

## Congressional Closeup by Ronald Kokinda

### Senate adopts restricted version of ABM Treaty

The Senate has been considering the Defense Authorization Bill during the month of September, and has adopted a version which is guaranteed to be vetoed by the White House.

The Levin-Nunn provision of the bill sponsored by Sens. Carl Levin (D-Mich.) and Sam Nunn (D-Ga.), which would prohibit all tests of the Strategic Defense Initiative that fall outside a very restricted interpretation of the Anti-Ballistic Missile (ABM) Treaty, and which was the target of a months long Republican filibuster, was retained in the bill. An effort by Sen. John Warner (R-Va.) to delete the limitation on SDI testing and development was defeated by a vote of 58-38 on Sept. 17, clearly indicating that a presidential veto could be sustained.

Sen. Ernest Hollings (D-S.C.) attacked Nunn in a *Washington Post* commentary on Sept. 29 for ignoring the "crystal clear text of the treaty and the equally unambiguous testimony of the treaty's drafters" in giving both the United States and U.S.S.R. the "right to test and develop future systems." "Sen. Nunn would unilaterally bind the United States to an interpretation that the Soviets' own aggressive SDI program left in the dust long ago," Hollings said. Hollings termed it shameful that Nunn threatened to gut future SDI programs unless this change in the treaty was accomplished by a majority instead of a constitutionally mandated two-thirds Senate vote.

Sen. Pete Wilson (R-Calif.) rejected Nunn's claim that his amendment was merely to condition future funding for the SDI, a purse string issue. "What this amendment does," Wilson said, "quite clearly, quite expressly, conditions further funding of a particular system upon acceptance

of an interpretation of a treaty." Not only a simple majority in the Senate, but a majority in the House, which has no constitutional responsibility for advice and consent on treaties, could veto future SDI development.

### Senate retains higher SDI funding level

Vice President George Bush was called upon to break a 50-50 vote in the Senate on Sept. 22, defeating an amendment sponsored by Sen. Bennett Johnston (D-La.) to cut SDI funding to \$3.7 billion from a level of \$4.5 billion recommended by the Senate Armed Services Committee. The Reagan administration had requested \$5.7 billion in SDI funding.

Johnston argued that adding \$1 billion to the FY87 level of SDI funding of \$3.5 billion would mean savage cuts in defense procurement, operations and maintenance, or personnel under the budget agreement which the Congress has passed.

His main argument however, is that current SDI plans like the Bambi or High Frontier systems, projected to have roughly 20% effectiveness at best, can be countered more cheaply by the Soviets developing fast-burn boosters, an assertion challenged by Wilson. Johnston urged that SDI developments rely more on new technologies such as the excimer, free electron, and other lasers and advanced technology systems which will take longer to develop. "It is extremely important to recognize that you cannot obtain a reliable comprehensive ABM defense of this country, one that provides enduring protection, unless we have the beam weapons that can attack at the speed of light. SDI concedes that," Johnston said.

SDI supporters successfully argued that Johnston's approach was a "research forever" attitude, which would ensure that no system was ever developed and tested. "Even a limited system would serve to significantly reduce the risk that the Soviets might launch a nuclear war," Sen. Richard Shelby (D-Ala.) said. Sen. Pete Wilson (R-Calif.) outlined that we "need both the kinetic and the directed energy system, and they will come in a logical sequence."

Sen. Malcolm Wallop (R-Wyo.) argued that "hedges against Soviet break-out can only be maintained by having deployable or near deployable systems." "If you want to restore the element of deterrence, you must restore the element of doubt to the Soviet planner's mathematical conclusions that he can succeed in the first strike. Absent that, you have simply given him the opportunity to take at will what he wishes. . ."

Sen. Howell Heflin (D-Ala.) and others noted that even with the \$4.5 billion level SDI "will experience at least a one year program delay." Heflin and Shelby both said they preferred a higher funding figure.

Since the House has passed a funding level of \$3.1 billion, the final figure will probably be less than \$4 billion, causing up to a two-year delay.

### Rangel rejects new push for heroin use

Rep. Charles Rangel (D-N.Y.), man of the House Select Committee on Narcotics, attacked H.R. 1470 and S. 143 sponsored by Rep. Henry Waxman (D-Cal.) and Sen. Daniel Inouye (D-Ha.), respectively, in the *Congressional Record* on Sept. 15 and 17, for attempting to legalize the use

of heroin for terminally ill cancer patients.

The use of heroin for the terminally ill has been part of the "death with dignity" movement in the United States, which has attempted to undermine a fight for life.

Rangel noted that the House "firmly rejected" a similar bill by a vote of 355-55 in 1984, but recent newspaper editorials and articles are again trying to revive the legislation. A column by William F. Buckley, Jr., famous for admitting he smoked pot 12 miles offshore, on Sept. 28 attacked Rangel for being a "fundamentalist" on drugs and for leaving people to die in pain.

"There is simply no scientific evidence that heroin offers any advantages over currently approved medications in relieving cancer pain," Rangel said. "In addition, the overwhelming majority of health and medical professionals oppose the therapeutic use of heroin. They understand that the real problem is not the lack of heroin but the need for more training and education of health care professionals in the proper use of existing pain relievers and new techniques for managing pain."

Rangel included a letter from the American Society of Hospital Pharmacists which noted that not only is the use of heroin decreasing in Britain, but most patients refused to participate in a federally sponsored study at Sloan-Kettering Hospital, "indicating the unlikely acceptance of the drug even if approved for use."

## **B**anking dereg gets new push

Sen. William Proxmire (D-Wis.), chairman of the Senate Banking Committee, has begun drafting legislation

to repeal Sections 20 and 32 of the Glass-Steagall act which outlaw the integration of banking and securities firms.

Banking deregulation had been slowed by the resistance of former Fed chairman Paul Volcker, Proxmire, House Banking Committee chairman Rep. Fernand St Germain (D-R.I.), and others in the Congress. However, within days of Alan Greenspan replacing Volcker at the Fed, Proxmire announced his retirement from the Senate at the end of this Congress, and St Germain, who was cleared by the House Ethics Committee of improperly benefiting from certain savings and loan transactions, became the target of a renewed investigation.

Proxmire began writing a partial repeal of Glass-Steagall shortly after his retirement announcement because, as a banking staffer explained, "All the lobbyists are clamoring for action." Proxmire expects to pass the bill through the Senate this year.

## **H**eflin attempts to correct flat earth tax

Sen. Howell Heflin (D-Ala.) outlined the importance of S. 455, the "Farm Recovery Tax Act," in overcoming the disastrous impact of the 1986 tax reform, on the floor of the Senate on Sept. 9.

"By the way Congress dropped provisions of the Tax Code which benefited farmers" in the 1986 bill, Heflin said, "it seemed as if everyone thought Mother Nature had signed a pact in which she guaranteed perfect cooperation." But "the same reasons Congress originally gave special treatment to farmers still exist today," Heflin said. "The only thing which has changed is that Congress has removed the tax provisions which helped farm-

ers bear these burdens."

S. 455 will restore income averaging, the investment tax credit, the accelerated cost recovery system, and capital gains for farmers.

Heflin noted that the volatility in farm income due to weather, pests, disease, etc., would result in a farm family of five paying two-and-a-half times the tax on \$40,000 in income in one year and zero the next, as opposed to two years of \$20,000 income.

By repealing the investment tax credit in the 1986 bill, the cost of a \$40,000 tractor increased by \$4,000. "With the stroke of a pen, Congress raised the price of farm machinery by 10%," Heflin noted. "Economic growth in the farm belt is dependent upon the purchases made by farmers. Without the added incentive of the investment tax credit, the rural economy cannot recover."

Heflin said that "the depreciation schedules which farmers must now use are only hindering the recovery in the farm economy," and proposed restoring the accelerated cost recovery system.

The bill also proposes a maximum tax rate on capital gains for farmers of 20%. "Capital gains deductions are certainly needed in the risky industries and businesses which involve the natural biological cycles and reproductive processes," Heflin said. "Farmers that raise cattle, for instance, cannot expect immediate income from the purchase of brood cows. Income that results from the sale of such livestock is the product of several years of hard work."

"I urge my colleagues to consider the natural hardships which farmers face in trying to feed America and most of the world three times a day, and then consider the inequity and injury which the Tax Reform Act of 1986 inflicted upon them," Heflin said.