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April 22, 1986

CONGRESSIONAL RECORD — SENATE

S 4103

Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States."

POM-627. A joint resolution adopted by the Legislature of the State of California, to the Committee on Finance.

ASSEMBLY JOINT RESOLUTION No. 55

"Whereas, Technological leadership is one of this nation's most important resources; and

"Whereas, Governmental policies that encourage the expansion of industrial research and development in the United States are appropriate and necessary; and

"Whereas, The federal government enacted the research and development tax credit in 1981 to stimulate the essential investment by private industry in research and development; and

"Whereas, Foreign governments frequently provide tax incentives, special allowances, export subsidies, and government sponsorship of collaborative research efforts in key technological fields; and

"Whereas, An analysis conducted by the Congressional Research Service, dated January 1985, and a study conducted by the Brookings Institution, dated February 1985, confirm that the research and development federal income tax credit has produced tangible increases in research and development spending; and

"Whereas, Research and development helps drive this nation's economy and is essential to the United States remaining competitive in international marketplaces; and

"Whereas, It is in the national interest to promote the research and development federal income tax credit because it directly benefits the American consumer by reducing the cost of goods and creating jobs; and

"Whereas, The existing research and development federal income tax credit is due to expire in 1985. Now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly: That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to enact legislation to make permanent the research and development federal income tax credit; and be it further

Resolved: That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-620. Joint resolutions adopted by the Legislature of the State of Idaho relating to operation of the Kern River Pipeline Project and use of certain Highway Funds, to the Committee on Environment and Public Works.

POM-627. A joint resolution adopted by the Legislature of the State of California relative to research and development Federal income tax credit, to the Committee on Finance.

POM-628. A resolution adopted by School District No. 143 of Cook County, Illinois opposing certain provisions of the Tax Reform Act, H.R. 3832, to the Committee on Finance.

POM-629. A resolution adopted by the Texas Society Sons of the American Revolution, Inc. favoring the imposition of tariffs and duties on imported oil and petroleum products, to the Committee on Finance.

POM-630. A resolution adopted by the Council of the Borough of Bingwood, New Jersey, favoring the calling of a constitutional convention for the purpose of amend-

ing the sixteenth amendment to the Constitution, to the Committee on the Judiciary.

POM-631. A joint resolution adopted by the Legislature of the State of Indiana: to the Committee on the Judiciary.

"ENROLLED HOUSE JOINT RESOLUTION No. 3

"A Joint Resolution providing for the ratification of the proposed amendment to the Constitution of the United States relative to the compensation of Senators and Representatives.

"Whereas, in the city of New York, both Houses of the First Congress of the United States of America, during the first session of that Congress, which session began on March 4, 1789, resolved that the following Article, among others, be proposed to the Legislatures of the several States as an amendment to the Constitution of the United States in the following words, to wit:

"The Conventions of a number of the States, having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the Government, will best ensure the beneficent ends of its institution:

"Resolved by the Senator and Representatives of the United States of America, in Congress assembled, two thirds of both Houses concurring, that the following Articles be proposed to the Legislatures of the several States, as Amendments to the Constitution of the United States, all or any of which Articles, when ratified by three fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution; viz

"Articles in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution.

"Article the second. . . . No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened."

Be it resolved by the General Assembly of the State of Indiana:

"SECTION 1. That this proposed amendment of the Constitution of the United States of America is hereby ratified by the General Assembly of the State of Indiana.

"SECTION 2. That certified copies of this joint resolution be forwarded by the Governor of Indiana to the Administrator of General Services, as required by Section 106(b) Title 1, United States Code, as well as to the Secretary of State of the United States and the President of the Senate and Speaker of the House of Representatives of the Congress of the United States, and to all other federal officials as may be required by federal law."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DANFORTH, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 739. An act relating to the documentation of the vessel Marilyn to be employed in the coastwise trade (Rept. No. 99-284).

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. BENTSEN:

S. 2347. A bill to authorize the Corps of Engineers to issue permits under the Clean Water Act and the River and Harbor Act for construction of a water resource project in the State of Texas; to the Committee on Environment and Public Works.

By Mr. MOYNIHAN:

S. 2348. A bill to authorize the procurement and installation of cryptographic equipment at satellite communications facilities within the United States, and for other purposes; to the Committee on Armed Services.

By Mr. RIEGLE:

S. 2349. A bill to amend the Internal Revenue Code of 1954 to provide for the establishment of enterprise zones, and for other purposes; to the Committee on Finance.

By Mr. ABDNOR (for himself, Mr. ANDREWS, Mr. BAUCUS, Mr. BOSCHWITZ, Mr. DURENBERGER, Mr. ZORINSKY, and Mrs. KASSEBAUM):

S. 2350. A bill to extend the period for filing a claim for credit or refund of Federal income taxes with respect to certain changes made by the Consolidated Omnibus Reconciliation Act of 1985 with respect to insolvent farmers; to the Committee on Finance.

By Mr. EVANS (for himself and Mr. GORTON):

S. 2351. A bill to revise the boundaries of Olympic National Park and Olympic National Forest in the State of Washington, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CHILES (for himself, Mr. EVANS, Mr. WILSON, Mr. BOREN, Mr. MOYNIHAN, Mr. NUNN, Mr. GORTON, Mr. HOLLINGS, and Mr. DeCONCINI):

S. 2352. A bill to amend the Internal Revenue Code of 1954 to provide for the reimbursement to State and local law enforcement agencies for costs incurred in investigations which substantially contribute to the recovery of Federal taxes; to the Committee on Finance.

By Mr. CHILES:

S. 2353. A bill to direct the Attorney General to develop a model statute for States to prohibit the establishment and use of free-base houses; to the Committee on the Judiciary.

By Mr. MITCHELL (for himself, Mr. PROXMIER, Mr. HUMPHREY, Mr. RUDMAN, Mr. DURENBERGER, Mr. WARNER, Mr. TRIBBLE, and Mr. KASTEN):

S. 2354. A bill to amend the Nuclear Waste Policy Act of 1982 to provide for the disposal of high-level radioactive waste and spent nuclear fuel in a single repository, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ROTH:

S. 2355. A bill to amend title 10, United States Code, to require operational testing and evaluation before low-rate initial production, and for other purposes; to the Committee on Armed Services.

By Mr. ROCKEFELLER (for himself and Mr. BYRD):

S. 2356. A bill to offset the competitive advantage which foreign coal producers have as a result of not having to meet environmental, health, welfare, and safety requirements of the kinds imposed on U.S. coal producers, and for other purposes; to the Committee on Finance.

By Mr. BUMPERS (for himself and Mr. PRYOR):

S. 2357. A bill to direct the Secretary of the Army to lease certain lands at Fort

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Stacy Dam, Reservoir, and Pipeline Project of the Colorado River Municipal Water District, Texas, notwithstanding the pendency of any proposal by the Secretary of the Interior regarding the listing of a threatened species or the designation of critical habitat of a proposed threatened species under the provisions of the Endangered Species Act, and notwithstanding any listing of a threatened species promulgated after the date of enactment of this section.

(b) The Secretary of the Army shall act to issue the permit for the Stacy Dam, Reservoir, and Pipeline Project, Texas, not later than November 30, 1986. •

By Mr. MOYNIHAN:

S. 2348. A bill to authorize the procurement and installation of cryptographic equipment at satellite communications facilities within the United States, and for other purposes; to the Committee on Armed Services.

SATELLITE COMMUNICATIONS SECURITY

Mr. MOYNIHAN. Mr. President, the Soviet intelligence collection facility at Lourdes, Cuba enables the Soviets to monitor sensitive U.S. maritime, military, and space communications, as well as telephone conversations in the United States. So says a joint State and Defense Department publication, "The Soviet-Cuban Connection." The publication does not indicate how effective the facility is—our intelligence agencies can tell you a bit about that—but we do know that the facility is the largest of its kind in the world, and the most sophisticated Soviet listening facility outside of its national territory. Moreover, this facility continues to grow in size and capability—by 60 percent during the past decade. Today, approximately 2,100 Soviet technicians man the antennae and dishes which are spread over 28 square miles. That the satellite ground station at Lourdes allows instant communications with Moscow tells us a bit about the value of the information the Soviets are intercepting.

In 1977, and twice since, I have introduced legislation, the Foreign Surveillance Prevention Act, to curtail Soviet eavesdropping from their diplomatic establishments in Washington, San Francisco, and New York. Nelson Rockefeller reported this intelligence breach to the President in 1975, and Arkady Shevchenko, the highest ranking Soviet diplomat ever to defect to the West, detailed it in 1978. This legislation would deal with this eavesdropping simply and firmly. If a Soviet diplomat were suspected of eavesdropping, we would declare that individual persona non grata and expel him from the country. And mind you, the FBI estimates that 30-40 percent of the Soviet diplomatic personnel are engaged in espionage. The facility at Lourdes, however, is outside our territorial and legal jurisdiction. It must be neutralized by other—technical—means.

Mr. President, today I introduce legislation to put the multibillion-dollar facility at Lourdes out of business, as well as limit the damage from Soviet trawlers and other AGI's (auxiliary

gathering intelligence). This legislation will also provide for the protection of Government communications from intercept by foreign governments and other unauthorized parties, and protect the privacy of Americans—you, me, our children.

I recall a comment Walter Deeley, formerly Deputy Director of Communications Security at the NSA, made to David Burnham of the New York Times. "They are having us for breakfast," he said. "We are hemorrhaging. Your progeny may not enjoy the same rights we do today if we don't do something." Well, Mr. President, today I propose to take some of our communications off the breakfast table.

As you know, when you place a telephone call from point A to point B, there are three communications paths—or circuits—on which your call might travel: microwave, cable, and satellite. The telephone company will route your call to a switching station where computers will select the first available means of establishing a circuit. If it is a local call, the path will probably be made over cable. If your call is long distance, chances are it will be transmitted as a radio wave from a switching station and relayed via microwave or satellite. These radio waves follow prescribed routes through the sky. They are available for interception, just as a private dish satellite in the backyard can pull in cable television signals—and telephone signals. And yes, the Soviets have the range at Lourdes to grasp our satellite transmissions as they travel from New York to Los Angeles, or Washington to Omaha.

This legislation will provide for the procurement and installation of cryptographic hardware at satellite communications facilities within the United States. This hardware will encrypt telephonic signals before they are transmitted as radio waves from ground station to satellite to ground station, a technique analogous to the cable networks scrambling their signals. This would protect the domestic satellite transmissions of both the Federal Government and private citizens. Commercial interests utilizing direct satellite communications which are not switched through the common carrier system would not be covered under the provisions of this legislation. But, I might add, secure, dedicated satellite communication is already offered by some common carriers for commercial use.

This legislation will authorize \$943 million in funding for the Department of Defense for use by the National Security Agency. A relative bargain, but still not cheap in this year of Gramm-Rudman-Hollings. But I voted against that legislation, and I am not ashamed to stand up today and discuss funding to meet a vital national security need. In fact, I think it my duty. And, it would cost us a lot more not to do it.

Mr. President, we have an opportunity to stop Soviet eavesdropping from

their facility at Lourdes. In so doing, we will suture a wound from which bleeds vital intelligence material, industrial secrets, and the private conversations of American citizens. And while only some of this material is classified, it all provides intelligence information to Soviets when pieced together. Just as importantly, by countering the facility at Lourdes we will protect American citizens from egregious violations of their privacy.

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

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

S. 2348

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the purpose of this Act is to provide further for the security of satellite communications transmissions between facilities within the United States and to prevent the interception of, or access to, such transmissions by foreign governments or other unauthorized parties.

(b)(1) To carry out the purposes of subsection (a), the Secretary of Defense, acting through the National Security Agency and acting in cooperation with private enterprises engaged in satellite communications within the United States, is authorized to procure and install cryptographic equipment at satellite communications facilities within the United States.

(2) Any private enterprise owning a satellite communications facility at which equipment was installed under paragraph (1) shall be reimbursed by the Secretary of Defense for the costs incurred in operating and maintaining such equipment.

(c) The provisions of subsection (b) shall not apply to any communications system utilizing direct satellite transmissions which, on reception, are not switched through a common carrier system.

(d)(1) There are authorized to be appropriated to the Secretary of Defense for use by the National Security Agency such sums as may be necessary to carry out the provisions of this Act.

(2) Amounts appropriated under this subsection are authorized to remain available until expended.

(e) For purposes of this Act—

(1) the term "common carrier" has the same meaning as such term is defined in section 3.1 of the Communications Act of 1933 (47 U.S.C. 153(h)); and

(2) the term "United States" refers to the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

By Mr. RIEGLE:

S. 2349. A bill to amend the Internal Revenue Code of 1954 to provide for the establishment of enterprise zones, and for other purposes; to the Committee on Finance.

ENTERPRISE ZONE ACT

• Mr. RIEGLE. Mr. President, I am introducing today the Enterprise Zone Act of 1986 to stimulate the economic development of our Nation's most distressed communities.

This legislation will help attract private investment to economically hard-