find such a wide range of competitive products. This competitive situation is one of the factors contributing to the excellence of American-made goods and services. It is time, therefore, that the business community go on the offensive in upholding the value of their products and in exposing unfair critics.

Product liability

Each year American business must meet the exorbitant cost of insurance premiums for product liability coverage. The reason for this is the substitution by a substantial majority of American jurisdictions of "strict tort liability" for liability predicated on negligence.

Recommendations:

The USIC opposes any state or federal product liability law that does not include the following features:

- (1) The provision to allow sellers to reassert the traditional defense of contributory negligence in all product liability cases;
- (2) Alternatively, the adoption of comparative negligence standards for plaintiffs who sue on strict liability. Such standards compare the fault of the plaintiff with that of the defendant and apportion damages by reference to a statutory formula;
- (3) Prohibition against the use of contingent fees in all product liability actions on compensation with awards given only for actual physical injury;
- (5) The adoption of a 6 year statute of limitations on product liability with some reasonable accommodation made for latent defects, and an unqualified 2 year statute of limitations on product liability actions; and
- (6) Provision for businesses to accrue annually up to 3% of annual sales in pretax dol-

lars for purposes of a product liability reserve fund up to a total of 15% of average annual sales. (7) In all product liability actions, the plaintiff must show that the product was manufactured by the defendant, a requirement that would specifically overrule the onerous concept of market share liability. We oppose any provisions that encourage the establishment of additional federal standards.

Antitrust for cooperatives

The Council believes that the same antitrust laws that apply to corporations should also apply to cooperatives. Cooperatives should be taxed on the same basis as corporations.

Foreign trade and investments

America favors fair trade and regards the following conditions as prerequisites for truly free trade: unrestricted movement of capital investment, convertibility of currencies at freely floating rates, parallel fiscal and monetary policies, and safeguards against exploitation by foreign tax structures or government-backed monopolies or cartels. These conditions do not exist at this time.

Indeed, the United States faces increasing trade difficulty with countries that have state-directed economies or where major industries are nationalized or where massive export program, aimed at the American market, are guided and controlled by government. These countries seek to dominate the American market while denying U.S. manufacturers an opportunity to compete in their domestic markets. Japan is a prime example.

Accordingly, the USIC urges the Executive Branch to deal firmly with foreign governments that favor cartels and other restrictive devices harmful to America's trade. When our economic well-being is threatened by restrictive or discriminatory trade policies of other nations, we should respond with appropriate measures of our own.

We should also remove "most favored nation" status for trade purposes with all Marxist countries and ban sales of any and all strategic products, minerals and technology to these countries, as well as imports except for strategic commodities.

The solution to the problem of the trade deficit is more complex. Primarily, it requires major increases in American productivity and a greater public awareness of the full cost to the nation of vast imports. Massive reductions in the cost of government regulation and increased productivity will also help American business gain flexibility for competition in foreign markets.

USIC endorses legislation which would enhance the ability of American manufacturers to tap the vast export market for U.S.-made goods. USIC supports legislation that would encourage American exports by facilitating the formation and operation of export trading companies and export trade associations.

V. RESOURCE DEVELOPMENT

We propose the maximum development of needed resources while keeping any adverse environmental impact to an acceptable level. Wise use of our resources should include reasonable conservation measures, and exploration and development of natural resources on our public land areas. The USIC strongly supports the proposition that the United States does have the ability to achieve energy independence.

An energy policy

The USIC is confident that the private sector can meet this country's energy needs,

and urges a free market solution to our current energy problems. The lifting of price controls on crude oil on January 28, 1981, was a salutary first step in this direction. In like manner, remaining controls on natural gas prices and on the use of gas should be removed. The law of supply and demand, not the rule of government, should determine the price of energy, and the design of autos and other energy-related products. Corporate fuel economy requirements should be abolished, and the free market should guide its design.

To this end, the federal Department of Energy should be abolished. The Department is a chaotic bureaucracy that absorbs billions of tax dollars and has interfered with, rather than contributed to, the production and distribution of energy in the U.S.

The USIC is adamantly opposed to the concept of the so-called "windfall profits" tax on oil. Consequently, we urge its repeal. This is a false name for a heavy excise tax that is levied on the production of oil at the wellhead, not on profits. The \$227 billion that the tax is supposed to provide for research and production of "alternative" energy sources will go directly into the federal Treasury, instead of productive capital investment. The ultimate losers will be consumers who must pay the increased costs of production and distribution of gasoline and heating oil, as producers lost the incentive to explore new sources. At the same time the USIC supports further research and development of renewable sources of energy within a free enterprise context. Regardless of merits of the 55 MPH speed limit, serious constitutional questions arise and federal usurpation of states' rights.

If we are to reduce our dependence on foreign oil to a significant degree, we must renew our faith in nuclear energy. It is vital that the American utilities be permitted to contract for and construct nuclear power plants without the endless bureaucratic and environmental harassment that has extended the construction time for a nuclear plant to about 12 years. Where proper precautions are observed, nuclear power is our safest source of energy.

In this regard, Congress and NRC should act promptly to expedite the transportation, off-site storage, and reprocessing of spent nuclear fuels.

The USIC also believes that nuclear power plants should be constructed and operated by investor-owned utilities, whose operating knowhow and dollar investments should be protected against claims from government-subsidized entities. Antitrust review of nuclear projects should be separated from the licensing process to prevent "blackmail" of private enterprise by public power.

Vast United States coal deposits must be utilized to the maximum extent commensurate with healthful air quality, and research and development in coal gasification and liquefaction must be encouraged. Congress should amend the Clean Air Act and the Clean Water Act to carefully define their requirements and to allow the states, once they have met these minimum federal standards, to adopt whatever mix of emission and effluent limitation they deem appropriate for their particular circumstances.

Surface mining for coal should be permitted to the maximum degree compatible with reasonable reclamation practices. Coal is the relatively untapped energy source on which our nation must rely if we are to be assured that our energy sources will be adequate to our needs.

Contrary to popular misconception, we are not running out of energy. We are merely exhausting those reserves that are most easily utilized. Developing new reserves will be expensive, so there is no way that higher prices for energy can be avoided. The only question is whether we will have abundant energy at reasonable prices under a free market, or limited supplies at high prices under government controls.

Minerals and mining

In 1950, the United States obtained half or more of its needs of 4 of the 13 basic industrial minerals from overseas. Today, we are dependent on foreign sources for more than half of 20 strategic minerals.

It is obvious that this country could easily be at the mercy of unstable governments in the developing world for supplies of vital minerals, including chrome, platinum, nickel, manganese, cobalt and zinc. These are indispensable to our basic heavy industries, and our defense industries in particular.

The United States has abundant supplies of many important minerals, but restrictive mining and land use laws have hamstrung production of them for years. Through the Mineral Leasing Act of 1920 public or government-owned land is available to individuals for mining purposes. But increasing withdrawal of public land from resource development in the name of protecting the environment has drastically cut back tracts available for mining. OSHA, EPA, and wilderness regulations have contributed to the shutdown and lack of development of many mining facilities. The USIC applauds efforts to reverse this trend.

The USIC believes that our increasing dependence on foreign mineral sources leaves the nation vulnerable to sudden cutoffs or embargoes by unfriendly governments. Since our growing dependence on offshore sources of minerals is due to restrictive regulation and land and sea use policies, these should be drastically revised in favor of rapid development of America's mineral resources, and stockpiling of certain strategic minerals.

Furthermore, the Council opposes the concept of seabed minerals as a "common heritage of mankind" as expressed in the proposed Law of the Sea treaty. Private enterprise should not be obligated by an international authority dominated by landlocked nations to turn over the fruits of their substantial investments in seabed mining to countries that make no investment and take no risks in extracting minerals from the oceans beyond national boundaries.

Land use controls

Controls over land use are being sought by local and state agencies as well as at the federal level. These controls unconstitutionally restrict the right of citizens to determine the use of their property. Certainly every effort should be made to resist the socialist idea that property is owned as private property only to the extent that society doesn't need it.

The USIC also supports efforts by individuals and businesses to control a greater share of the vast acreages owned by the federal government. Traditionally, the government sold land to private individuals and companies. The Council supports the reduction of arbitrary federal control over government land by requiring the government to make available for sale selected tracts of federal land that have been inaccessible to private concerns.

Pollution control

The USIC favors reasonable and equitable laws to promote clean air, clean water, and general environmental enhancement. It takes note of the very substantial efforts of American free enterprise companies to control pollution and to develop anti-pollution devices and programs. Industry should be protected against unreasonable and irregularly applied standards, and public authorities should be urged to stand firm against scare tactics and emotionalism with regard to pollution.

Federal pollution controls should be limited to those which directly affect the health of people, and are in keeping with the constitution. The public has not been adequately informed of the vast scope of anti-pollution efforts by industry. The steel, electric power, paper, chemical and petroleum industries, to cite only a few, have devoted colossal sums to the abatement of pollution.

Pollution abatement also has to be considered in balance with other national needs and problems. The automobile industry, for example, shouldn't be required to accept emission control regulations which are in advance of the state of technology or which make motor vehicles prohibitively expensive to operate. The requirements of personal transportation have to be recognized in a large country with decentralized city populations.

Furthermore, the public must be made to realize that unreasonable pollution controls demanded by government stand to cost them untold billions of dollars in the form of higher prices and increased fuel consumption.

Water resources

The nation is just beginning to realize that full development of natural resources in the West requires massive amount of water. Efficient management of existing water supplies is not the answer to present and future needs. Emphasis must be placed on gaining access to new water resources for the arid regions of the country. To this end, the United States Industrial Council favors studies and negotiations aimed at persuading Canada, which owns from one-quarter to one-third of the world's supply of fresh surface water, to make available its surplus water on a market basis to the arid parts of the United States.

VI. EQUAL RIGHTS FOR MANAGEMENT AND LABOR

The rights of the individual worker and the general welfare of the people should take precedence over the special privileges enjoyed by organized labor.

Union coercion

Much of the corruption and arrogance that characterizes the labor movement today stems from the unique privileges of coercion that unions enjoy under federal law. In states without right-to-work laws, a worker may be forced to join or to pay dues to a union in order to hold a job. In all states, individual workers may be forced to accept a union as their bargaining agent against their will.

The USIC believes that union membership should be strictly voluntary, and that unions should be empowered to bargain only for their own members. The Council favors reform of our national labor laws to achieve these ends.

To further protect workers and the public from union coercion, the USIC proposes the following additional reforms:

1. The enactment of legislation which would remove exemptions of labor unions from prosecution for criminal activity:

2. That strikes be made subject to control of the bargaining unit by secret ballot of membership after consideration of the employer's last negotiated best offer;

3. That existing restrictions against secondary boycotts be retained and strengthened;

4. That compulsory check-off of union dues be prohibited; whenever check-off of any nature is allowed, that the employee be permitted to terminate the check-off agreement on exactly the same basis that was used in agreeing to the check-off;

5. That all bargaining agents be required to recertify every five years;

6. That all union elections be held by secret ballot.

Antitrust for unions

The USIC calls on Congress to place unions under the antitrust laws. The exercise of monopoly power by labor unions is one of the basic problems of our society. Monopolistic union power drives up the cost of goods and services. The public interest requires that unions be prohibited from taking actions which will unreasonably restrain trade and commerce.

A number of national legislators are seeking passage of bills that would place labor unions under the antitrust laws. Such legislation is long overdue. No reason exists why labor unions should be exempt from antitrust laws which apply to business enterprises. A labor monopoly is clearly detrimental to the public interest.

National Labor Relations Board

Over the years, the National Labor Relations Board has played a key role in denying justice to employers and non-unionized employees. Where the issue has been union advantage or the public welfare, the NLRB almost uniformly decided in favor of the union.

The USIC believes that the concept of administrative justice on which the Board is based, in addition to the built-in bias toward union organizations, renders the NLRB a basically unfair and improper instrument in labor disputes. The Council subscribes to the principal that controversies regarding labor-management relations should be removed from the NLRB's jurisdiction and turned over to the federal courts.

Strikes against private employers

The use of physical force, threats, violence and mass picketing interferes with the employee's freedom of choice and should not be permitted. Conscientious and fearless enforcement of the law at state and local levels would largely eliminate these evils. In many instances, public officials, charged under their oath of office with law enforcement, have been grossly derelict in their duties.

The USIC urges enactment of legislation to prevent public subsidization of strikers. It is intolerable that subsidies have been given in the form of food stamps, welfare payments, and unemployment compensation. Strikers have jobs; they simply refuse to perform them. In no way, therefore are they deserving of public charity or assistance. Moreover, the subsidization of strikers hits the public twice, in taxes to pay for the benefits, and higher prices caused by excessive wage demands enforced by strikers.

The USIC also believes that the existing Taft-Hartley prohibition against secondary boycotts at construction sites should be retained.

Wages and productivity

Productivity, the amount that a worker produces per hour, is a prime indicator of

the nation's economic strength. Increased productivity is the only valid source of higher earnings and an improved standard of living.

In times past, American worker productivity was unparalleled. This was a major factor in America's economic success. But increases in worker productivity in the United States have lagged far behind other industrial nations in recent years. Unless Americans greatly increase their productivity, the U.S. will cease to be the leading industrial nation before the end of this century.

Wage increases by government fiat as a substitute for wage increases which reflect higher productivity can only aggravate our present economic problems. The inability of U.S. business and industry to compete in world markets is due to the wage and productivity gap between American labor and that of foreign competitors.

Accordingly, the USIC opposes any increase in the minimum wage. Minimum wage laws not only fuel the rise in costs and prices, but have the effect of eliminating thousands of jobs for the people who need them most—the young, the poor, and the unskilled.

One of the encouraging signs in the past year has been the surfacing of the novel concept of the "giveback" which brings wage agreements more in line with economic realities. Another happy change is in the direction of union concessions on working conditions, which are essential if American industry is to regain its competitive position in domestic and world markets. This has been a recession phenomenon but must be made to realize that the survival of U.S. industry depends on modernization of work rules.

In addition, the Council opposes the concept of "work preservation" clauses as an exchange for union concessions on wages and benefits.

Also, the Council favors the repeal of the Walsh-Healy and Davis-Bacon Acts (which regulate the wages paid on government procurement and construction contracts). These laws are prime examples of government wage distortions for political purposes. If these laws are not repealed, they should at least be enforced so as to reflect the local prevailing wages.

Employee health, safety and benefits

American business has a history of concern for employee health and safety. The vast majority of companies have rules requiring health and safety procedures. The states also have laws regulating such matters.

Nevertheless, the Occupational Safety and Health Administration remains in existence, despite its lack of success in reducing accidents.

OSHA fails to place any responsibility on the individual worker for using health and safety equipment provided by the employer. It fails to recognize the major role that worker carelessness plays in causing industrial accidents. It has eaten up new investments that should have gone to create jobs, and has raised prices for the consumer. At the same time it has provided federal bureaucrats, union leaders, and disgruntled employees with another weapon to use against management.

The USIC therefore advocates that the Occupational Safety and Health Act of 1970 be repealed, and that the talks of ensuring worker safety be returned to the states and private safety promotion groups.

It is also essential that the federal bureaucracy's excesses in the enforcement of the Federal Coal Mine Health and Safety Act of 1969 (which have contributed to reductions of up to 50% and more in productivity of underground coal mines—with resulting increases in coal cost) be curbed so as to reduce the massive overkill and harassment now being applied. This act, incidentally, has been no more successful than OSHA in reducing accidents.

The provisions of Title IV of the act should be repealed or be amended so as to rescue the coal mining companies from the enormous and overwhelming potential liability of the socialized subsidy to coal miners by way of so-called black lung benefits.

The states should have maximum latitude in the solution of unemployment problems peculiar to their localities. The USIC strongly opposes any federalization of the unemployment program, or workmen's compensation program, including federal payment of benefits or the imposition of federal standards for the payment thereof.

The Employee Retirement Income Security Act of 1974 (ERISA) has in many ways worked against the interests of the workers it was designed to protect. Nearly every provision—vesting and funding requirements, termination insurance, rules regarding fiduciary responsibility—has tended to increase the cost of providing pension benefits. The paperwork burdens alone are unduly burdensome to small business. Indeed, thousands of companies have terminated their pension plans since ERISA has gone into effect. Because of its counterproductive results, the USIC recommends that the act be repealed.

The bulk of this country's private pension funds are financed entirely by employers. These funds are a major source of capital for our economy. It is therefore in the interest of both labor and management that they be profitably invested.

Unfortunately, union trustees of these funds are now being urged to use them as social weapons. In other words, to base investment decisions on noneconomic criteria such as whether or not a potential borrower is friendly to organized labor. The Council urges that the fiduciary obligations of pension fund trustees be tightened to prevent such abuses.

Public employees

The USIC strongly opposes unionization of public employees and urges the states to forbid strikes by these employees. Widespread employee strikes have revealed the threat these work stoppages represent to the normal functioning of American cities and communities. The public has a right to expect that fire, police, sanitation and hospital services as well as school and mail services will not be interrupted by any group at any time. If public employee strikes gain acceptance, entire communities will be subject to economic blackmail and be endangered by crime, fire, or epidemic.

Unionization of public employees, with resulting control over the availability of essential public services, is the chief current objective of the labor movement. The monopoly position of the unions already represents a serious threat to the well-being of the country, and any extension of that monopoly power into the area of public services would be a social disaster for many communities.

VII. REFORM OF CURRENT SOCIAL POLICIES

The USIC favors free market solutions to the problems of education and welfare.

Public and private education

The USIC has long argued that Congress should reduce federal aid to education as education, traditionally, has been an activity of state and local government. One by-product of more difficult economic times is that such aid has been reduced. The government also has tightened up on federal loans to students, many of which loans had not been repaid. All this is to the good.

It is important, as part of the new federalism, that the states continue to assume a larger responsibility for higher education, and that the private sector do its part in carrying the educational burdens.

Important new initiatives are under way in the private sector, with corporations joining in new consortia in order to finance the advanced research that is necessary for the modernization of American business and industry. The USIC believes that such consortia represented a desirable alternative to federal aid and believe they should be encouraged. It is very important, however, that a place be made for the participation of small business so that it will share in the results of new research.

The USIC calls on the federal government to maintain the tax exemption of independent schools. Efforts to eliminate such exemptions would damage the quality of education in the country.

Lastly, the Council endorses the action taken by several states in requiring that the fundamentals of the free enterprise system be taught in the public schools. Considering the lack of public understanding of the true nature and operation of the market economy, the Council feels it would be well if all states were to adopt such a policy.

Numerous private companies and organizations have done much to show how free enterprise protects the rights and enhances the prosperity of individual Americans. The USIC heartily endorses such private education programs as deserving of support and encouragement by private groups and public officials.

Social security

The USIC has long recognized that the Social Security System has been seriously underfunded. Without some corrective action, the Old Age and Survivors Insurance trust fund would have faced bankruptcy in July, 1983. Faced with this immediate crisis of solvency of the system, President Reagan appointed a National Commission on Social Security Reform. The Commission's recommendations of January 15, 1983 included: including under Social Security coverage all non-profit and new government employees; requiring Social Security recipients with incomes in excess of \$20,000.00 to pay income taxes on benefits; shifting the automatic benefits increase to a calendar year basis, rescheduling tax payroll tax increases set for 1985 and 1989 for 1984 and 1988 respectively, and other measures.

Fundamentally, the insurance program Social Security was originally intended to be has been expanded into a partial welfare program. In 1982, Social Security benefit payments totaled \$154.1 billion. Originally, the Reagan budget projections forecast Social Security outlays to increase by about \$125 billion per year through 1984-1988. The Commission's recommendations would reduce that annual increase to roughly \$10 billion.

The USIC concurs that the Social Security system must be drastically reformed. However, the Commission's recommendations rely primarily on increased taxes to bail out the system. As much as 75 percent

of the proposed deficit reduction in the program comes from higher taxes.

Instead the USIC recommends that the program's welfare and insurance functions be recognized and separated accordingly; also that:

1. Benefit formulas be revised to ensure that individuals receive benefits that are directly related to contributions;

2. The current CPI escalator clause which is used to determine cost-of-living increases be eliminated;

3. The present system of equal contributions by employers and employees be retained;

4. No portion of Social Security should be funded from general revenues—this would camouflage the true nature of the program, increase the federal deficit, and fuel inflation.

5. Employees should be given the opportunity to take advantage of opportunities to invest their Social Security payment in private Individual Retirement Accounts (IRAs). Keough plans and other private plans.

Welfare

Federal spending now tops half a trillion dollars a year, much of it for welfare programs. For example, the food stamp program is expected to cost \$10.9 billion with more than 21 million recipients of the handouts. Altogether, the welfare and assistance and other entitlements will cost nearly \$365 billion a year.

The USIC believes that these programs must be cut back enormously if the productive sectors of the population are to survive. Too few are being asked to do too much.

The root of the problem lies with the so-called "entitlement" programs—so-called because their recipients are legally "entitled" to benefits. The recipients can force the government, under threat of court action, to provide benefits.

Congress can and must change the basic laws that create these entitlements. Welfare outlays aren't uncontrollable, if there is a will to dismantle welfare state legislation.

Congress also can amend the basic laws to set work requirements for welfare recipients. It can give states bloc grants for welfare instead of ruling how they must spend such funds.

This is the type of basic reform that must be achieved if the welfare system is to be brought under control. USIC believes that decisions being made today will determine whether we are to become a socialist nation or remain free.

Health care legislation

The USIC is opposed to nationalized health care services. Such services have proven enormously expensive and destructive of quality medical care. The Council believes that the maintenance of high quality medicine, in which the United States leads the world, is the result of the private delivery system for medical services. Wherever possible, the organization, delivery and financing of medical care should be done on a private basis.

The USIC deplors the growing threat to the quality of medical care posed by increased federal involvement in operations of hospitals and the medical profession. When politics enters the hospital, good medical practice is endangered. It is imperative, therefore, that ways be found to retain professional control of hospital practices. Toward this end, the Council recommends voluntary efforts to control hospital costs—as opposed to federal controls—and urges

the abolition of the Professional Services Review Organization.

Urban dole

The decline of many large central cities, as a result of profligate public spending, rent control, massive unionization and inadequate anti-crime action, has produced a demand for a large-scale bailout by the nation's taxpayers. The USIC believes that the public should firmly reject an "urban strategy" that is based on federal credit guarantees to cities, federally-financed housing, federal employment programs in inner city areas, special privileges for minority-operated businesses, tax cuts for businessmen that operate in depressed areas, so-called "development banks" which would channel taxpayers' funds to municipal projects that represent questionable investments, or other types of public dole activity.

One example of this misuse of taxpayer dollars is the Urban Development Action Grant (UDAG), which is a means to provide private interests with easy money for urban projects. Hotels, condominiums, auditoriums, and marinas have been built with federal funds through UDAGs, financed by the Department of Housing and Urban Development. These grants are a form of corporate welfare, and should be eliminated.

Deteriorating cities can't be rescued by taxpayer subsidies. Furthermore, such subsidies are unfair to progressive municipalities that operate on a responsible basis and that are free of graft and bureaucratic waste. The only way for a city to regain its fiscal health is to eliminate costly services, restore law and order, and institute effective fiscal controls creating an atmosphere favorable to private investment.

Beyond this, Congress should reject the idea that the federal government ought to be the employer of first resort or the provider of housing.

VIII. BUSINESS AND INDUSTRY NEEDS

As the United States leaves the recession behind it is important that the country pursue the goal of a truly dynamic economy that will give the American people the high standard of living they want and expect. In order to do this, new efforts must be made to enhance the entrepreneurial system and make its needs better known.

For some years, the United States has been the victim of a process of deindustrialization. This started with an environmental movement that lost sight of the need for access to natural resources by a vibrant business and industrial system. Unfortunately, the mistaken notions of excessive environmentalism continue to inhibit the maximization of business opportunities. With the retarding of the nation's industries, other, more competitive countries, with a better business climate, have gained an advantage. One major victim of the deindustrialization mood has been the virtual halting of the nuclear energy industry so important to America's energy future. Anti-nuclear and anti-business activists are even more active today than they were five or ten years ago. The no-growth lobby bears a heavy responsibility for the economic decline of the past few years.

Full renewal of the American economy will require a change of public attitudes towards business and industry. A new positive attitude is necessary. It also is important that Americans understand that there are profound structural changes afoot in American business and industry and that it would be a disaster to try to freeze employment in the patterns of yesteryear. The country

needs to understand the problems of all types and sizes of business and not regard any as expendable. Special attention, however, should be placed on the importance of venture capital projects and industries which use high technology and advanced manufacturing processes. The United States cannot afford to lag behind any nation in the development of computer-related industries. And these industries, like low tech industries, depend, in the final analysis, on a good business climate that is free of unwarranted regulation and oppressive taxation.●

SURPLUS COMMODITIES FOR THE ELDERLY

● Mr. GRASSLEY. Mr. President, I introduced on September 21, 1983, a bill which would raise the fiscal 1984 authorization level for the U.S. Department of Agriculture's food donation program for the elderly, authorized under section 311 of the Older Americans Act, from \$105 million to \$121.916 million, and which would require the States to submit vouchers to the USDA in a timely manner.

SECTION 311 OF THE OLDER AMERICANS ACT

Title III of the Older Americans Act of 1965 (Public Law 89-73, as amended) creates in the 50 States and the territories a nutrition program for older Americans. This program is probably the most popular of those authorized by the Older Americans Act. It has been strongly supported by the Congress since its inception in 1973. The program provides both congregate and home-delivered meals. The authorized funding level for the congregate part of the program for fiscal 1984 is \$365,300,000. The authorized level for the home-delivered part of the program for fiscal 1984 is \$68,700,000. A separate section of the act, section 311, allows States to receive from the U.S. Department of Agriculture surplus commodities and products purchased by the Secretary of Agriculture, or to receive cash from the Department in lieu of commodities. These commodities, or cash in lieu thereof, are used to provide additional meals for older Americans through the congregate and home-delivered meals programs.

At the outset of the program, States were able to receive from the Department only surplus commodities. Difficulties of various kinds in managing these commodities led to widespread interest in receiving cash in place of commodities, and, in 1975, the law was amended to permit States to take cash instead of surplus commodities.

Section 311 authorizes funds in addition to those authorized for congregate and home-delivered meals and stipulates that these funds be used by the Department of Agriculture to provide the States a given amount of money, or its equivalent in surplus commodities, for each congregate and home-delivered meal that they serve. The amount provided for each meal

was to increase each year from 30 cents in 1978 by an amount equivalent to the annual percentage increase in the series for food away from home of the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor. The amount which the Department will provide for each meal in fiscal 1984 is presently estimated to be \$0.565. Section 311(d)(1) authorized for this surplus commodities program \$93,200,000 for fiscal year 1982, \$100 million for fiscal year 1983, and \$105 million for fiscal year 1984. Section 311(d)(2) then stipulates that, in the event that the sums needed by the States exceeded authorized levels, the Secretary of Agriculture could reduce the cents per meal made available for that fiscal year so that program expenditures would remain within authorized levels.

FISCAL 1982, 1983, AND 1984 SHORTFALLS FOR THE PROGRAM

The amount of money the States requested exceeded the authorized appropriation for fiscal years 1982 and 1983, and it is anticipated that the amounts they request will exceed the authorized amount for fiscal year 1984.

There are at least three reasons for the shortfall: First, inflation; second, program efficiencies; and third, non-Federal contributions to the program. Program efficiencies permit States to serve more meals for the same amount of money. There are two primary sources of non-Federal contributions. Some State governments make money available for the program. In addition, the administration has commenced a contributions campaign, urging States to encourage program participants to make contributions to the program. Around \$90 million was raised through voluntary contributions in fiscal 1982 and around \$120 million will be raised in fiscal 1983. These moneys are ordinarily used to provide additional meals.

Because the General Counsels of the Departments of Agriculture and Health and Human Services and the Administration for Public Services agreed in 1980 that all meals served by a State nutrition program, regardless of the sources from which funds for those meals came, would be reimbursed at the stipulated rate, State allocations to the program, participant contributions and program efficiencies increase the total amount by which the Department must compensate the States.

The amount requested for fiscal year 1982 exceeded the authorized amount by \$6.8 million. The Department of Agriculture reprogramed this amount from elsewhere in its budget for use by the surplus commodities program. The shortfall for fiscal 1983 was \$16 million. A shortfall is anticipated for 1984.

To deal with the 1983 and 1984 shortfalls, Representative MARIO BIAGGI introduced H.R. 2807 which proposed to raise the authorized amounts for fiscal 1983 to \$116 million and to "such sums as shall be needed" for fiscal 1984. This bill was passed by the House, introduced in the Senate and referred to the Subcommittee on Aging of the Senate Committee on Labor and Human Resources. The supplemental appropriations bill for 1983 provided an additional \$16 million for the program and, in addition, required that vouchers from the States be submitted in a timely manner. This latter provision was necessary because tardy claims are common in this program. The Department was processing 1981 claims as late as January 1983. There are now outstanding claims from 1979 from eight States in the amount of \$875,000.

THE GRASSLEY BILL

My bill would raise the authorization ceiling for this program from \$105 million for fiscal 1984 to \$121.916 million, and would require States to submit vouchers to the USDA within 90 days of the last day of the month in which a meal is served. This amount for fiscal 1984 represents the amount to which the fiscal 1983 appropriation was raised by the supplemental appropriations bill for 1983, \$116 million, plus 5.1 percent for the anticipated inflation in the food away from home series of the Consumer Price Index. It is my feeling that the time to take up whether "such sums as shall be needed" should be authorized is during the reauthorization of the act in 1984. The need for a timely submissions requirement is clear.

THE APPROPRIATIONS PROCESS

Appropriations for 1984 could eliminate any urgent need for this bill. However, without going into the complexities of the appropriations process at this time, there may well be a need for an increase in the authorization level for the program later in the fiscal year. Furthermore, the requirement for timely submission of vouchers is legislation which properly belongs in authorization rather than appropriations bills. Because I want to be sure that appropriate funds can be made available for this vital program, I have introduced this bill.●

EXTENSION OF ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I have checked with the staff of the minority leader, and they have indicated to me that there is no further requirement for him to be present or further requests. If no other Senator is now seeking recognition—and I see none—I yield to the Senator from Illinois.

Mr. PERCY. I thank the majority leader. I should like to take a few min-

utes in the morning hour to deliver my statement on El Salvador.

Mr. BAKER. Mr. President, I ask unanimous consent that the time for the transaction of routine morning business be extended until 5:15 p.m.

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

LAND REFORM IN EL SALVADOR

Mr. PERCY. Mr. President, land reform is once again in danger of being undermined in El Salvador. The Constituent Assembly in that country will vote in the near future on three articles in the draft constitution, which—if passed—could halt the agrarian reform in its tracks.

Two major consequences would result if the constitutional provisions dealing with agrarian reform are adopted with their present interpretation. First, the "land to the tiller" program would be terminated at the end of this year because after December 31 potential beneficiaries would no longer be eligible to apply for title. Fewer than 40 percent of the eligible beneficiaries have so far applied for title under the land to the tiller program, which enables peasants to purchase the plot that they have rented over a period of years. Thus, even if the number of applicants greatly increases in the next few months, many families could be excluded from promised benefits.

Second, the preservation of the peasant cooperatives established under phase I of the agrarian reform could be threatened. Under phase I, the ownership of some 300 large estates was transferred to cooperative farms run by 32,000 peasant families. But the new constitution, by encouraging individual cooperative members to sell off portions of this communal property, could bring about the unraveling of the cooperative enterprises.

Beyond these specific ramifications, approval by the assembly of these newly proposed provisions could demonstrate that the Government was abandoning the original goals of the land reform legislation. Such action therefore could spark a concerted effort across the board to roll back the agrarian reform.

Rolling back land reform in El Salvador is not in the interest of the United States. It would simply strengthen the hand of the guerrillas fighting against the Government. It would make U.S. efforts at negotiations more difficult. It would weaken support for the Salvadoran Government in the United States.

An alternative proposal that would maintain the integrity of the agrarian reform process is being offered by a coalition of labor and peasant organizations, together with the Christian Democratic Party. I am particularly alarmed by indications that death

squads in El Salvador are using terrorist tactics to try to discourage this coalition from mobilizing public support for their initiatives. Indeed, the recent increase in terrorism by extremists on both sides of the conflict in El Salvador further weakens the political fabric of that country and must be condemned by us all.

The Senate Foreign Relations Committee has held up aid to the Salvadoran Government in the past when it appeared that the agrarian reform was under attack. It is probable that such action would be taken again if need be to keep this crucial land reform program on track.

This land reform program constituted a vital condition for continued U.S. military and economic support to El Salvador and has been reiterated as a goal and objective by provisional President Alvaro Magana, as well as by his predecessor Jose Napoleon Duarte. In addition, support for agrarian reform has been an important part of the political platform of a majority of Salvadoran political parties and elected members of the assembly. A reversal in course now would only strengthen the guerrillas and undercut the credibility of the political parties and public officials that constitute the Government of El Salvador. It would also jeopardize U.S. assistance and support.

PRESIDENT'S U.N. SPEECH

Mr. PERCY. Many in the United States criticize the United Nations and question U.S. membership and contributions to the U.N. family of organizations. It is clear that the United Nations could be a more effective organization but it is my belief that it plays an important role in preserving and promoting international peace and security, international development and human rights. To date no one has been able to identify a better way to approach these problems on a world scale.

Every administration since the founding of the United Nations has determined that U.S. membership is in our direct interests and that we should play an active role in U.N. organizations as part of our overall program of diplomacy. Thoughtful Members of Congress consistently agree.

It follows that the United States should provide its share of the resources necessary for the operation of the United Nations. The U.S. contribution is consistent with the U.N. Charter and is a legal, treaty obligation. President Reagan made his position clear when he visited the United Nations last year and stated:

However imperfect the reality may be . . . I should point out that even in a time of domestic retrenchment, American financial support (for the U.N.) has not and will not decline.

At the direct instruction of the President, the current administration has made a concerted effort to restrain growth in U.N. budgets—and we are beginning to see results across the spectrum of U.N. agencies.

Recent events, including the KAL tragedy make it a particularly unfortunate time to suggest that the United States should weaken its ties with the United Nations.

In the aftermath of the KAL tragedy, the United States and its allies turned quickly to the U.N. Security Council and the International Civil Aviation Organization to use those U.N. institutions to focus world opinion on this barbaric destruction of the Korean airliner.

President Reagan, believing the world situation requires a statement of American policies, delivered this morning an outstanding U.S. address to the U.N. General Assembly.

Mr. President, I ask unanimous consent that the President's statement be printed in the RECORD at this point.

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

TEXT OF REMARKS BY THE PRESIDENT TO THE 38TH SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY

Thank you for granting me the honor of speaking today, on this first day of general debate in the 38th Session of the General Assembly. Once again I come before this body preoccupied with peace. Last year I stood in this chamber to address the Special Session on Disarmament. I have come today to renew my Nation's commitment to peace. I have come to discuss how we can keep faith with the dreams that created this organization.

The United Nations was founded in the aftermath of World War II to protect future generations from the scourge of war, to promote political self-determination and global prosperity, and to strengthen the bonds of civility among nations. The founders sought to replace a world at war with a world of civilized order. They hoped that a world of relentless conflict would give way to a new era, one where freedom from violence prevailed.

Whatever challenges the world was bound to face, the founders intended this body to stand for certain values, even if they could not be enforced, and to condemn violence, even if it could not be stopped. This body was to speak with the voice of moral authority. That was to be its greatest power.

But the awful truth is that the use of violence for political gain has become more, not less, widespread in the last decade. Events of recent weeks have presented new, unwelcome evidence of brutal disregard for life and truth. They have offered unwanted testimony on how divided and dangerous our world is, how quick the recourse to violence.

What has happened to the dreams of the U.N.'s founders?

What has happened to the spirit which created the U.N.?

The answer is clear: Governments got in the way of the dreams of the people. Dreams became issues of East versus West. Hopes became political rhetoric. Progress became a search for power and domination.

Somewhere the truth was lost that people don't make war, governments do.

And today in Asia, Africa, Latin America, the Middle East, and the North Pacific, the weapons of war shatter the security of the peoples who live there, endanger the peace of neighbors, and create ever more arenas of confrontation between the great powers. During the past year alone, violent conflicts have occurred in the hills around Beirut, the deserts of Chad and the Western Sahara, in the mountains of El Salvador, the streets of Suriname, the cities and countryside of Afghanistan, the borders of Kampuchea, and the battlefields of Iran and Iraq.

We cannot count on the instinct for survival to protect us against war, despite all the wasted lives and hopes that war produces. It has remained a regular, if horribly costly, means by which nations have sought to settle their disputes or advance their goals.

And the progress in weapons technology has far outstripped the progress toward peace. In modern times, a new, more terrifying element has entered into the calculations—nuclear weapons. A nuclear war cannot be won and must never be fought. I believe that if governments are determined to deter and prevent war, there will not be war. Nothing is more in keeping with the spirit of the U.N. Charter than arms control.

When I spoke before the Second Special Session on Disarmament, I affirmed the United States Government's commitment, and my personal commitment, to reduce nuclear arms, and to negotiate in good faith toward that end.

Today, I reaffirm those commitments. The United States has already reduced the number of its nuclear weapons worldwide and, while replacement of older weapons is unavoidable, we wish to negotiate arms reductions, and to achieve significant, equitable, verifiable arms control agreements. And let me add, we must ensure that world security is not undermined by the further spread of nuclear weapons. Nuclear non-proliferation must not be the forgotten element of the world's arms control agenda.

At the time of my last visit here, I expressed hope that a whole class of weapons systems—the longer-range INF missiles—could be banned from the face of the earth. I believe that to relieve the deep concern of peoples in both Europe and Asia, the time was ripe, for the first time in history, to resolve a security threat exclusively through arms control. I still believe the elimination of these weapons—the zero option—is the best, fairest, most practical solution to this problem. Unfortunately, the Soviet Union declined to accept the total elimination of this class of weapons.

When I was here last, I hoped that the critical Strategic Arms Reduction Talks would focus, and urgently so, on those systems that carry the greatest risk of nuclear war—the fast-flying, accurate, intercontinental ballistic missiles which pose a first strike potential. I also hoped the negotiations could reduce by one-half the number of strategic missiles on each side and reduce their warheads by one-third. Again, I was disappointed when the Soviets declined to consider such deep cuts, and refused as well to concentrate on these most dangerous destabilizing weapons.

Despite the rebuffs, the United States has not abandoned and will not abandon the search for meaningful arms control agreements. Last June, I proposed a new ap-

proach toward the START negotiations. We did not alter our objective of substantial reductions, but we recognized that there are a variety of ways to achieve this end. During the last round of Geneva talks, we presented a draft treaty which responded to a number of concerns raised by the Soviet Union. We will continue to build upon this initiative.

Similarly, in our negotiations on intermediate-range nuclear forces, when the Soviet leaders adamantly refused to consider the total elimination of these weapons, the United States made a new offer. He proposed, as an interim solution, some equal number on both sides between zero and 572. We recommended the lowest possible level.

Once again, the Soviets refused an equitable solution and proposed instead what might be called a "half zero option"—zero for us, and many hundreds of warheads for them. That is where things stand today, but I still have not given up hope that the Soviet Union will enter into serious negotiations.

We are determined to spare no effort to achieve a sound, equitable and verifiable agreement. For this reason, I have given new instructions to Ambassador Nitze in Geneva, telling him to put forward a package of steps designed to advance the negotiations as rapidly as possible. These initiatives build on the interim framework the United States advanced last March and address concerns that the Soviets have raised at the bargaining table in the past. Specifically:

First, the United States proposes a new initiative on global limits. If the Soviet Union agrees to reductions and limits on a global basis, the United States for its part, will not offset the entire Soviet global missile deployment through U.S. deployments in Europe. We would, of course, retain the right to deploy missiles elsewhere.

Second, the United States is prepared to be more flexible on the content of the current talks. The United States will consider mutually acceptable ways to address the Soviet desire that an agreement should limit aircraft as well as missiles.

Third, the United States will address the mix of missiles that would result from reductions. In the context of reductions to equal levels, we are prepared to reduce the number of Pershing II ballistic missiles as well as ground-launched cruise missiles.

I have decided to put forward these important initiatives after full and extensive consultations with our allies, including personal correspondence I have had with the leaders of the NATO governments and Japan and frequent meetings of the NATO Special Consultative Group. I have also stayed in close touch with other concerned friends and allies. The door to an agreement is open. It is time for the Soviet Union to walk through it.

I want to make an unequivocal pledge to those gathered today in this world arena. The United States seeks and will accept any equitable verifiable agreement that stabilizes forces at lower levels than currently exist. We are ready to be flexible in our approach, indeed, willing to compromise. We cannot, however, especially in light of recent events, compromise on the necessity of effective verification.

Reactions to the Korean airliner tragedy are a timely reminder of just how different the Soviets' concept of truth and international cooperation is from that of the rest of the world. Evidence abounds that we cannot simply assume that agreements negotiated

with the Soviet Union will be fulfilled. We negotiated the Helsinki Final Act, but the promised freedoms have not been provided, and those in the Soviet Union who sought to monitor their fulfillment languish in prison. We negotiated a Biological Weapons Convention, but deadly yellow rain and other toxic agents fall on Hmong villages and Afghan encampments. We have negotiated arms agreements, but the high level of Soviet encoding hides the information needed for their verification. A newly-discovered radar facility and a new ICBM raise serious concerns about Soviet compliance with agreements already negotiated.

Peace cannot be served by pseudo arms control. We need reliable, reciprocal reductions. I call upon the Soviet Union today to reduce the tensions it has heaped on the world in the past few weeks, and to show a firm commitment to peace by coming to the bargaining table with a new understanding of its obligations. I urge it to match our flexibility. If the Soviets sit down at the bargaining table seeking genuine arms reductions, there will be arms reductions. The governments of the West and their people will not be diverted by misinformation and threats. The time has come for the Soviet Union to show proof that it wants arms control in reality, not just in rhetoric.

Meaningful arms control agreements between the U.S. and the Soviet Union would make our world less dangerous; so would a number of confidence-building steps we have already proposed to the Soviet Union.

Arms control requires a spirit beyond narrow national interests. This spirit is a basic pillar on which the U.N. was founded. We seek a return to this spirit. A fundamental step would be a true nonalignment of the United Nations. This would signal a return to the true values of the Charter, including the principle of universality. The members of the United Nations must be aligned on the side of justice rather than injustice, peace rather than aggression, human dignity rather than subjugation. Any other alignment is beneath the purpose of this great body and destructive of the harmony it seeks. What harms the Charter harms peace.

The founders of the U.N. expected that member nations would behave and vote as individuals, after they had weighed the merits of an issue—rather like a great, global town meeting. The emergence of blocs and the polarization of the U.N. undermine all that this organization initially valued.

We must remember that the non-aligned movement was founded to counter the development of blocs and to promote détente between them. Its founders spoke of the right of smaller countries not to become involved in others' disagreements. Since then, membership in the non-aligned movement has grown dramatically, but not all the new members have shared the founders' commitment to genuine non-alignment. Indeed, client governments of the Soviet Union, who have long since lost their independence, have flocked into the non-aligned movement, and once inside have worked against its true purpose. Pseudo non-alignment is no better than pseudo arms control.

The United States rejects as false and misleading the view of the world as divided between the empires of the East and West. We reject it on factual grounds. The United States does not head any bloc of subservient nations, nor do we desire to. What is called the West is a free alliance of governments, most of whom are democratic and all of

whom greatly value their independence. What is called the East is an empire directed from the center which is Moscow.

The United States, today, as in the past, is a champion of freedom and self-determination for all people. We welcome diversity; we support the right of all nations to define and pursue their national goals. We respect their decisions and their sovereignty, asking only that they respect the decisions and sovereignty of others. Just look at the world over the last 30 years, and then decide for yourself whether the United States or the Soviet Union has pursued an expansionist policy.

Today, the United States contributes to peace by supporting collective efforts by the international community. We give our unwavering support to the peacekeeping efforts of this body, as well as other multilateral peacekeeping efforts around the world. The U.N. has a proud history of promoting conciliation and helping keep the peace. Today, U.N. peacekeeping forces or observers are present in Cyprus and Kashmir, on the Golan Heights and in Lebanon.

In addition to our encouragement of international diplomacy, the United States recognizes its responsibilities to use its own influence for peace. From the days when Theodore Roosevelt mediated the Russo-Japanese War in 1905, we have a long and honorable tradition of mediating or dampening conflicts and promoting peaceful solutions. In Lebanon, we, along with France, Italy and the United Kingdom, have worked for a ceasefire, for the withdrawal of all external forces, and for restoration of Lebanon's sovereignty and territorial integrity. In Chad, we have joined others in supporting the recognized government in the face of external aggression. In Central America, as in southern Africa, we are seeking to discourage reliance upon force and to construct a framework for peaceful negotiations. We support a policy to disengage the major powers from Third World conflict.

The U.N. Charter gives an important role to regional organizations in the search for peace. The U.S. efforts in the cause of peace are only one expression of a spirit that also animates others in the world community. The Organization of American States was a pioneer in regional security efforts. In Central America, the members of the Contadora group are striving to lay a foundation for peaceful resolution of that region's problems. In East Asia, the Asian countries have built a framework for peaceful political and economic cooperation that has greatly strengthened the prospects for lasting peace in their region. In Africa, organizations such as the Economic Community of West African States are being forged to provide practical structures in the struggle to realize Africa's potential.

From the beginning, our hope for the United Nations has been that it would reflect the international community at its best. The U.N. at its best can help us transcend fear and violence and can act as an enormous force for peace and prosperity. Working together, we can combat international lawlessness and promote human dignity.

If the governments represented in this chamber want peace as genuinely as their peoples do, we shall find it. We can do so by reasserting the moral authority of the United Nations. In recent weeks, the moral outrage of the world seems to have reawakened.

Out of the billions of people who inhabit this planet, why, some might ask, should

the death of several hundred shake the world so profoundly? Why should the death of a mother flying toward a reunion with her family or the death of a scholar heading toward new pursuits of knowledge matter so deeply? Why are nations who lost no citizens in the tragedy so angry?

The reason rests on our assumptions about civilized life and the search for peace. The confidence that allows a mother or a scholar to travel to Asia or Africa or Europe or anywhere else on this planet may be only a small victory in humanity's struggle for peace. Yet what is peace if not the sum of such small victories?

Each stride for peace and every small victory are important for the journey toward a lasting, a larger peace. We have made progress. We have avoided another world war. We have seen an end to the traditional colonial era and the birth of 100 newly-sovereign nations. Even though development remains a formidable challenge, we have witnessed remarkable economic growth among industrialized and developing nations. The U.N. and its affiliates have made important contributions to the quality of life on this planet, such as directly saving countless lives through its refugee and emergency relief programs. These broad achievements, however, have been overshadowed by the problems that weight so heavily upon us. The problems are old, but it is not too late to commit ourselves to a new beginning, a beginning fresh with the ideals of the U.N. Charter.

Today, at the beginning of this 38th Session, I solemnly pledge my Nation to upholding the original ideals of the United Nations. Our goals are those that guide this very body. Our ends are the same as those of the U.N.'s founders, who sought to replace a world at war with one where the rule of law would prevail, where human rights were honored, where development would blossom, where conflict would give way to freedom from violence.

In 1956, President Dwight Eisenhower made an observation on weaponry and deterrence in a letter to a publisher. He wrote: "When we get to the point, as we one day will, that both sides know that in any outbreak of general hostilities, regardless of the element of surprise, destruction will be both reciprocal and complete, possibly we will have sense enough to meet at the conference table with the understanding that the era of armaments has ended and the human race must conform its actions to this truth or die." He went on to say, " * * * we have already come to the point where safety cannot be assumed by arms alone * * * their usefulness becomes concentrated more and more in their characteristics as deterrents than in instruments with which to obtain victory * * *"

Distinguished delegates, ladies and gentlemen, as we persevere, if in the search for a more secure world, we must do everything we can to let diplomacy triumph. Diplomacy, the most honorable of professions, can bring the most blessed of gifts, the gift of peace. If we succeed, the world will find an excitement and accomplishment in peace beyond that which could ever be imagined through violence and war.

I want to leave you today with a message I have often spoken about to the citizens of my own country, especially in times when I have felt they were discouraged and unsure. I say it to you with as much hope and heart as I have said it to my own people. You have the right to dream great dreams. You have the right to seek a better world for your

people. And all of us have the responsibility to work for that better world. And, as caring, peaceful peoples, think what a powerful force for good we could be. Distinguished delegates, let us regain the dream the United Nations once dreamed.

ORDERS FOR TUESDAY

ORDER FOR RECESS UNTIL 11 A.M. TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 11 a.m. tomorrow.

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

ORDER FOR RECOGNITION OF SENATOR CHAFEE TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that after the recognition of the two leaders under the standing order there be a special order in favor of the distinguished Senator from Rhode Island (Mr. CHAFEE) for not to exceed 15 minutes.

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

ORDER FOR PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that the time remaining after the execution of the special order until 12 noon be devoted to the transaction of routine morning business in which Senators may speak for not more than 2 minutes each.

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

ORDER FOR RECESS FROM 12 NOON UNTIL 2 P.M. TOMORROW

Mr. BAKER. Mr. President, tomorrow is Tuesday, the day for the regular caucuses on both sides of the aisle. It has been our habit of late to recess the Senate so those caucuses can proceed. I ask unanimous consent that from 12 noon until 2 p.m. the Senate stand in recess.

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

PENDING BUSINESS

Mr. BAKER. Mr. President, I inquire of the Chair, when the Senate resumes its session at 2 p.m., what will be the pending business?

The PRESIDING OFFICER. Senate Joint Resolution 159.

Mr. BAKER. Which is the war powers resolution?

The PRESIDING OFFICER. The war powers resolution.

Mr. BAKER. Mr. President, I will not now attempt to enter a unanimous-consent order to provide for a time for debate on the resolution tomorrow, but from previous conversations with the minority leader today I believe that both sides were going to try to clear a unanimous-consent order that would provide 4 hours of debate tomorrow equally divided between the hours of 2 p.m. and 6 p.m. Additional time, of course, will be provided as it is needed on Wednesday and perhaps on

Thursday. I do not now make that request, Mr. President.

VITIATION OF SPECIAL ORDER

Mr. BAKER. Mr. President, I am now told that the Senator from Rhode Island does not require the special order on tomorrow. I am confident it has nothing to do with the outcome of America's Cup Race since the American boat is behind.

Mr. President, I now ask unanimous consent that the special order in favor of Senator CHAFEE be vitiated and that additional time be devoted to the transaction of routine morning business as previously provided.

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

RECESS UNTIL 11 A.M. TOMORROW

Mr. BAKER. Mr. President, I move, in accordance with the order previously entered, that the Senate stand in recess until 11 a.m. tomorrow.

The motion was agreed to; and at 5:14 p.m. the Senate recessed until tomorrow, Tuesday, September 27, 1983, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate September 26, 1983:

DEPARTMENT OF STATE

Reginald Bartholomew, of Virginia, 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 Lebanon.

Nicolas M. Salgo, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Hungary.

Gerald Eustis Thomas, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kenya.

DEPARTMENT OF COMMERCE

Clarence J. Brown, of Ohio, to be Deputy Secretary of Commerce, vice Guy W. Fiske, resigned.

ENVIRONMENTAL PROTECTION AGENCY

Courtney M. Price, of the District of Columbia, to be an Assistant Administrator of the Environmental Protection Agency (new position—Public Law 98-80 of August 23, 1983).

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

- Cole, Bryan R., [redacted]
Contacos, Samuel P., [redacted]
Davis, Arthur G., [redacted]
Griffin, William S., [redacted]
Hudson, Franklin E., [redacted]
Jim, Clayden F., [redacted]
Larson, Louis W., [redacted]
Pocock, James A., [redacted]
Riffe, Glenn E., [redacted]
Rose, William B., Jr., [redacted]
Roth, John C., [redacted]

CHAPLAIN

To be colonel

- Gundersen, Gerald M., [redacted]
Hedrick Charles W., [redacted]

ARMY NURSE CORPS

To be colonel

- Musacchio, Marilyn J., [redacted]

MEDICAL CORPS

To be colonel

- Kramer, Charles, [redacted]
Semins, Howard, [redacted]
Smith, Warren D., [redacted]
Stephenson, Larry W., [redacted]

MEDICAL SERVICE CORPS

To be colonel

- Detwiler, Clarence J., [redacted]

ARMY PROMOTION LIST

To be lieutenant colonel

- Abe, Ronald M., [redacted]
Aylward, Dennis P., [redacted]
Baldock, Charles, [redacted]
Bartlett, Robert A., [redacted]
Battison, Raymond C., [redacted]
Bernard, Reginald R., [redacted]
Black, Virgil C., [redacted]
Bridgewater, William, [redacted]
Brinsley, Norman S., [redacted]
Broderick, Charles R., [redacted]
Buchanan, Dean L., [redacted]
Caruana, Anthony F., [redacted]
Castro, William, Jr., [redacted]
Chang, Alvin A., [redacted]
Church, Robert B., [redacted]
Colburn, John T., [redacted]
Cooper, Kenneth, Jr., [redacted]
Copeland, James N., [redacted]
Crews, John E., [redacted]
Davies, Charles R., [redacted]
Dobek, Frank E., [redacted]
Dragics, David L., [redacted]
Dudley, Robert P., [redacted]
Dummer, Dale T., [redacted]
Estes, Clifford A., [redacted]
Fisher, Jeffery W., [redacted]
Fleming, Robert L., [redacted]
Francioni, George F., [redacted]
Francisco, John R., [redacted]
Friedman, Richard J., [redacted]
Ginsberg, Allan R., [redacted]
Goad, James W., [redacted]
Goby, Marshall J., [redacted]
Graw, Leroy H., [redacted]
Grunewald, Robert E., [redacted]
Hahn, Richard M., [redacted]
Hall, Carolyn M., [redacted]
Hammerschmidt, Walter, [redacted]
Hansford, Vernon N., [redacted]
Harper, Curtis E., [redacted]
Hinkle, Dale E., [redacted]
Hughes, Thomas A., Jr., [redacted]
Hunt, Norman J., [redacted]
Irey, Rodney D., [redacted]

MEDICAL SERVICE CORPS

To be lieutenant colonel

- Huntington, Bobby N., [redacted]
Kelly, Bruce B., [redacted]
Meyer, John H., [redacted]
Rhoda, Robert L., [redacted]

VETERINARY CORPS

To be lieutenant colonel

- Hayes, John L., [redacted]

The following-named officers for appointment in the Reserve of the Army of the United States, under the provisions of title 10, United States Code, section 3353:

MEDICAL CORPS

To be colonel

- Bart, Gerald N., [redacted]

Daily, Charles D., Jr., [REDACTED]
 Durden, William D., [REDACTED]
 Edgett, Joseph W., Jr., [REDACTED]
 Givens, John Dewey, [REDACTED]
 Glover, Clarence K., [REDACTED]
 Kivowitz, Julian, [REDACTED]
 Landa, Stuart J., [REDACTED]
 Lenton, John D., [REDACTED]
 Lufkin, Charles D., [REDACTED]
 Metha, Bal R., [REDACTED]
 Minichan, David P., [REDACTED]
 Morris, Alfred D., [REDACTED]
 Rupp, Richard, [REDACTED]
 Sargen, Robert W., [REDACTED]
 Vosskuhler, John W., [REDACTED]
 Wittels, Benjamin, [REDACTED]

To be lieutenant colonel

Aquino, Manuel M., [REDACTED]
 Begtrup, Robert O., [REDACTED]
 Cody, William J., [REDACTED]
 Dishman, Leonardo, [REDACTED]
 Engvall, William R., [REDACTED]
 Fu, Denis J., [REDACTED]
 Giglio, Francis A., [REDACTED]
 Grace, Eugene V., [REDACTED]
 Graudins, Gunar, [REDACTED]
 Kain, Thomas R., [REDACTED]
 Michaels, David L., [REDACTED]
 Moskowitz, David L., [REDACTED]
 Norton, John H., III, [REDACTED]
 Palma, Joseph A., [REDACTED]
 Patrick, Donald W., [REDACTED]
 Sears, Suzanne P., [REDACTED]
 Smith, Luther, II, [REDACTED]
 Sparr, Richard A., [REDACTED]
 Wisen, Mark, [REDACTED]
 Wood, Russell J., [REDACTED]
 Zeller, Erwin R., [REDACTED]
 Iverson, Ronald J., [REDACTED]
 Ivy, Curtis K., [REDACTED]
 Johnson, Lawrence J., [REDACTED]
 Kalke, James P., [REDACTED]
 Kaszynski, Robert J., [REDACTED]
 Kennedy, James L., [REDACTED]
 Loeffler, Paul E., III, [REDACTED]
 Long, William A., Jr., [REDACTED]
 Loomis, Roeliff L., [REDACTED]
 Marshall, David, [REDACTED]
 Masaki, Carl T., [REDACTED]
 McLeod, James M., Jr., [REDACTED]
 McQuinn, Larry O., [REDACTED]
 Miller, Dan B., [REDACTED]
 Mis, Ronald C., [REDACTED]
 Mitchell, Alexander, [REDACTED]
 Morrow, Robert J., [REDACTED]
 Pierson, Walter B., [REDACTED]
 Poole, Alfred J., III, [REDACTED]
 Potratz, Edwin M., [REDACTED]
 Reeder, Charles W., [REDACTED]
 Robinson, James H., [REDACTED]
 Rodgers, Rodney A., [REDACTED]
 Russell, James E., [REDACTED]
 Schwinghammer, Daniel, [REDACTED]
 Seip, Walter L., III, [REDACTED]
 Sellers, Richard A., [REDACTED]
 Semrau, Lawrence L., [REDACTED]
 Sevigny, Roger A., [REDACTED]
 Shurtleff, John C., [REDACTED]
 Smith, John P., [REDACTED]
 Streit, Gary B., [REDACTED]
 Takata, Theodore T., [REDACTED]
 Thibodeaux, Michael, [REDACTED]
 Thompson, Lawrence G., [REDACTED]
 Tirey, James D., [REDACTED]
 Travis, Charles M., [REDACTED]
 Uchida, Edward K., [REDACTED]
 Wall, John C., [REDACTED]
 Warren, Michael H., [REDACTED]
 Waugh, Delbert L., [REDACTED]
 White, Larry A., [REDACTED]
 Wilson, Eric G., [REDACTED]
 Worley, James D., [REDACTED]
 Yoshitani, Ken, [REDACTED]

CHAPLAIN

To be lieutenant colonel

Sadusky, Joseph F., [REDACTED]

ARMY NURSE CORPS

To be lieutenant colonel

Thompson, Frances L., [REDACTED]

MEDICAL CORPS

To be lieutenant colonel

Andino, Dominick J., [REDACTED]
 McShane, Richard H., [REDACTED]
 Martin, John E., [REDACTED]
 Miller, John M., [REDACTED]
 Noller, Kenneth L., [REDACTED]
 Schwartz, James R., [REDACTED]
 Shereff, Richard H., [REDACTED]
 Sussman, Jonathan, [REDACTED]
 Tomasi, Lawrence G., [REDACTED]
 Zauel, David W., [REDACTED]

The following-named Army National Guard 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

Batchelder, Robert F., [REDACTED]
 Beebe, Urban U., [REDACTED]
 Bishop, David L., [REDACTED]
 Bradley, Martin R., [REDACTED]
 Brunton, Thomas I., [REDACTED]
 Copeland, George M., [REDACTED]
 Fragale, Frank M., [REDACTED]
 Freeman, Richard L., [REDACTED]
 Garringer, Donald O., [REDACTED]
 Hansen, Robert L., [REDACTED]
 Harbert, Jerrell D., [REDACTED]
 Honjiyo, George T., [REDACTED]
 Ida, Melvin M., [REDACTED]
 Jones, Harold M., [REDACTED]
 Law, John T., [REDACTED]
 Lawrence, Warren J., [REDACTED]
 McGinnis, Alfred C., [REDACTED]
 Mayfield, Harry L., [REDACTED]
 Openshaw, Fred H. C., [REDACTED]
 Pantzke, Wallace M., [REDACTED]
 Polis, Frank, [REDACTED]
 Railsback, Paul A., [REDACTED]
 Thompson, John A., [REDACTED]
 Timberlake, William, [REDACTED]
 Tyra, Thomas O., [REDACTED]
 Whitney, William E., [REDACTED]
 Williamson, Garrett, [REDACTED]
 Yaeger, William J., [REDACTED]

MEDICAL CORPS

To be colonel

Mauries, Christy J., [REDACTED]

ARMY PROMOTION LIST

To be lieutenant colonel

Alston, Andrew A., [REDACTED]
 Alvarado, Isaac A., [REDACTED]
 Austin, Frederick E., [REDACTED]
 Austin, William W., [REDACTED]
 Baker, John P., [REDACTED]
 Baxley, William J., [REDACTED]
 Baxter, Robert A., [REDACTED]
 Bayless, Clarence E., [REDACTED]
 Beard, Michael J., [REDACTED]
 Beck, George L., Jr., [REDACTED]
 Bradshaw, Charles P., [REDACTED]
 Bridgeman, Alan A., [REDACTED]
 Bucek, Gerald C., [REDACTED]
 Burkholder, John F., [REDACTED]
 Collins, Robert A., [REDACTED]
 Cornejo, Jose H., [REDACTED]
 Deering, Donald R., [REDACTED]
 Denny, Clark A., [REDACTED]
 Douglas, Trenton S., [REDACTED]
 Duzzny, Walter M., [REDACTED]
 Eckley, James W., III, [REDACTED]
 Emery, Thomas J., [REDACTED]

Everman, George E., [REDACTED]
 Frankland, Donald F., [REDACTED]
 Frisbee, Charles G., [REDACTED]
 Goin, Bobby R., [REDACTED]
 Goldstein, Harold M., [REDACTED]
 Gomez, Eugene E., [REDACTED]
 Gonzales, Casimiro G., [REDACTED]
 Graham, Randall C., [REDACTED]
 Hadfield, James H., [REDACTED]
 Horvath, William, [REDACTED]
 Jacques, Rene C., [REDACTED]
 Jones, Vernon A., [REDACTED]
 Kelly, Ralph B., [REDACTED]
 Kennemer, Robert M., [REDACTED]
 Klukow, Ernest O., [REDACTED]
 Lakey, Robert E., [REDACTED]
 Lamothe, Norman R., [REDACTED]
 LeBlanc, Gary E., [REDACTED]
 Lehman, Emory V., II, [REDACTED]
 Lehmann, Michael D., [REDACTED]
 LeJeune, Robert A., [REDACTED]
 Lowery, Charles A., [REDACTED]
 McMahon, Russell G., [REDACTED]
 Manikowski, Donald M., [REDACTED]
 Morse, Corley W., Jr., [REDACTED]
 Musgrave, James A., [REDACTED]
 Nappi, Patrick, [REDACTED]
 Nevin, Michael J., [REDACTED]
 Olsson, Karl F., [REDACTED]
 Perkins, Arthur L., [REDACTED]
 Phillips, Robert L., [REDACTED]
 Pippin, Morris L., [REDACTED]
 Potts, Robert W., [REDACTED]
 Prendergast, John E., [REDACTED]
 Ramos-Santiago, F. A., [REDACTED]
 Rice, Michael J., [REDACTED]
 Ries, Arthur W., II, [REDACTED]
 Riggs, Richard F., [REDACTED]
 Rivera-Iturbe, Ramon, [REDACTED]
 Rucker, Richard M., [REDACTED]
 Sceandalito, Charles, [REDACTED]
 Scarce, Billy W., [REDACTED]
 Seaman, Gerald A., [REDACTED]
 Stucker, William E., [REDACTED]
 Tomoyasu, Wayne F., [REDACTED]
 Turner, Robert E., [REDACTED]
 Waggoner, Curtiss R., [REDACTED]
 Wakeman, James H., [REDACTED]
 Walker, James T., [REDACTED]
 Westerdahl, William, [REDACTED]
 Westrope, Alfred F., [REDACTED]
 Woorster, Ernest, [REDACTED]
 Yaklin, Robert O., [REDACTED]
 Yee, Edward M. L., [REDACTED]
 Zukus, Ronald G., [REDACTED]

MEDICAL CORPS

To be lieutenant colonel

Burton, Olin M., [REDACTED]
 Richards, Charles D., [REDACTED]
 Taylor, John S., [REDACTED]

MEDICAL SERVICE CORPS

To be lieutenant colonel

Friel, Emmett A., [REDACTED]
 Hohman, Wayne F., [REDACTED]
 Moore, Robert C., [REDACTED]
 Pruitt, James L., [REDACTED]
 Santo, Alan E., [REDACTED]

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 3366, 3367, 3370 and 3383:

ARMY NURSE CORPS

To be colonel

Bivalec, Lorraine M., [REDACTED]
 Bolden, Pinkie L., [REDACTED]
 Brogan, Helen J., [REDACTED]
 Brown, Virginia S., [REDACTED]
 Colon-Melendez, M., [REDACTED]
 Datema, Alice, [REDACTED]

Davis, Dale A., [redacted]
Ferris, Patricia A., [redacted]
Foster, Catherine H., [redacted]
Garland, Rose M., [redacted]
Gruetzmacher, Julia, [redacted]
Harris, Rita, [redacted]
Hinson, Norwood, [redacted]
Holland, Maureen, [redacted]
Hollingsworth, Audrey, [redacted]
Kidon, Shirley A., [redacted]
Kultoljinda, Tongsri, [redacted]
Lust, Barbara L., [redacted]
MacDonell, Daniel R., [redacted]
McConnell, Thomas L., [redacted]
McIntyre, June, [redacted]
Montague, Mamie C., [redacted]
Musacchio, Marilyn, [redacted]
Norwood, Zona M., [redacted]
Nowaczyk, Barbara E., [redacted]
Schneider, Eileen M., [redacted]
Shields, Elizabeth, [redacted]
Story, Mary F., [redacted]
Taylor, Keith H., [redacted]
Toibin, Colum, [redacted]

DENTAL CORPS
To be colonel

Andrews, Hugh H., Jr., [redacted]
Branden, James F., [redacted]
Burns, Robert C., [redacted]
Clark, David M., [redacted]
Cremer, Jerry L., [redacted]
Daigle, Albert R., [redacted]
Davis, Lavanda L., [redacted]
Edmonds, Peter P., [redacted]
Guiberteau, James J., [redacted]
Hall, Robert P., [redacted]
Hardage, Jack L., [redacted]
Holt, Dennis E., [redacted]
Kane, Donald L., [redacted]
Koppes, Paul A., [redacted]
Laracuenta, Jose M., [redacted]
McGinley, Daniel H., [redacted]
Mills, Rudolph W., [redacted]
Natiella, Joseph R., [redacted]
Negus, Charles F., [redacted]
Pulskamp, Frank E., [redacted]
Rafferty, Robert G., [redacted]
Roebuck, Tommy G., [redacted]
Rowe, Harold, [redacted]
Smith, Harold D., [redacted]
Stringer, John L., [redacted]
Stuccio, Vincent J., [redacted]
Taggart, Edward J., [redacted]
Tolman, Dan E., [redacted]
Walgren, William J., [redacted]
Walker, Jerry D., [redacted]

MEDICAL CORPS
To be colonel

Adams, Richard I., [redacted]
Ainsworth, Jerry Z., [redacted]
Alexander, Chundama, [redacted]
Alexander, Gerald L., [redacted]
Almquist, Howard T., [redacted]
Altman, Ruben, [redacted]
Atkins, Sam O., [redacted]
Babcoke, Gary A., [redacted]
Ballinger, William, [redacted]
Baumann, David T., [redacted]
Beck, Phillip H., [redacted]
Bothwell, Roger S., [redacted]
Braswell, Guy R., [redacted]
Braud, Joseph P., [redacted]
Brown, Herold A., [redacted]
Brown, Joseph D., III, [redacted]
Bryant, Kenneth L., [redacted]
Buck, Harper J., [redacted]
Caldwell, Earl N., [redacted]
Camnitz, Leonard, [redacted]
Chaffee, Bruce A., [redacted]
Chaput, Christopher, [redacted]
Cifarelli, Philip S., [redacted]
Crandall, David B., [redacted]
Criares, Nicholas, [redacted]

Cubano, Miguel A., [redacted]
Deleon, Francisco E., [redacted]
Del Valle, Francisco, [redacted]
Dillingham, Rex H., [redacted]
Douthit, Thomas E., [redacted]
Dunklin, Thomas, [redacted]
Dupourque, Daniel, [redacted]
Eisma, Jose A., [redacted]
Falco, Frank G., [redacted]
Farr, James E., [redacted]
Fernandez, Carlos A., [redacted]
Ferrell, Donald P., [redacted]
Flax, Leonard H., [redacted]
Folk, Frank S., [redacted]
Gerber, Robert A., [redacted]
Ghazi, Darius, [redacted]
Gilford, Lawrence M., [redacted]
Glass, Richard S., [redacted]
Goodloe, Samuel, Jr., [redacted]
Gordon, Walter C., [redacted]
Gray, John H., [redacted]
Griffiss, John M., [redacted]
Guiton, Carl R., [redacted]
Gurley, Jerry N., [redacted]
Habermel, John F., [redacted]
Hall, William A., [redacted]
Haller, James G., [redacted]
Hardy, Ronald G., [redacted]
Haym, Jerome L., [redacted]
Hook, William F., [redacted]
Ide, Carl H. H., [redacted]
Ilem, Priscilla G., [redacted]
Katz, Norman, [redacted]
Kilhenney, Charles F., [redacted]
Kirshman, Herbert S., [redacted]
Klutzw, Friedrich, [redacted]
Lefebvre, Edward J., [redacted]
Lefemine, Armand A., [redacted]
Lehtnets, Marliese, [redacted]
Lewis, Philip C., [redacted]
Lidner, Victor H., [redacted]
Luna, Rodrigo F., [redacted]
Lydiatt, James S., [redacted]
Martin, Robert D., [redacted]
McCree, Robert L., [redacted]
McDermott, George M., [redacted]
McMillen, Shannon M., [redacted]
Merrill, Richard H., [redacted]
Meyers, Allan F., [redacted]
Nerette, Jean C., [redacted]
Nessman, Lawrence, [redacted]
Neun, Charles J., Jr., [redacted]
Osborn, Jack M., [redacted]
Peterson, Carl R., [redacted]
Pierce, John A., [redacted]
Pregar, Leslie, [redacted]
Pressler, James W., [redacted]
Price, John C., [redacted]
Quinn, Thomas A., [redacted]
Ramirez, Archimedes, [redacted]
Rodriquez-Colon, J., [redacted]
Rosati, Robert A., [redacted]
Rosser, Robert G., [redacted]
Rudd, George H., [redacted]
Rundlett, Fred A., [redacted]
Sabio, Andres R., [redacted]
Samorodin, Charles, [redacted]
Santa, Ulpiano, [redacted]
Schaefer, Charles E., [redacted]
Shatsky, Stanley A., [redacted]
Smith, Warren D., [redacted]
Soll, Robert W., [redacted]
Solomon, Howard D., [redacted]
Steahly, Lance P., [redacted]
Stone, Dale H., [redacted]
Streker, Edward J., [redacted]
Talarico, Francis J., [redacted]
Traugott, Richard C., [redacted]
Urizar, Rodrigo E., [redacted]
Watts, Clark C., [redacted]
White, Hobart J., [redacted]
White, Robert H., [redacted]
Wong, Normund, [redacted]
Yamamoto, Sam M., [redacted]

Yordan, Raul A., [redacted]
MEDICAL SERVICE CORPS
To be colonel

Allison, Howard E., [redacted]
Bird, George C., [redacted]
Budd, Ivan B., [redacted]
Coughlin, John J., [redacted]
Counts, Jon M., [redacted]
Dalton, John R., [redacted]
Donohue, Hubert V., [redacted]
Edelman, Ira S., [redacted]
Fujimoto, Richard I., [redacted]
Hardin, James E., [redacted]
Hardtke, William R., [redacted]
Hawkins, James J., [redacted]
Huber, John T., [redacted]
Johnston, Frederick, [redacted]
Krumhaus, Paul A., [redacted]
Lauricella, Salvato, [redacted]
Leet, Charles F., [redacted]
Lewis, John T., [redacted]
Madsen, Ralph C., [redacted]
Mathes, Jon V., [redacted]
McGhee, Flin C., [redacted]
McKee, Terry L., [redacted]
Melvin, Bruce R., [redacted]
Mengenhauser, James, [redacted]
Price, Paul L., [redacted]
Riggs, Richard F., [redacted]
Roberts, Grady H., [redacted]
Stenger, James J., [redacted]
Stringfellow, Thomas, [redacted]
Thomas, Paul E., [redacted]
Vertino, Michael P., [redacted]
Zullo, Peter F., [redacted]

ARMY MEDICAL SPECIALIST CORPS
To be colonel

Aller, Robert A., [redacted]
Clemons, Billy V., [redacted]
Delgado-Colon, Miguel, [redacted]
Graves, James P., [redacted]
Phelps, Elmer E., [redacted]

VETERINARY CORPS
To be colonel

Rankin, Roger L., [redacted]
Sautter, James F., [redacted]
Williams, Leslie P., [redacted]

ARMY NURSE CORPS
To be lieutenant colonel

Algrim, Judith K., [redacted]
Alire, Marie P., [redacted]
Allbritten, Dorothy, [redacted]
Boudreau, Lorraine, [redacted]
Brickey, Cynthia C., [redacted]
Burnett, Corrine, [redacted]
Byrnes, Jeannette E., [redacted]
Carlson, Mary L., [redacted]
Clark, Vicki L., [redacted]
Copelin, Nettie G., [redacted]
Crowl, Marjorie A., [redacted]
Delcampo, Ethel J., [redacted]
Dundon, Richard M., [redacted]
Dungca, Consuelo U., [redacted]
Dunster, Paulette K., [redacted]
Dygert, Janet M., [redacted]
Edwards, Olin M., [redacted]
Eiffler, Darrell D., [redacted]
Ellis, Rebecca D., [redacted]
Fitzgerald, Betty J., [redacted]
Foley, Joseph E., [redacted]
Gaither, Beavey L., [redacted]
Garloff, Joan M., [redacted]
Gentile, Eileen J., [redacted]
Gentry, Shirley L., [redacted]
Gordon, Lucille, [redacted]
Gorman, Elizabeth G., [redacted]
Gouge, Sandra G., [redacted]
Goza, Lora J., [redacted]
Grow, Susan E., [redacted]
Hall, Karen E., [redacted]
Hammersley, Candice, [redacted]

Hampton, Mary L., [REDACTED]
 Hancock, Nannette B., [REDACTED]
 Hand, Henry J., [REDACTED]
 Hayes, Mary P., [REDACTED]
 Heisey, Jean E., [REDACTED]
 Hollenhorst, Jeanne, [REDACTED]
 Hurley, Ann C., [REDACTED]
 Hyde, Barbara L., [REDACTED]
 Imhof, Virginia A., [REDACTED]
 Inverson, Lois E., [REDACTED]
 Jens, Kathryn C., [REDACTED]
 Johnson, Beverly A., [REDACTED]
 Johnson, Charles R., [REDACTED]
 Johnson, Helen D., [REDACTED]
 Kane, Joan C., [REDACTED]
 Kirtley, Constance, [REDACTED]
 Koster, Elizabeth C., [REDACTED]
 Leblanc, Virginia C., [REDACTED]
 Leissa, Mary C., [REDACTED]
 Littleton, Betty S., [REDACTED]
 Lynch, Ann M., [REDACTED]
 Mader, Roy M., [REDACTED]
 Makin, Martha J., [REDACTED]
 Matlack, Carol L., [REDACTED]
 McElroy, Suzanne E., [REDACTED]
 McMillan, Lorraine, [REDACTED]
 Mele, Felicidad S., [REDACTED]
 Merrill, Diane M., [REDACTED]
 Merrill, Elizabeth, [REDACTED]
 Mitchell, Maria K., [REDACTED]
 Montoya, Irene, [REDACTED]
 Morales, Carmen, [REDACTED]
 Muntz, Juanita R., [REDACTED]
 Neibert, Shirley R., [REDACTED]
 Newton, Clara M., [REDACTED]
 Nybakken, Gary A., [REDACTED]
 O'Neal, Daniel J., III, [REDACTED]
 Paxton, Helen E., [REDACTED]
 Peloquin, Eleanor M., [REDACTED]
 Pesicka, Glynn E., [REDACTED]
 Pomerantz, Celeste, [REDACTED]
 Reich, Ila R., [REDACTED]
 Richards, Raygenia, [REDACTED]
 Roman, Helen A., [REDACTED]
 Rose, Minnie B., [REDACTED]
 Rosenkranz, Mariann, [REDACTED]
 Roy, Mary T., [REDACTED]
 Salisbury, Grace S., [REDACTED]
 Sanchez, Kathryn A., [REDACTED]
 Self, Rachel E., [REDACTED]
 Siegrist, Elisabeth, [REDACTED]
 Sligh, Joyce W., [REDACTED]
 Stevens, Ann L., [REDACTED]
 Stright, Patricia A., [REDACTED]
 Stumpf, Terrill L., [REDACTED]
 Taggart, Flossie M., [REDACTED]
 Tess, Kathleen W., [REDACTED]
 Texidor, Margaret S., [REDACTED]
 Thompson, Elaine B., [REDACTED]
 Todd, Lawrence R., [REDACTED]
 Trawick, Bernice N., [REDACTED]
 Turner, Patricia A., [REDACTED]
 Turvin, Margaret E., [REDACTED]
 Vanderveide, James, [REDACTED]
 Vargas, Myrna C., [REDACTED]
 Verhegge, Richard W., [REDACTED]
 Vivians, Dorothy C., [REDACTED]
 Wade, Alice Fay L., [REDACTED]
 Walters, Clara R., [REDACTED]
 Wand, Jeanette E., [REDACTED]
 Warren, Kathleen A., [REDACTED]
 Wiggins, Dennis A., [REDACTED]
 Wiggins, Donna G., [REDACTED]
 Wilbert, Judith L., [REDACTED]
 Wilder, Beatrice V., [REDACTED]
 Wilson, Annie M., [REDACTED]
 Wilson, Margaret E., [REDACTED]
 Winfrey, Audrey T., [REDACTED]
 Yyageric, Alice M., [REDACTED]
 Zigler, Keith A., [REDACTED]

DENTAL CORPS

To be lieutenant colonel

Beskin, Edward B., [REDACTED]
 Bleecker, William J., [REDACTED]

Bongiorno, Alfred M., [REDACTED]
 Brinkman, William H., [REDACTED]
 Brooks, George A., [REDACTED]
 Carruth, Philip L., [REDACTED]
 Cheek, Jack W., [REDACTED]
 Cohen, James C., [REDACTED]
 Collins, Richard E., [REDACTED]
 Degaetano, Frank J., [REDACTED]
 Duncan, James D., [REDACTED]
 Easman, Ronald P., [REDACTED]
 Fears, Albert C., [REDACTED]
 Freidline, Clifford, [REDACTED]
 Goldrich, Erwin H., [REDACTED]
 Gordan, Alan B., [REDACTED]
 Greenberg, Kenneth, [REDACTED]
 Greene, Howard J., [REDACTED]
 Griffin, Morris H., [REDACTED]
 Hager, John S., [REDACTED]
 Heringer, Weston W., [REDACTED]
 Higer, Manuel, [REDACTED]
 Hinkley, Alan J., [REDACTED]
 Jochen, David G., [REDACTED]
 Johnson, Warren K., [REDACTED]
 Keith, Robert V., [REDACTED]
 Keleher, Rodger D., [REDACTED]
 Knudson, Peter C., [REDACTED]
 Langsdorf, Jay K., [REDACTED]
 Lee, Richard A., [REDACTED]
 Luebke, Robert J., [REDACTED]
 Matteson, James R., [REDACTED]
 Mauro, Dennis M., [REDACTED]
 McGuffin, Richard S., [REDACTED]
 Melson, James, [REDACTED]
 Murphy, John J., [REDACTED]
 Newman, Cecil E., [REDACTED]
 Norris, Michael, [REDACTED]
 O'Connor, John T., [REDACTED]
 Pisarski, Edmund P., [REDACTED]
 Piskai, John E., [REDACTED]
 Rawlins, James D., [REDACTED]
 Rogers, Don K., [REDACTED]
 Roush, John A. J., [REDACTED]
 Seather, James R., [REDACTED]
 Serenius, Paul V., [REDACTED]
 Smith, Douglas J., [REDACTED]
 Smith, Robert W., [REDACTED]
 Smith, Thomas B., Jr., [REDACTED]
 Solomon, Robert H., [REDACTED]
 Udler, Gerald, [REDACTED]
 Walpole, Hugh R., [REDACTED]
 Wardlaw, David W., [REDACTED]
 Webber, Raymond T., [REDACTED]
 Wright, Henry N., [REDACTED]
 Wurstner, Dale E., [REDACTED]
 Young, John S., [REDACTED]

MEDICAL CORPS

To be lieutenant colonel

Assalley, Louis T., [REDACTED]
 Betancourt, Benjamin, [REDACTED]
 Bhati, Deo K., [REDACTED]
 Blalock, Jack H., [REDACTED]
 Bourne, Talmage L., [REDACTED]
 Brightwell, Dennis, [REDACTED]
 Burton, Olin M., [REDACTED]
 Cheah, Keong-Chye, [REDACTED]
 Chellappa, Paul, [REDACTED]
 Clark, William D., [REDACTED]
 Dazo, Alfredo S., [REDACTED]
 Dwyer, Michael J., [REDACTED]
 Eckhauser, Frederic, [REDACTED]
 Ennis, Francis A., [REDACTED]
 Falkenstein, David, [REDACTED]
 Fort, Dudley C., [REDACTED]
 Freidman, David L., [REDACTED]
 Garner, Wade S., [REDACTED]
 Gatti, David J., [REDACTED]
 Greenberg, Robert B., [REDACTED]
 Gutierrez, Miguella, [REDACTED]
 Healey, Benjamin R., [REDACTED]
 Herbst, Kenneth D., [REDACTED]
 Holoye, Paul Y., [REDACTED]
 Hong, Songho, [REDACTED]
 Jayaram, Yelleshpur, [REDACTED]
 Jensen, Robert D., [REDACTED]

Kanhouwa, Suryabala, [REDACTED]
 Katz, David D., [REDACTED]
 Kias, Thomas N., Jr., [REDACTED]
 Laroche, Fritz, [REDACTED]
 List, William D., [REDACTED]
 Mangawang, Pedrito, [REDACTED]
 McLean, Robert B., [REDACTED]
 Michelsen, C., [REDACTED]
 Mirza, Mahmud U., [REDACTED]
 Mock, Joseph P., [REDACTED]
 Molnar, George J., [REDACTED]
 Moosa, Amod S., [REDACTED]
 Muttana, Ramakrishn, [REDACTED]
 Myers, Adam M., [REDACTED]
 Olympia, Josie L., [REDACTED]
 Oppenheimer, Miguel, [REDACTED]
 Oronoz, Joaquin F., [REDACTED]
 Padanabha, Bhavansa, [REDACTED]
 Patton, Douglas S., [REDACTED]
 Rallon, Maximiano S., [REDACTED]
 Sheppard, John P., [REDACTED]
 Shereff, Richard H., [REDACTED]
 Sumner, Robert C., [REDACTED]
 Sussman, Gibert B., [REDACTED]
 Trivedi, Mrigendra, [REDACTED]
 Villanueva, Leopoldo, [REDACTED]
 Wallace, Donald K., [REDACTED]
 Walter, Harry J., [REDACTED]
 Wilder, William H., [REDACTED]
 Wise, William D., [REDACTED]
 Yulo, Jose B., [REDACTED]
 Zen, Calvin T. F., [REDACTED]

MEDICAL SERVICE CORPS

To be lieutenant colonel

Alexsanian, H. R., [REDACTED]
 Allen, Benjamin P., [REDACTED]
 Allen, Louis S., [REDACTED]
 Alsbro, Donald E., [REDACTED]
 Andersen, John R., [REDACTED]
 Andrews, Ernest A., [REDACTED]
 Angiolelli, Ralph F., [REDACTED]
 Bailey, Richard E., [REDACTED]
 Bird, Richard B., [REDACTED]
 Black, James R., [REDACTED]
 Blackburn, David G., [REDACTED]
 Boscacci, Joseph R., [REDACTED]
 Boyle, John J., [REDACTED]
 Brimmer, John G., [REDACTED]
 Brownlee, Sammy S., [REDACTED]
 Burton, Kenneth R., [REDACTED]
 Byrd, James C., [REDACTED]
 Call, James A., [REDACTED]
 Cathcart, Gwen, [REDACTED]
 Chung, Nathan K. Y., [REDACTED]
 Cogley, Henry W., [REDACTED]
 Connolly, Susan M., [REDACTED]
 Cross, James M., [REDACTED]
 Cross, Ralph E., [REDACTED]
 Cushman, Harold M., [REDACTED]
 Darby, Lester A., [REDACTED]
 Day, Doel D., [REDACTED]
 Degasta, Gary M., [REDACTED]
 DeQuattro, Louis A., [REDACTED]
 Donnelly, Thomas B., [REDACTED]
 Dorf, Martin E., [REDACTED]
 Durrett, William R., [REDACTED]
 Franks, Richard S., [REDACTED]
 Franze, Anthony J., [REDACTED]
 Fry, Mary T., [REDACTED]
 Gibson, Herbert, III, [REDACTED]
 Gillmore, James R., [REDACTED]
 Gleason, Lloyd T., [REDACTED]
 Gores, Melvin A., [REDACTED]
 Gottfried, Nardin S., [REDACTED]
 Greenisen, Michael, [REDACTED]
 Griscom, John H., [REDACTED]
 Guerre, John F., [REDACTED]
 Gundacker, Kurt C., [REDACTED]
 Hanelt, Peter G., [REDACTED]
 Harkins, Rosemary R., [REDACTED]
 Hayman, Robert H., [REDACTED]
 Hedden, Kenneth F., [REDACTED]
 Hemmer, Lincoln L., [REDACTED]

Hernandez, Richard,
 Hill, John W.,
 Huber, John C.,
 Johnson, Armand L.,
 Jones, Karroll C.,
 Kelly, Richard J.,
 Lech, Robert F.,
 Mancini, John C.,
 Marrone, Gerald C.,
 McCall, James W.,
 McKenney, Robert T.,
 McKenzie, Robert M.,
 Megehee, Jacob,
 Meyer, John H.,
 Miller, Allan N.,
 Miller, Donald L.,
 Miller, Thomas A.,
 Milman, Donald W.,
 Mitchell, John P.,
 Nauen, Richard E.,
 Nelsen, Wayne M.,
 Oehlschlaeger, John,
 Orlando, George,
 Pederson, Robert A.,
 Pendleton, Robert,
 Peters, Verdon J.,
 Phillips, Benjamin,
 Piccoro, John J., Jr.,
 Pritchett, Willis,
 Purcell, Dale B.,
 Pypeman, Thomas E.,
 Randall, Earl L.,
 Reed, Ronald D.,
 Reinert, Ernest J.,
 Repert, Richard E., 135-28-8464
 Ricketts, John M.,
 Roark, Gary D.,
 Rockwell, Richard T.,
 Rodgers, Richard W.,
 Rosenbaum, Richard,
 Rudenstein, Marvin,
 Santo, Alan E.,
 Shelton, Walter H.,
 Shuster, Gallen D.,
 Sibley, Ralph F.,
 Silvestri, John E.,

Solomon, Harold E.,
 Spiva, David B.,
 Stachurski, Kenneth,
 Starr, Rex E.,
 Stephens, Douglas A.,
 Stephens, Loretta J.,
 Stufflebeam, Charles,
 Taylor, Robert L.,
 Theiner, Eric C.,
 Thomas, Andrew C.,
 Turk, William C.,
 Turner, Thomas R.,
 Van Valkenburg, John,
 Wain, Harold J.,
 Walmsley, Elwood P.,
 Walsh, William R.,
 Watt, Donald M.,
 Whisenand, Thomas G.,
 Wilking, Daniel L.,
 Williams, John M.,

ARMY MEDICAL SPECIALIST CORPS

To be lieutenant colonel

Athas, Bonnie M.,
 Berrier, Gerald A.,
 Dobbert, Francis R.,
 McDill, William C.,
 Paine, Allita D.,
 Rodriguez-Rosario, R.,
 Schwartz, Frances G.,
 Steele, Priscilla D.,
 Strittmatter, Linda,
 Vazquez, Rosa M.,
 Wessman, Colleen P.,

VETERINARY CORPS

To be lieutenant colonel

Allen, Sidney N.,
 Davis, Philip H.,
 Gordon, Edward I.,
 Hayes, John L.,
 McKinley, Edmund R.,
 Morrissey, Robert L.,
 Stephen, Edward L.,
 Szilvassy, Ivan P.,

IN THE NAVY

The following-named Naval Reserve Officers Training Corps candidates to be appointed permanent ensign in the line of the U.S. Navy, subject to qualification therefor as provided by law:

Dyer, William J. Sullivan, Larry

The following-named Naval Reserve officers to be appointed permanent ensign in the Line or staff corps of the U.S. Navy, subject to qualification therefor as provided by law:

Arnwine, Kevin M.	Kennedy, David R.
Bukovich, John S.	Leahy, William J.
Coffman, Thomas P.	McAllister, Bruce C.
Commons, Robert A.	Miller, Joseph E.
Deneale, Susan V.	Pierce, D. H.
Diehl, Sergio A.	Puchalla, Stanley D.
Easterbrooks, James P.	Richter, T. G.
Hamilton, William C.	Sheehan, Edward W.
Huotari, Brad M.	Smith, Cynthia L.
	Urquhart, Michael C.

Lt. Stephen A Stallings, Judge Advocate General's Corps, U.S. Naval Reserve, to be appointed a lieutenant in the Judge Advocate General's Corps of the U.S. Navy, subject to qualification therefor as provided by law.

The following-named Navy enlisted candidates to be appointed permanent chief warrant officer, W-2, in the U.S. Navy, subject to qualification therefor as provided by law:
 Migala, Edward R. Rowell, Michael P.

Chief Warrant Officer, W-3 Donald R. Tomlin, U.S. Navy, retired, to be reappointed a permanent chief warrant officer, W-4 from the Temporary Disability Retired List, subject to qualification therefor as provided by law.

Capt. William R. Davis, U.S. Navy, to be appointed a permanent captain in the Medical Corps in the Reserve of the U.S. Navy, subject to qualification therefor as provided by law.