

ALASKA LEGISLATURE COMMITTEE FILES 1991-1992 8672

7705 SENATE STATE AFFAIRS

259

TEN FACTS ABOUT
VIOLENCE AGAINST WOMEN

- o The most serious crimes against women are rising at a significantly faster rate than total crime: during the past 10 years, rape rates have risen nearly 4 times as fast as the total crime rate.
- o Every hour, 16 women confront rapists; a woman is raped every 6 minutes.
- o Every 18 seconds, a woman is beaten; 3-4 million women are battered each year.
- o Since 1974, the rate of assaults against young women (20-24) has jumped almost 50 percent. For young men, it has decreased.
- o Three out of four women will be victims of at least one violent crime during their lifetimes.
- o A woman is 10 times more likely to be raped than to die in a car crash.
- o Only 50 percent of rapes are ever reported; of those reported, less than 40 percent result in arrests.
- o One third of all domestic violence cases, if reported, would be charged as felony rape or felonious assault.
- o Each year, more than one million women seek medical assistance for injuries caused by battering.
- o The crime rate against women in the United States is significantly higher than in other countries -- the United States has a rape rate which is 13 times higher than England's, nearly 4 times higher than Germany's, and more than 20 times higher than Japan's.

6/18/90

TEN FACTS ABOUT VIOLENCE AGAINST WOMEN

- Of the American women alive today, 25 million either have been, or will be, raped at least once during their lives.
- Last year, the number of women abused by their husbands was greater than the number of women who got married.
- In 1950, police caught 83% of all rapists; in 1988, police caught only 53% of them.
- Nearly 50% of abusive husbands batter their wives when they are pregnant, making them 4 times more likely to bear infants of low birth weight.
- Of all those arrested for major crimes -- murder, rape, robbery, assault, burglary, larceny theft, motor vehicle theft, and arson -- rapists are the most likely to escape conviction.
- If every woman victimized by domestic violence last year were to join hands in a line, the string of people would span from New York to Los Angeles and back again.
- More than half of all homeless women are on the street because they are fleeing domestic violence.
- More than 40% of college women who have been raped say that they expect to be raped again.
- There were more women "wounded" by rapists last year than marines wounded by the enemy in all of World War II.
- There are nearly three times as many animal shelters in the United States as there are battered women's shelters.

Compiled by the majority staff of the Senate Judiciary Committee (August 29, 1990)

TEN FACTS ABOUT VIOLENCE AGAINST YOUNG WOMEN

- Although campus studies suggest that 1,275 women were raped at America's 3 largest universities in 1989, only 3 only those rapes were reported to police.
- 1 out of every 7 women currently attending college has been raped.
- 486,000 of the girls now attending high school will have been raped before they graduate.
- The average age of a rape victim is 18 1/2 years old.
- Young women aged 16 to 19 are the most likely to be raped.
- 57% of college rape victims are attacked by dates.
- Girls raped before age 18 are least likely to report to police about their victimization.
- Girls aged 12 to 15 are the most likely to be raped by strangers.
- Rape victims aged 12 to 19 are the least likely to receive hospital care.
- Since 1974, the rate of assaults against young women (20 to 24) has jumped 48%. For men of the same age group, it has decreased 12%.

Compiled by the majority staff of the Senate Judiciary Committee (August 29, 1990)

STATISTICS ON SEXUAL VIOLENCE AGAINST WOMEN

(Source: Koss, Woodruff, & Koss -- A Criminological Study)
(Released August 29, 1990)

Prevalence of Rape

1 in 5 adult women will be raped at some point in their lives.

1 in 3.5 adult women will be attacked by a rapist.

1 in 7 of the women now in college have been raped.

1 in 4 of the women now in college have been attacked by a rapist.

Prevalence of Acquaintance Rape

More than half of college rape victims are attacked by dates.

More than 4 out of 5 rape victims know their attackers.

Immediate Physical Consequences of Rape

1 in 15 rape victims contracts a sexually transmitted disease as a result of being raped.

1 in 15 rape victims becomes pregnant as a result of being raped.

Reporting of Rape

Rape remains the most under-reported of all major crimes: only 7% of all rapes are reported to police. (By comparison, the reporting rate for robbery is 53%; assault, 46%; and burglary, 52%.)

Less than 5% of college women report incidences of rape to the police.

More than half of raped college women tell no one of their victimization.

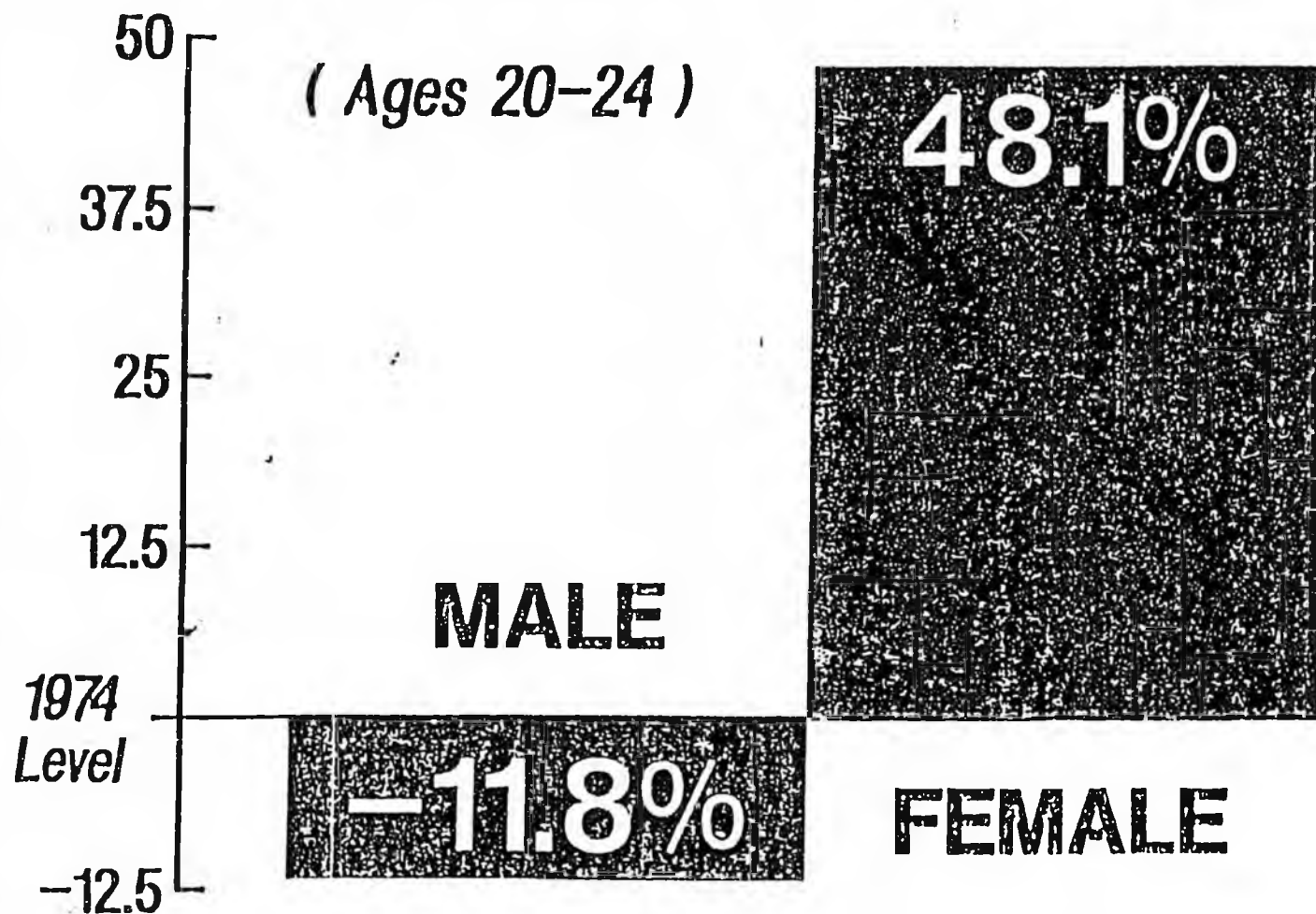
Incidence of Rape

The number of women raped in 1986 is 15 times higher than officially reported in the National Crime Survey.

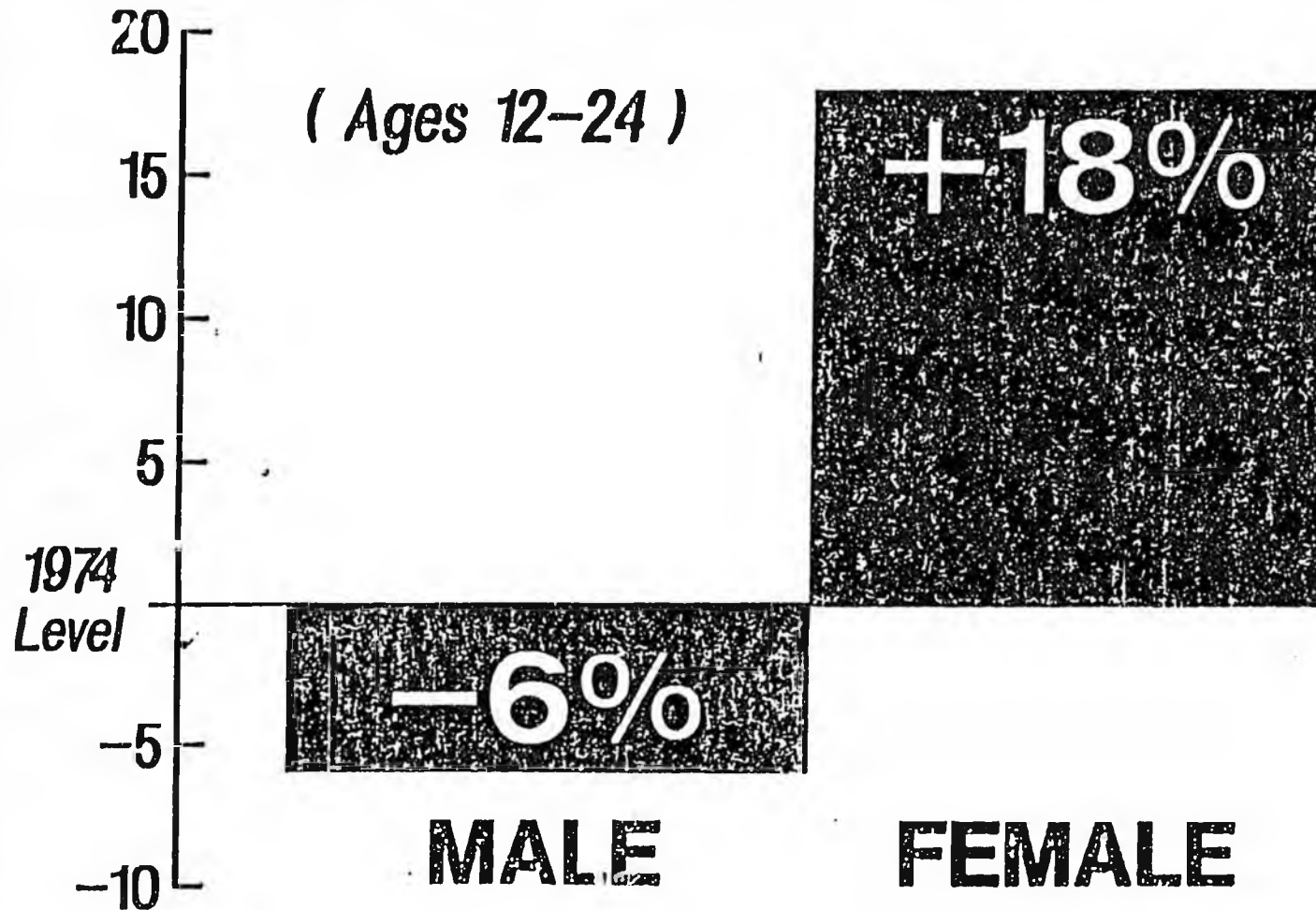
The number of college women raped in 1986 is 14 times higher than officially reported in the National Crime Survey.

The definition of "rape" employed in these statistics is the one formulated by the FBI for its Uniform Crime Report which is the narrowest official definition.

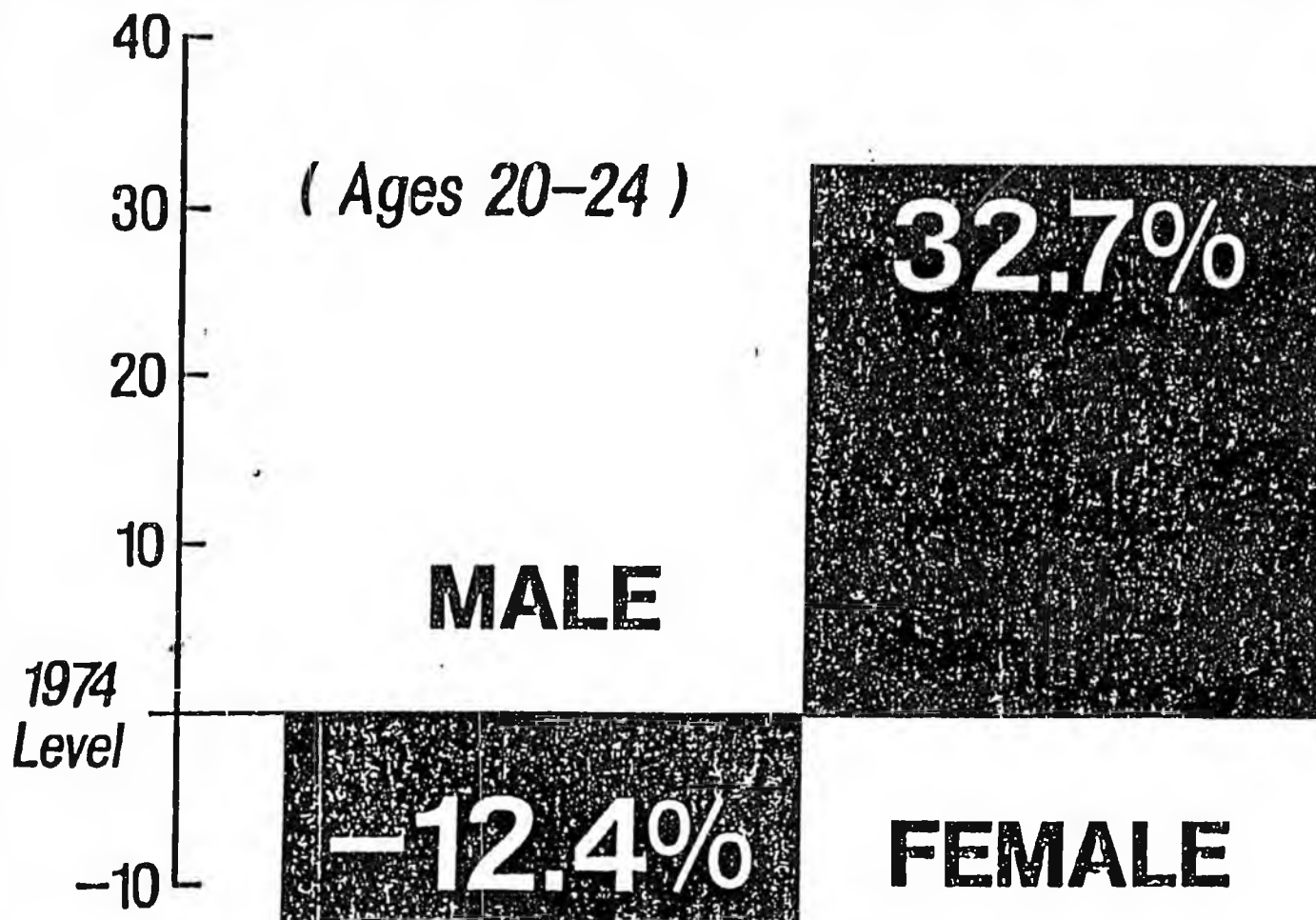
% Change in Number of Assaults Since 1974



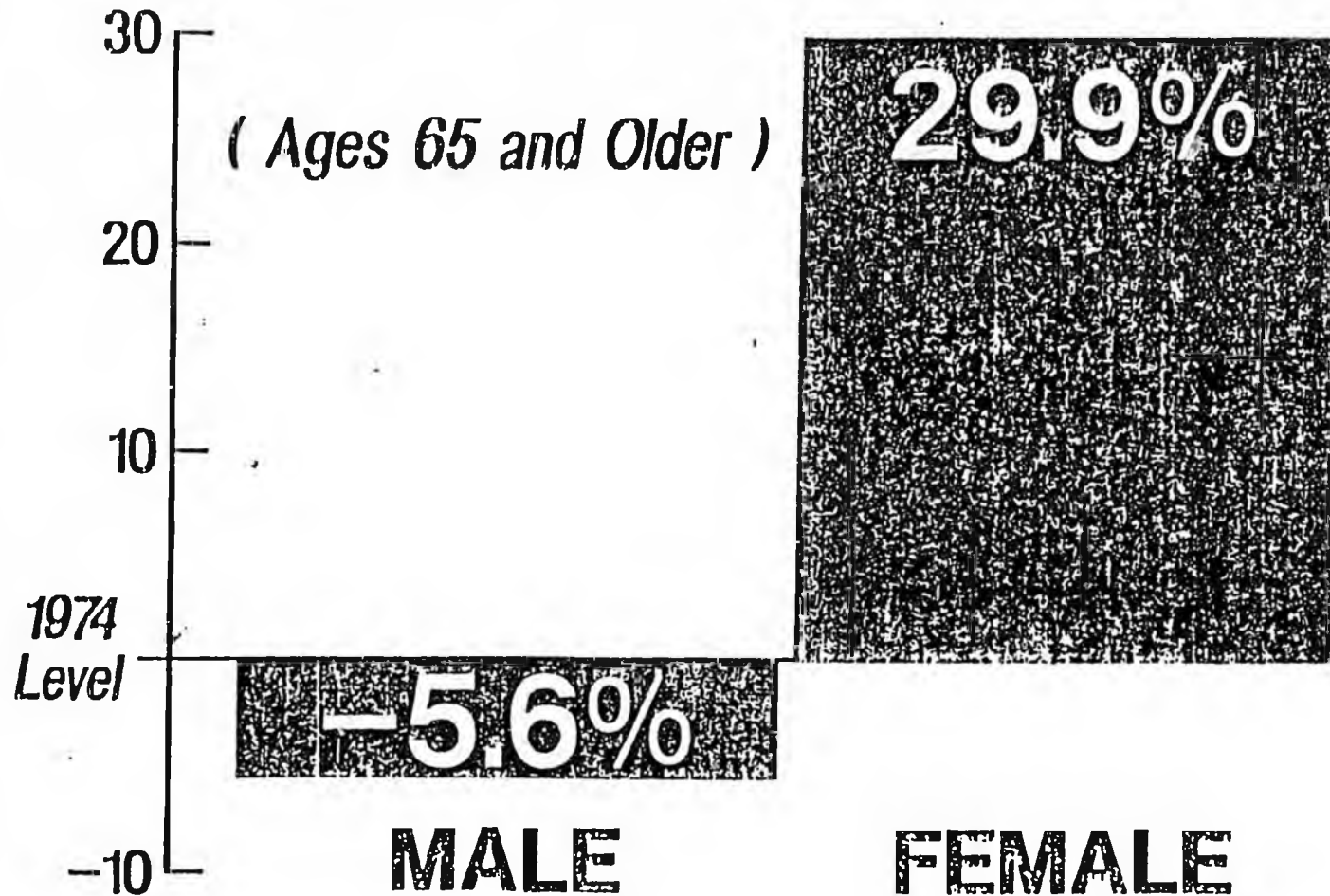
Change in Rate of Violent Crime Since 1974



Change in Rate of Violent Crime Since 1974



% Change in Number of Murders Since 1974



**What is a woman's chance of
being raped in her lifetime?**

Over All: 1 in 5

By an Acquaintance: 1 in 6

SOURCE: Koss, Woodruff, and Koss, 1990

**What is a woman's chance
of being raped in a year?**

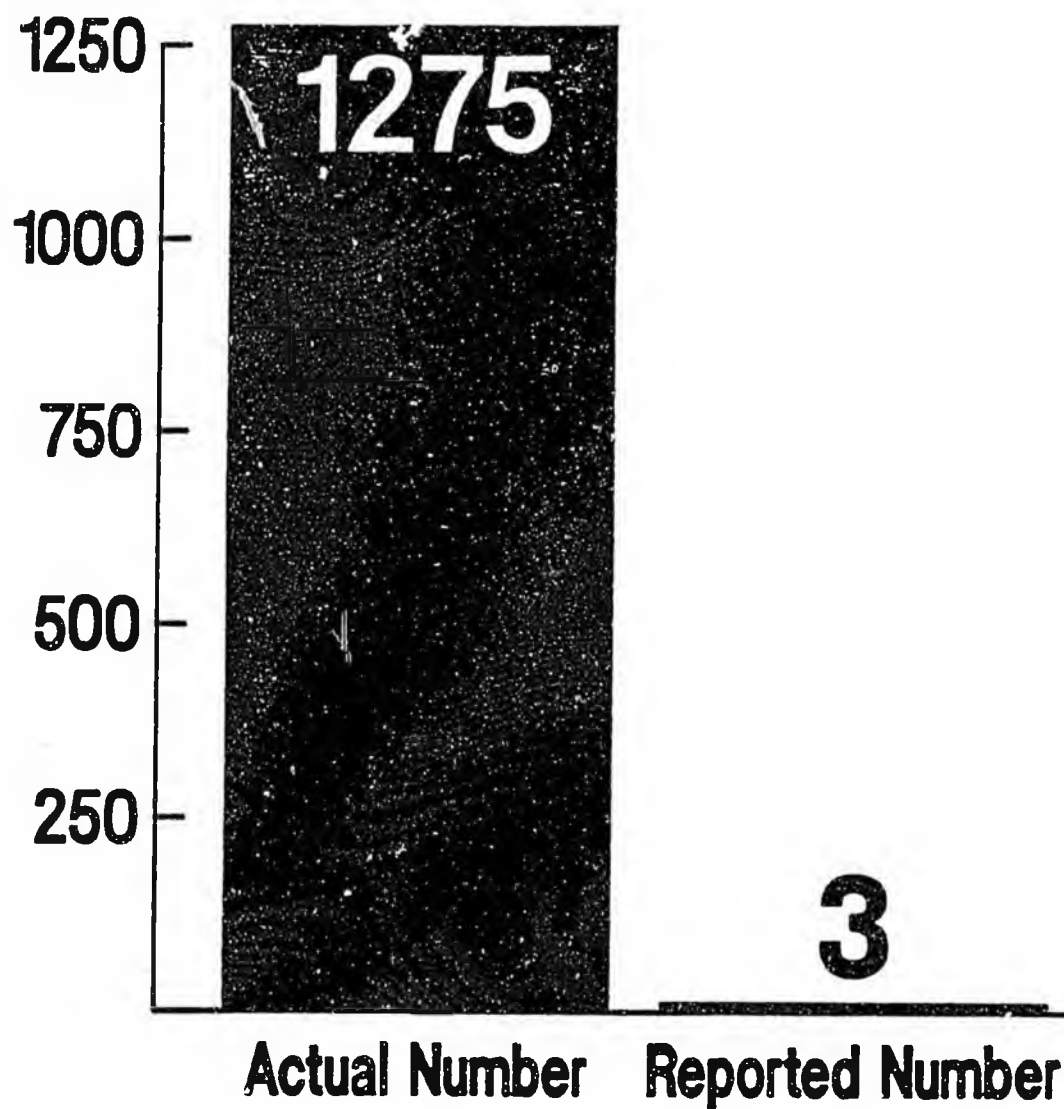
Uniform Crime Reports: 1 in 1100 *

National Crime Survey: 1 in 833 **

Koss, Woodruff, and Koss: 1 in 55

SOURCES: * Federal Bureau of Investigation. ** Bureau of Justice Statistics

Number of Rapes on America's Three Largest College Campuses in 1989*



**1 in 7 of the women now
in college have been raped*

Source: 1989 Uniform Crime Reports; Koss, Woodruff, and Koss, 1990

States that the purpose of the Act is to expand and strengthen the cooperative efforts to restore and protect the Chesapeake Bay and to achieve the goals embodied in the Chesapeake Bay Agreement.

Section 4. Management of Chesapeake Bay Program:

Provides authority for EPA to continue to lead and coordinate Federal agency participation in the Chesapeake Bay Program, in cooperation with the Chesapeake Executive Council, and to maintain a Chesapeake Bay Liaison Office.

Directs the Chesapeake Bay Liaison Office to provide support and coordinate Federal, state and local efforts in developing strategies and action plans and conducting system-wide monitoring and assessment to improve the water quality and living resources of the Bay.

Section 5. Chesapeake Bay Program Science, Research, Monitoring, and Data Collection:

Directs the Administrators of EPA and NOAA to jointly implement a comprehensive, coordinated program for science, research, monitoring and data collection of the Bay and its watershed. Establishes a local office for coordinating NOAA activities in the Bay. Directs that appropriate peer review be undertaken to ensure scientific and technical merit of projects funded by this section. Authorizes \$3 million annually for the activities in this section.

Section 6. Basinwide Toxics Reduction:

Authorizes \$2 million annually for EPA to implement the Comprehensive Basinwide Toxics Reduction Strategy called for under the Bay Agreement. In cooperation with the Executive Council.

Section 7. Population Growth and Development:

Provides for development of a coordinated Chesapeake Bay watershed land use database, incorporating resource inventories and analyses in a digital format, to provide information necessary to plan for and manage growth and development and associated impacts on the Bay system. Authorizes \$250,000 in fiscal 1991 and \$500,000 annually in fiscal years 1992-4.

Section 8. Developed Lands Initiative:

Establishes a demonstration program to address problems associated with urban and suburban runoff. Directs EPA to identify areas within subwatersheds for water quality monitoring, establish a monitoring network, identify all major sources of pollution, and develop management strategies to address the identified stormwater impacts. Authorizes \$500,000 for this section.

Section 9. Comprehensive Living Resources Program:

Authorizes \$1 million annually to implement the comprehensive, coordinated living resources plan called for under the Bay Agreement.

Section 10. Study of Chesapeake Bay Protection Program:

Directs EPA to undertake an assessment of the Chesapeake Bay Program and evaluate implementation of the Bay Agreement. Also directs EPA to assess priority needs for the Bay and make recommendations for improved management of the program. Authorizes \$250,000 for this study.

Section 11. Authorizations:

Continues the \$13 million annual authorization under Section 117 of the Federal Water Pollution Control Act.

Section 12. Definitions. ●

Mr. WARNER. Mr. President, I am pleased to join as an original cosponsor of the Chesapeake Bay Restoration Act of 1991. This important legislation, which, among other things would reauthorize the Chesapeake

Bay Program, is supported by a broad range of groups from States bordering the Chesapeake Bay.

Mr. President, as we introduce this legislation, my colleagues will recall the history of our efforts to save the bay. It is worth reviewing that history at this time. Early in the eighties, research revealed that an increasing oxygen shortage had caused a decline in bay resources, including oysters, clams, and submerged aquatic vegetation. This discovery led to the signing of the first Chesapeake Bay Agreement in 1983, which was designed to meet this threat to the environment.

In subsequent years Virginia, Maryland, Pennsylvania, the District of Columbia, and the Environmental Protection Agency (EPA) have forged an enviable partnership to restore and protect the Chesapeake Bay. The commitment exhibited by officials from these entities has helped to establish a firm foundation for achieving the goal of significantly improving the management of the bay's resources.

On December 15, 1987, the Chesapeake Bay Executive Council, comprised of representatives from Virginia, Maryland, Pennsylvania, the District of Columbia, and EPA, signed the 1987 Chesapeake Bay Agreement. This agreement, which set specific goals and timetables for the bay's restoration, was designed to reverse the decline that has imperiled the Chesapeake Bay's status as a major source of jobs, seafood, recreation, and regional culture.

The agreement set an important goal requiring a 40-percent reduction in nitrogen and phosphorous by the year 2000. According to reports, the nutrient reduction plan is being implemented and progress is being made in improving the bay's management.

Despite all of the progress that has been made to date, it is clear that more action is required. The Chesapeake Bay Restoration Act of 1991 represents a crucial step in that process.

In particular, the bill would provide much-needed authority for EPA to continue to lead and coordinate Federal agency participation in the Chesapeake Bay Program, in cooperation with the Chesapeake Executive Council. The bill also directs the Administrators of EPA and the National Oceanic and Atmospheric Administration (NOAA) together to implement a comprehensive, coordinated program for science research, monitoring and data collection of the bay and its watershed. In addition, the bill would authorize funds to implement the comprehensive basinwide toxics reduction strategy called for under the bay agreement, provide for development of a coordinated Chesapeake Bay watershed land use data base, and establish a demonstration program to address problems associated with urban and suburban runoff. Finally, EPA is directed to undertake an assessment of the Chesapeake Bay Program and evaluate

implementation of the bay agreement.

Mr. President, the legislation introduced today represents the consensus of many individuals who are knowledgeable about the methods of preserving the bay as a precious national resource: those in the bay community, Federal, State and local governments, and many others, including nongovernment organizations. As is the case with any consensus agreement, this bill serves to reflect the best judgment of all participants.

The Governor of the Commonwealth of Virginia has strongly endorsed the Chesapeake Bay Restoration Act. Virginia State officials were active participants in developing this proposal, and they tell me that they are pleased with the result.

Mr. President, I commend my Senate colleagues from Virginia, Maryland, and Pennsylvania for their work on this bill. In particular, I applaud the work of my colleague from Maryland, Senator SARBANES, for his leadership in working with officials from all of the bay States to bring this legislation to this point. I look forward to working with the members of these delegations to enact this legislation.

Thank you, Mr. President.

By Mr. BIDEN (for himself, Mr. COHEN, Mr. DECONCINI, Mr. DODD, Mr. INOUE, Mr. COATS, Mr. SIMON, Mr. LUBERMAN, Mr. EXON, Mr. SARBANES, Mr. REID, Mr. HARKIN, Mr. BRYAN, Mr. AKAKA, Mr. RIEGLE, Mr. PELL, Mr. ADAMS, Mr. PACKWOOD, Mr. SHELBY, Mr. KERRY, Ms. MIKULSKI, Mr. LEVIN, Mr. CRANSTON, Mr. MCCONNELL, Mr. BOREN, and Mr. ROCKEFELLER):

S. 15. A bill to combat violence and crimes against women on the streets and in homes; to the Committee on the Judiciary.

VIOLENCE AGAINST WOMEN ACT OF 1991

● Mr. BIDEN. Mr. President, I rise today to introduce Senate bill No. 15, the Violence Against Women Act of 1991, the first comprehensive legislation to address the growing problem of violent crime confronting American women. This bill was first introduced during the 101st Congress and was unanimously approved by the Senate Judiciary Committee. Today, 25 of my colleagues join me as original cosponsors of this important legislation.

Women are the victims of a growing crime epidemic in this country. The enormity of the problem is clear: During her lifetime, one in five women will be raped, and three out of four women will be the victim of some other violent crime. Last year, more women were battered by their spouses than were married.

The need for action is urgent:

From 1974 until 1987, the rate of assaults against young women skyrocketed by close to 50 percent.

In the first 6 months of 1990 alone, the rate of rapes reported to the FBI rose 10 percent—faster than any other increase in the decade.

That makes rape one of the fastest growing crimes in the country.

This is a national outrage. The Nation's criminal justice system is not only unwilling, but also unprepared, to deal with this spiraling gender gap in crime. If increasing violence against women amounts to a national outrage, then our efforts to date to solve that growing problem should count as a national shame.

Today, it is easier to convict a car thief than a rapist; authorities are more likely to arrest a man for parking tickets than for beating his wife; and lawyers still put victims of vicious assaults on the stand to ask what clothes they were wearing at the time of the attack.

There are still counties in this country where 200 rape complaints are ignored by prosecutors; courts where victims are blamed for their own attacks; and cities where authorities refuse to arrest attackers because the bleeding victim was beaten by her spouse.

The Violence Against Women Act is the first attempt by the Congress to address both the outrage and the shame—to make violence against women one of our top law enforcement priorities.

I first introduced this legislation shortly before the end of the last Congress. Frankly, I never anticipated, nor could I have imagined, the kind of overwhelming support and interest that it generated in the short 6 months since its original introduction in the 101st Congress.

Governors, attorneys general, mayors, and police chiefs have all offered their support;

A task force of over 150 groups has come together to offer suggestions and to focus attention on the issues;

People from every State across the country have called and written; letters of support have come from organizations, large and small, liberal and conservative; from women's groups and men's groups; from victims' advocates and professional associations; from battered women's shelters and rape crisis centers; and from far, far, too many survivors of crime.

Recently, one such survivor, who is now a prosecutor, told the Judiciary Committee that this legislation is a tremendous gift for the women of America. My response to her is this: It is not a gift—it is a necessity. And it is a necessity not only for the women of this country, but for our entire society.

Violence against women breeds violence and tragedy throughout this country:

A child is 1,500 times more likely to be abused if his mother is being abused;

Close to two-thirds of all juvenile boys who murder, murder their mother's attackers;

One out of every five rape victims attempts suicide;

And over half of all homeless women and children are on the street because they are fleeing violence in the home.

No American—male or female—can continue to tolerate the level of violence directed against the women of this country. Violence against women must be one of our Nation's highest priorities and it must be one of the Senate's highest priorities during the 102d Congress.

I have reason to hope that this will be one of the Senate's highest priorities. Indeed, I am pleased to note that today, the distinguished Republican leader, Senator DOLE, is also introducing new legislation that targets violence against women. While I may disagree with some of his proposed solutions—and believe that his proposal is lacking some important elements—I know that we share the same overall goal. Together, I know we can secure swift passage of a bill that will benefit the women of this country.

The bill I introduce today, with the support of 25 of my colleagues, attacks violence against women in all its forms.

It addresses all violent crime against women, not just rape and domestic violence. It attacks the problems at all levels—from our streets to our homes, from squad cars to courtrooms, from schoolrooms to hospitals.

And it attacks the problem by offering a comprehensive solution: It makes violent crime against women a major law enforcement priority and, at the same time, it takes aim at the kind of attitudes that nurture violence; it creates new offenses and raises penalties and, at the same time, it provides new legal protections and desperately needed help to crime survivors.

Let me explain a few of the bill's key provisions in detail. The bill is divided into four main parts, best summarized by their titles: Safe Streets for Women; Safe Homes for Women; Civil Rights for Women; and Safe Campuses for Women.

TITLE I: SAFE STREETS FOR WOMEN

First, title I of the bill doubles penalties for Federal cases of rape and aggravated rape; creates new penalties for repeat sex offenders; and mandates restitution for victims of sex crimes.

Second, title I would significantly boost the number of police officers on the streets and prosecutors in courts—police and prosecutors targeting violent crimes against women. Of the \$300 million authorized, \$100 million will go to the hardest hit areas—areas of high intensity violence against women.

In addition to these grants, title I provides funds for more lights in parks and subway stations, authorizes new protections and services for rape victims, and makes significant changes in

how Federal courts consider evidence so that irrelevant inquiries about clothing and past sexual history will be excluded.

TITLE II: SAFE HOMES FOR WOMEN

The second title of the bill addresses the crisis confronting the millions of women who are the victims of domestic violence.

Title II recognizes that we need national leadership on an issue that is indisputably of national proportion and seriousness: More than 1 million women a year need medical help because of injuries from battering.

Title II proposes that the Federal Government, for the first time, acknowledge its role in fighting crimes in the home. It creates the first Federal laws barring spouse abuse: For example, the bill declares that it is a Federal crime if an abuser follows his spouse across State lines and continues abuse or violates a stay-away order. And the bill protects women who flee their abusers by making protective court orders issued by one State valid in the 49 others. That way women won't lose protection if they happen to cross a State line.

Title II contains other provisions as well: It triples funding to shelter the abused; requires States to look at new legal protections; encourages States to increase arrest and prosecution rates; and, finally, incorporating provisions drafted by Senator COATS, it revamps existing laws and authorizes a national media campaign against spouse abuse.

TITLE III: CIVIL RIGHTS FOR WOMEN

The third title of the bill recognizes that violence against women is not only a question of criminal justice, but also of equal justice. It takes a dramatic step forward by defining gender-motivated crimes as bias or hate crimes and declaring, for the first time, that such crimes violate citizens' civil rights.

This society has long condemned, in the harshest of terms, hate beatings of blacks, Asians, or Hispanics. When the victim has been singled out because of his race or religion or the color of his skin, society condemns not only the crime but also the intentional deprivation of the survivor's civil rights.

This bill extends the same protection to the women of America. Crimes committed because of gender are not simply random acts of violence. Ninety-seven percent of all sex assaults in this country are committed against women. We all know this; indeed, we assume it; but we ignore the implications. Crimes committed because of gender should be condemned in the same terms as crimes committed because of race or religion—in terms as strong as this society can possibly muster—as violent deprivations of civil rights.

TITLE IV: SAFE CAMPUSES FOR WOMEN

The fourth title of this bill recognizes that young women are peculiarly at risk. Violence on our college cam-

poses poses a special and growing problem: More college-age women will be raped this school year than will be struck by any other major crime.

This title addresses that problem by creating the first Federal program for college rape education and prevention, encouraging campuses across the Nation to inform their students of their rights, provide peer-to-peer counseling, and generally increase campus awareness of the dangers of rape and, in particular, acquaintance rape.

Finally, a fifth title, authored by Senator SIMON, creates a new program for educating judges about domestic violence and sexual assault.

Last year, the Judiciary Committee unanimously approved all of the provisions I have just explained. However, because of the pressures of other legislation, the bill was not brought to the floor for a vote.

Since the end of last Congress, I have continued to work to improve the legislation and, in response to comments from other Senators and interested groups, I have added three new provisions:

A new program calling for the education of young persons about domestic violence;

New protections for victims fleeing from abuse that insure the confidentiality of their whereabouts; and

An expanded campus rape program that requires colleges to prohibit and report all forms of sexual assault on campus.

I will not take any further time to describe the contents of the bill. I ask unanimous consent that a summary and the complete text of the legislation appear in the RECORD following my remarks.

Let me close by urging my colleagues to join me in supporting this desperately needed legislation. Already, 25 Senators have indicated their support as original cosponsors. I hope that a significant number of others will be added so that we can ensure swift consideration of this legislation by the full Senate.

Let us not wait another year in silence, while rape rates skyrocket, while assault rates climb steadily for women but drop for men, and while more women are out on the streets because their only other choice is to suffer violence in their own homes.

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

S. 15

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Violence Against Women Act of 1991".

SEC. 2. TABLE OF CONTENTS.

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—SAFE STREETS FOR WOMEN

Sec. 101. Short title

Subtitle A—Federal Penalties for Sex Crimes

Sec. 111. Repeat offenders..

Sec. 112. Federal penalties.

Sec. 113. Mandatory restitution for sex crimes.

Subtitle B—Law Enforcement and Prosecution Grants to Reduce Violent Crimes Against Women

Sec. 121. Grants to combat violent crimes against women.

Subtitle C—Safety for Women in Public Transit and Public Parks

Sec. 131. Grants for capital improvements to prevent crime in public transportation.

Sec. 132. Grants for capital improvements to prevent crime in national parks.

Sec. 133. Grants for capital improvements to prevent crime in public parks.

Subtitle D—National Commission on Violent Crime Against Women

Sec. 141. Establishment.

Sec. 142. Duties of commission.

Sec. 143. Memberships.

Sec. 144. Reports.

Sec. 145. Executive Director and staff.

Sec. 146. Powers of commission.

Sec. 147. Authorization of appropriations.

Sec. 148. Termination.

Subtitle E—New Evidentiary Rules

Sec. 151. Sexual history in all criminal cases.

Sec. 152. Sexual history in civil cases.

Sec. 153. Amendments to rape shield law.

Sec. 154. Evidence of clothing.

Subtitle F—Assistance to Victims of Sexual Assault

Sec. 161. Education and prevention grants to reduce sexual assaults against women..

Sec. 162. Rape exam payments.

TITLE II—SAFE HOMES FOR WOMEN

Sec. 201. Short title.

Subtitle A—Interstate Enforcement

Sec. 211. Interstate enforcement.

Subtitle B—Arrest in Spousal Abuse Cases

Sec. 221. Encouraging arrest policies.

Subtitle C—Funding for Shelters

Sec. 231. Authorization.

Subtitle D—Family Violence Prevention and Services Act Amendments

Sec. 241. Expansion of purpose.

Sec. 242. Expansion of State demonstration grant program.

Sec. 243. Grant for public information campaigns.

Sec. 244. State commission on domestic violence.

Sec. 245. Indian tribes.

Sec. 246. Funding limitations.

Sec. 247. Grants to entities other than States; local share.

Sec. 248. Shelter and related assistance.

Sec. 249. Law enforcement training and technical assistance grants.

Sec. 250. Report on recordkeeping.

Sec. 251. Model State leadership incentive grants for domestic violence intervention.

Sec. 252. Funding for technical assistance centers.

Subtitle E—Youth Education and Domestic Violence

Sec. 261. Educating youth about domestic violence.

Subtitle F—Confidentiality for Abused Persons

Sec. 271. Confidentiality for abused persons.

TITLE III—CIVIL RIGHTS

Sec. 301. Civil rights.

TITLE IV—SAFE CAMPUSES FOR WOMEN

Sec. 401. Short title.

Sec. 402. Findings.

Sec. 403. Grants for campus rape education.

Sec. 404. Disclosure of disciplinary proceedings in sex assault cases on campus.

TITLE V—EQUAL JUSTICE FOR WOMEN IN THE COURTS ACT OF 1990

Sec. 501. Short title.

Subtitle A—Education and Training for Judges and Court Personnel in State Courts

Sec. 511. Grants authorized.

Sec. 512. Training provided by grants.

Sec. 513. Cooperation in developing programs in making grants under this title.

Sec. 514. Authorization of appropriations.

Subtitle B—Education and Training for Judges and Court Personnel in Federal Courts

Sec. 521. Education and training grants.

Sec. 522. Cooperation in developing programs.

Sec. 523. Authorization of appropriations.

TITLE I—SAFE STREETS FOR WOMEN

SEC. 101. SHORT TITLE.

This title may be cited as the "Safe Streets for Women Act of 1991".

Subtitle A—Federal Penalties for Sex Crimes

SEC. 111. REPEAT OFFENDERS.

(a) IN GENERAL.—Chapter 109A of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 2247. Repeat offenders

"Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall promulgate guidelines or amend existing guidelines to provide that any person who commits a violation of this chapter, after one or more prior convictions for an offense punishable under this chapter, or after one or more prior convictions under the laws of any State or foreign country relating to aggravated sexual abuse, sexual abuse, or abusive sexual contact, is punishable by a term of imprisonment up to twice that otherwise provided in the guidelines, or up to twice the fine authorized in the guidelines, or both."

(b) TABLE OF SECTIONS.—The table of sections for chapter 109A of title 18, United States Code, is amended by adding at the end thereof the following:

"2247. Repeat offenders."

SEC. 112. FEDERAL PENALTIES.

(a) RAPE AND AGGRAVATED RAPE.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend its sentencing guidelines to provide that a defendant convicted of aggravated rape under section 2241 of title 18, United States Code, or rape under section 2242 of title 18, United States Code, shall be assigned a base offense level under chapter 2 of the sentencing guidelines that is at least 4 levels greater than the base offense level applicable to such offenses under the guidelines in effect on November 1, 1990, or otherwise shall amend the guidelines applicable to such offenses so as to achieve a comparable minimum guideline sentence. In amending such guidelines, the Sentencing Commission shall review the appropriateness of existing specific offense characteristics or other adjustments applicable to such offenses, and make such changes as it deems appropriate, taking into account the severity of rape of-

fenses, with or without aggravating factors; the unique nature and duration of the mental injuries inflicted on the victims of such offenses; and any other relevant factors.

(b) **EFFECT OF AMENDMENT.**—If the sentencing guidelines are amended after the effective date of this section, the Sentencing Commission shall implement the instructions set forth in subsection (a) so as to achieve a comparable result.

(b) **STATUTORY RAPE.**—

(1) Section 2243(a) of title 18, United States Code, is amended by striking "5 years" and inserting "10 years".

(2) Section 2243(b) of title 18, United States Code, is amended by striking "one year," and inserting "two years."

(3) Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall promulgate guidelines or amend existing guidelines to incorporate the increase in maximum penalties provided by this section for sections 2243(a) and 2243(b) of title 18, United States Code.

SEC. 113. MANDATORY RESTITUTION FOR SEX CRIMES.

(a) **IN GENERAL.**—Chapter 109A of title 18, United States Code, is amended by adding at the end thereof the following:

"§ 2248. Mandatory restitution

"(a) **IN GENERAL.**—Notwithstanding the terms of section 3663 of this title, and in addition to any other civil or criminal penalty authorized by law, the court shall order restitution for any offense under this chapter.

"(b) **SCOPE AND NATURE OF ORDER.**—(1) The order of restitution under this section shall direct that—

"(A) the defendant pay to the victim the full amount of the victim's losses as determined by the court, pursuant to paragraph (3); and

"(B) the United States Attorney enforces the restitution order by all available and reasonable means.

"(2) For purposes of this subsection, the term 'full amount of the victim's losses' includes any costs incurred by the victim for—

"(A) medical services relating to physical, psychiatric, or psychological care;

"(B) physical and occupational therapy or rehabilitation;

"(C) lost income;

"(D) attorneys' fees; and

"(E) any other losses suffered by the victim as a proximate result of the offense.

"(3) Restitution orders under this section are mandatory. A court may not decline to issue an order under this section because of—

"(A) the economic circumstances of the defendant; or

"(B) the fact that a victim has, or is entitled to, receive compensation for his or her injuries from the proceeds of insurance or any other source.

"(4)(A) Notwithstanding the terms of paragraph (3), the court may take into account the economic circumstances of the defendant in determining the manner in which and the schedule according to which the restitution is to be paid.

"(B) For purposes of this paragraph, the term 'economic circumstances' includes—

"(i) the financial resources and other assets of the defendant;

"(ii) projected earnings, earning capacity, and other income of the defendant; and

"(iii) any financial obligations of the defendant, including obligations to dependents.

"(C) An order under this section may direct the defendant to make a single lump-sum payment or partial payments at specified intervals. The order shall also provide

that the defendant's restitutionary obligation takes priority over any criminal fine ordered.

"(D) In the event that the victim has recovered for any amount of loss through the proceeds of insurance or any other source, the order of restitution shall provide that restitution be paid to the person who provided the compensation, but that restitution shall be paid to the victim before any restitution is paid to any other provider of compensation.

"(5) Any amount paid to a victim under this section shall be set off against any amount later recovered as compensatory damages by the victim from the defendant in—

"(A) any Federal civil proceeding; and

"(B) any State civil proceeding, to the extent provided by the law of the State.

"(c) **PROOF OF CLAIM.**—(1) Within 60 days after conviction and, in any event, no later than 10 days prior to sentencing, the United States Attorney (or his delegate), after consulting with the victim, shall prepare and file an affidavit with the court listing the amounts subject to restitution under this section. The affidavit shall be signed by the United States Attorney (or his delegate) and the victim. Should the victim object to any of the information included in the affidavit, the United States Attorney (or his delegate) shall advise the victim that the victim may file a separate affidavit.

"(2) If no objection is raised by the defendant, the amounts attested to in the affidavit filed pursuant to subsection (1) shall be entered in the court's restitution order. If objection is raised, the court may require the victim or the United States Attorney (or his delegate) to submit further affidavits or other supporting documents, demonstrating the victim's losses.

"(3) If the court concludes, after reviewing the supporting documentation and considering the defendant's objections, that there is a substantial reason for doubting the authenticity or veracity of the records submitted, the court may require additional documentation or hear testimony on those questions. Any records filed, or testimony heard, pursuant to this section, shall be in camera in the judge's chambers. Notwithstanding any other provision of law, this section does not entitle the defendant to discovery of the contents of, or matters related to, any supporting documentation, including medical, psychological, or psychiatric records.

"(4) In the event that the victim's losses are not ascertainable 10 days prior to sentencing as provided in subsection (c)(1), the United States Attorney (or his delegate) shall so inform the court, and the court shall set a date for the final determination of the victim's losses, not to exceed 90 days after sentencing. If the victim subsequently discovers further losses, the victim shall have 60 days after discovery of those losses in which to petition the court for an amended restitution order. Such order may be granted only upon a showing of good cause for the failure to include such losses in the initial claim for restitutionary relief.

"(d) **DEFINITIONS.**—For purposes of this section, the term 'victim' includes any person who has suffered direct physical, emotional, or pecuniary harm as a result of a commission of a crime under this chapter, including, in the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or representative of the victim's estate, another family member, or any other person appointed as suitable by the court: Provided, That in no event shall the defendant be named as such representative or guardian."

(b) **TABLE OF SECTIONS.**—The table of sections for chapter 109A of title 18, United States Code, is amended by adding at the end thereof the following:

"2248. Mandatory restitution."

Subtitle B—Law Enforcement and Prosecution Grants to Reduce Violent Crimes Against Women

SEC. 121. GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN.

(a) **IN GENERAL.**—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by—

(1) redesignating part N as part O;

(2) redesignating section 1401 as section 1501; and

(3) adding after part M the following:

"PART N—GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN

"SEC. 1401. PURPOSE OF THE PROGRAM AND GRANTS.

"(a) **GENERAL PROGRAM PURPOSES.**—The purpose of this part is to assist States, Indian tribes, cities, and other localities to develop effective law enforcement and prosecution strategies to combat violent crimes against women and, in particular, to focus efforts on those areas with the highest rates of violent crime against women.

"(b) **PURPOSES FOR WHICH GRANTS MAY BE USED.**—Grants under this part shall provide additional personnel, training, technical assistance, data collection and other equipment for the more widespread apprehension, prosecution, and adjudication of persons committing violent crimes against women and specifically, for the purposes of—

"(1) training law enforcement officers and prosecutors to more effectively identify and respond to violent crimes against women, including the crimes of sexual assault and domestic violence;

"(2) developing, training, or expanding units of law enforcement officers and prosecutors specifically targeting violent crimes against women, including the crimes of sexual assault and domestic violence;

"(3) developing and implementing police and prosecution policies, protocols, or orders specifically devoted to identifying and responding to violent crimes against women, including the crimes of sexual assault and domestic violence;

"(4) developing, installing, or expanding data collection systems, including computerized systems, linking police, prosecutors, and courts or for the purpose of identifying and tracking arrests, prosecutions, and convictions for the crimes of sexual assault and domestic violence; and

"(5) developing, enlarging, or strengthening victim services programs, including sexual assault and domestic violence programs, to increase reporting and reduce attrition rates for cases involving violent crimes against women, including the crimes of sexual assault and domestic violence.

"(c) **GRANTS FOR MULTIPLE USES.**—Grants under this part must be used for at least 3 of the 5 purposes listed in subsection (b).

"Subpart 1—High Intensity Crime Area Grants

"SEC. 1411. HIGH INTENSITY GRANTS.

"(a) **IN GENERAL.**—The Director of the Bureau of Justice Assistance (hereafter in this part referred to as the 'Director') shall make grants to areas of high intensity crime against women.

"(b) **DEFINITIONS.**—For purposes of this part, a 'high intensity crime area' means an area with one of the 40 highest rates of violent crime against women, as determined by the Bureau of Justice Statistics pursuant to section 1412.

"SEC. 1412. HIGH INTENSITY GRANT APPLICATION.

"(a) **COMPUTATION.**—Within 45 days after the date of enactment of this part, the Bureau of Justice Statistics shall compile a list of the 40 areas with the highest rates of violent crime against women based on the combined female victimization rate per population for assault, sexual assault (including, but not limited to, rape), murder, robbery, and kidnapping.

"(b) **USE OF DATA.**—In calculating the combined female victimization rate required by subsection (a), the Bureau of Justice Statistics may rely on—

"(1) existing data collected by States, municipalities, Indian reservations or statistical metropolitan areas showing the number of police reports of the crimes listed in subsection (a); and

"(2) existing data collected by the Federal Bureau of Investigation, including data from those governmental entities already complying with the National Incident Based Reporting System, showing the number of police reports of crimes listed in subsection (a).

"(c) **PUBLICATION.**—After compiling the list set forth in subsection (a), the Bureau of Justice Statistics shall convey it to the Director who shall publish it in the Federal Register.

"(d) **QUALIFICATION.**—Upon satisfying the terms of subsection (e), any high intensity crime area shall be qualified for a grant under this subpart upon application by the chief executive officer of the governmental entities responsible for law enforcement and prosecution of criminal offenses within the area and certification that—

"(1) the funds shall be used to reduce the rate of violent crimes against women and for at least 3 of the purposes outlined in section 1401(b);

"(2) grantees and subgrantees shall develop a plan for implementation, and otherwise consult and coordinate program grants, with nongovernmental nonprofit victim services programs; and

"(3) at least 25 percent of the amount granted shall be allocated to each of the following three areas: prosecution, law enforcement, and victim services.

"(e) **APPLICATION REQUIREMENTS.**—The application requirements provided in section 513 of this title shall apply to grants made under this subpart. In addition, each application must provide the certifications required by subsection (d) including documentation from nonprofit non-governmental victim services programs showing their participation in developing the plan required by subsection (d)(2). Applications shall—

"(1) include documentation from the prosecution, law enforcement, and victim services programs to be assisted showing—

"(A) need for the grant funds;

"(B) intended use of the grant funds; and

"(C) expected results from the use of grant funds; and

"(2) proof of compliance with the requirements for the payment of forensic medical exams provided in section 162 of this title.

"(f) **DISBURSEMENT.**—

"(1) No later than 60 days after the receipt of an application under this subpart, the Director shall either disburse the appropriate sums provided for under this subpart or shall inform the applicant why the application does not conform to the terms of section 513 of this title or to the requirements of this section.

"(2) In disbursing monies under this subpart, the Director shall ensure, to the extent practicable, that grantees—

"(A) equitably distribute funds on a geographic basis;

"(B) determine the amount of subgrants based on the population to be served; and

"(C) give priority to areas with the greatest showing of need.

"(g) **GRANTEE REPORTING.**—Upon completion of the grant period under this subpart, the grantee shall file a performance report with the Director explaining the activities carried out together with an assessment of the effectiveness of those activities in achieving the purposes of this part. The Director shall suspend funding for an approved application if an applicant fails to submit an annual performance report.

"Subpart 2—Other Grants to States to Combat Violent Crimes Against Women

"SEC. 1421. GENERAL GRANTS TO STATES.

"(a) **GENERAL GRANTS.**—The Director is authorized to make grants to States, for use by States, units of local government in the States, and nonprofit nongovernmental victim services programs in the States, for the purposes outlined in section 1401(b), and to reduce the rate of violent crimes against women.

"(b) **AMOUNTS.**—From amounts appropriated, the amount of grants under subsection (a) shall be—

"(1) \$500,000 to each State; and

"(2) that portion of the then remaining available money to each State that results from a distribution among the States on the basis of each State's population in relation to the population of all States.

"(c) **QUALIFICATION.**—Upon satisfying the terms of subsection (d), any State shall be qualified for funds provided under this part upon certification that—

"(1) the funds shall be used to reduce the rate of violent crimes against women and for at least 3 of the purposes outlined in section 1401(b);

"(2) grantees and subgrantees shall develop a plan for implementation, and otherwise consult and coordinate, with nonprofit nongovernmental victim services programs, including sexual assault and domestic violence victim services programs;

"(3) at least 25 percent of the amount granted shall be allocated to each of the following three areas: prosecution, law enforcement, and victim services.

"(d) **APPLICATION REQUIREMENTS.**—The application requirements provided in section 513 of this title shall apply to grants made under this subpart. In addition, each application shall include the certifications of qualification required by subsection (c) including documentation from nonprofit nongovernmental victim services programs showing their participation in developing the plan required by subsection (c)(2). Applications shall—

"(1) include documentation from the prosecution, law enforcement, and victim services programs to be assisted showing—

"(A) need for the grant funds;

"(B) intended use of the grant funds; and

"(C) expected results from the use of grant funds; and

"(2) proof of compliance with the requirements for the payment of forensic medical exams provided in section 162 of this title.

"(e) **DISBURSEMENT.**—(1) No later than 60 days after the receipt of an application under this subpart, the Director shall either disburse the appropriate sums provided for under this subpart or shall inform the applicant why the application does not conform to the terms of section 513 of this title or to the requirements of this section.

"(2) In disbursing monies under this subpart, the Director shall issue regulations to ensure that States will—

"(A) equitably distribute monies on a geographic basis including nonurban and rural areas, and giving priority to localities with populations under 200,000;

"(B) determine the amount of subgrants based on the population to be served; and

"(C) give priority to areas with the greatest showing of need.

"(f) **GRANTEE REPORTING.**—Upon completion of the grant period under this subpart, the State grantee shall file a performance report with the Director explaining the activities carried out together with an assessment of the effectiveness of those activities in achieving the purposes of this subpart. The Director shall suspend funding for an approved application if an applicant fails to submit an annual performance report.

"SEC. 1422. GENERAL GRANTS TO TRIBES.

"(a) **GENERAL GRANTS.**—The Director is authorized to make grants to Indian tribes, for use by tribes, tribal organizations or nonprofit nongovernmental victim services programs on Indian reservations, for the purposes outlined in section 1401(b), and to reduce the rate of violent crimes against women in Indian country.

"(b) **AMOUNTS.**—From amounts appropriated, the amount of grants under subsection (a) shall be awarded on a competitive basis to tribes, with minimum grants of \$35,000 and maximum grants of \$300,000.

"(c) **QUALIFICATION.**—Upon satisfying the terms of subsection (d), any tribe shall be qualified for funds provided under this part upon certification that—

"(1) the funds shall be used to reduce the rate of violent crimes against women and for at least 3 of the purposes outlined in section 1401(b); and

"(2) at least 25 percent of the grant funds shall be allocated to each of the following three areas: prosecution, law enforcement, and victim services.

"(d) **APPLICATION REQUIREMENTS.**—(1) Applications shall be made directly to the Director and shall contain a description of the tribes' law enforcement responsibilities for the Indian country described in the application and a description of the tribes system of courts, including whether the tribal government operates courts of Indian offenses as defined in 25 U.S.C. 1301 or CFR courts under 25 CFR 11 et seq.

"(2) Applications shall be in such form as the Director may prescribe and shall specify the nature of the program proposed by the applicant tribe, the data and information on which the program is based, and the extent to which the program plans to use or incorporate existing services available in the Indian country where the grant will be used.

"(3) The term of any grant shall be for a minimum of 3 years.

"(e) **GRANTEE REPORTING.**—At the end of the first 12 months of the grant period and at the end of each year thereafter, the Indian tribal grantee shall file a performance report with the Director explaining the activities carried out together with an assessment of the effectiveness of those activities in achieving the purposes of this subpart. The Director shall suspend funding for an approved application if an applicant fails to submit an annual performance report.

"(f) **DEFINITIONS.**—(1) The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601, et seq.)), which is recognized as eligible for the special services provided by the United States to Indians because of their status as Indians.

"(2) The term 'Indian country' has the meaning given to such term by section 1151 of title 18, United States Code.

"Subpart 3—General Terms and Conditions.**"SEC. 1431. GENERAL DEFINITIONS.**

"As used in this part—

"(1) the term 'victim services program' means any public or private nonprofit program that assists victims, including (A) nongovernmental nonprofit organizations such as rape crisis centers or battered women's shelters, including nonprofit nongovernmental organizations assisting victims through the legal process and (B) victim/witness programs within governmental entities;

"(2) the term 'sexual assault' includes not only assaults committed by offenders who are strangers to the victim but also assaults committed by offenders who are known or related by blood or marriage to the victim; and

"(3) the term 'domestic violence' includes felony and misdemeanor offenses committed by a current or former spouse of the victim, a person with whom the victim shares a child in common, a person who is cohabitating with or has cohabitated with the victim as a spouse, or any other person similarly situated to a spouse who is protected under the domestic or family violence laws of the jurisdiction receiving grant monies.

"SEC. 1432. GENERAL TERMS AND CONDITIONS.

"(a) **NONMONETARY ASSISTANCE.**—In addition to the assistance provided under subparts 1 or 2, the Director may direct any Federal agency, with or without reimbursement, to use its authorities and the resources granted to it under Federal law (including personnel, equipment, supplies, facilities, and managerial, technical, and advisory services) in support of State and local assistance efforts.

"(b) **BUREAU REPORTING.**—No later than 180 days after the end of each fiscal year for which grants are made under this part, the Director shall submit to the Judiciary Committees of the House and the Senate a report that includes, for each high intensity crime area (as provided in subpart 1) and for each State and for each grantee Indian tribe (as provided in subpart 2)—

"(1) the amount of grants made under this part;

"(2) a summary of the purposes for which those grants were provided and an evaluation of their progress; and

"(3) a copy of each grantee report filed pursuant to sections 1412(g) and 1421(f).

"(c) **REGULATIONS.**—No later than 45 days after the date of enactment of this part, the Director shall publish proposed regulations implementing this part. No later than 120 days after such date, the Director shall publish final regulations implementing this part.

"(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated for each fiscal year 1992, 1993, and 1994, \$100,000,000 to carry out the purposes of subpart 1, and \$100,000,000 to carry out the purposes of subpart 2, and \$10,000,000 to carry out the purposes of section 1422 subpart 2."

Subtitle C—Safety for Women in Public Transit and Public Parks

SEC. 131. GRANTS FOR CAPITAL IMPROVEMENTS TO PREVENT CRIME IN PUBLIC TRANSPORTATION.

Section 24 of the Urban Mass Transportation Act of 1964 is amended to read as follows:

"GRANTS TO PREVENT CRIME IN PUBLIC TRANSPORTATION

"Sec. 24. (a) **GENERAL PURPOSE.**—From funds authorized under section 21, and not to exceed \$10,000,000, the Secretary shall make capital grants for the prevention of

crime and to increase security in existing and future public transportation systems. None of the provisions of this Act may be construed to prohibit the financing of projects under this section where law enforcement responsibilities are vested in a local public body other than the grant applicant.

"(b) GRANTS FOR LIGHTING, CAMERA SURVEILLANCE, AND SECURITY PHONES.—

"(1) From the sums authorized for expenditure under this section for crime prevention, the Secretary is authorized to make grants and loans to States and local public bodies or agencies for the purpose of increasing the safety of public transportation by—

"(A) increasing lighting within or adjacent to public transportation systems, including bus stops, subway stations, parking lots, or garages;

"(B) increasing camera surveillance of areas within and adjacent to public transportation systems, including bus stops, subway stations, parking lots, or garages;

"(C) providing emergency phone lines to contact law enforcement or security personnel in areas within or adjacent to public transportation systems, including bus stops, subway stations, parking lots, or garages; or

"(D) any other project intended to increase the security and safety of existing or planned public transportation systems.

"(2) From the sums authorized under this section, at least 75 percent shall be expended on projects of the type described in subsection (b)(1) (A) and (B).

"(c) **REPORTING.**—All grants under this section are contingent upon the filing of a report with the Secretary and the Department of Justice, Office of Victims of Crime, showing crime rates in or adjacent to public transportation before, and for a 1-year period after, the capital improvement. Statistics shall be broken down by type of crime, sex, race, and relationship of victim to the offender.

"(d) **INCREASED FEDERAL SHARE.**—Notwithstanding any other provision of this Act, the Federal share under this section for each capital improvement project which enhances the safety and security of public transportation systems and which is not required by law (including any other provision of this chapter) shall be 90 percent of the net project cost of such project.

"(e) **SPECIAL GRANTS FOR PROJECTS TO STUDY INCREASING SECURITY FOR WOMEN.**—From the sums authorized under this section, the Secretary shall provide grants and loans for the purpose of studying ways to reduce violent crimes against women in public transit through better design or operation of public transit systems.

"(f) **GENERAL REQUIREMENTS.**—All grants or loans provided under this section shall be subject to all the terms, conditions, requirements, and provisions applicable to grants and loans made under section 2(a)."

SEC. 132. GRANTS FOR CAPITAL IMPROVEMENTS TO PREVENT CRIME IN NATIONAL PARKS.

The Act of August 18, 1970, the National Park System Improvements in Administration Act (90 Stat. 1931; 16 U.S.C. 1a-1 et seq.) is amended by adding at the end thereof the following:

"SEC. 13. NATIONAL PARK SYSTEM CRIME PREVENTION ASSISTANCE.

"(a) From the sums authorized pursuant to section 7 of the Land and Water Conservation Act of 1965, and not to exceed \$10,000,000, the Secretary of the Interior is authorized to provide Federal assistance to reduce the incidence of violent crime in the National Park System.

"(b) The Secretary shall direct the chief official responsible for law enforcement within the National Park Service to—

"(1) compile a list of areas within the National Park System with the highest rates of violent crime;

"(2) make recommendations concerning capital improvements, and other measures, needed within the National Park System to reduce the rates of violent crime, including the rate of sexual assault; and

"(3) publish the information required by paragraphs (1) and (2) in the Federal Register.

"(c) No later than 120 days after the date of enactment of this section, and based on the recommendations and list issued pursuant to subsection (b), the Secretary shall distribute funds throughout the National Park Service. Priority shall be given to those areas with the highest rates of sexual assault.

"(d) Funds provided under this section may be used for the following purposes—

"(1) to increase lighting within or adjacent to public parks and recreation areas;

"(2) to provide emergency phone lines to contact law enforcement or security personnel in areas within or adjacent to public parks and recreation areas;

"(3) to increase security or law enforcement personnel within or adjacent to public parks and recreation areas; and

"(4) any other project intended to increase the security and safety of public parks and recreation areas."

SEC. 133. GRANTS FOR CAPITAL IMPROVEMENTS TO PREVENT CRIME IN PUBLIC PARKS.

Section 8 of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897; 16 U.S.C. 4601-8) is amended by adding at the end thereof the following new subsection:

"(h) **CAPITAL IMPROVEMENT AND OTHER PROJECTS TO REDUCE CRIME.**—In addition to assistance for planning projects, and in addition to the projects identified in subsection (e), and from amounts appropriated, the Secretary shall provide financial assistance to the States, not to exceed \$15,000,000 in total, for the following types of projects or combinations thereof:

"(1) For the purpose of making capital improvements and other measures to increase safety in urban parks and recreation areas, including funds to—

"(A) increase lighting within or adjacent to public parks and recreation areas;

"(B) provide emergency phone lines to contact law enforcement or security personnel in areas within or adjacent to public parks and recreation areas;

"(C) increase security personnel within or adjacent to public parks and recreation areas; and

"(D) any other project intended to increase the security and safety of public parks and recreation areas.

"(2) In addition to the requirements for project approval imposed by this section, eligibility for assistance under this subsection is dependent upon a showing of need. In providing funds under this subsection, the Secretary shall give priority to those projects proposed for urban parks and recreation areas with the highest rates of crime and, in particular, to urban parks and recreation areas with the highest rates of sexual assault.

"(3) Notwithstanding the terms of subsection (c), the Secretary is authorized to provide 70 percent improvement grants for projects undertaken by any State for the purposes outlined in this subsection. The remaining share of the cost shall be borne by the State."

Subtitle D—National Commission on
Violent Crime Against Women

SEC. 141. ESTABLISHMENT.

There is established a commission to be known as the National Commission on Violent Crime Against Women (hereinafter referred to as "the Commission").

SEC. 142. DUTIES OF COMMISSION.

(A) GENERAL PURPOSE OF THE COMMISSION.—The Commission shall carry out activities for the purposes of promoting a national policy on violent crime against women, and for making recommendations for how to reduce violent crime against women.

(b) FUNCTIONS.—The Commission shall perform the following functions—

(1) evaluate the adequacy of, and make recommendations regarding, current law enforcement efforts at the Federal and State levels to reduce the rate of violent crimes against women;

(2) evaluate the adequacy of, and make recommendations regarding, the responsiveness of State prosecutors and State courts to violent crimes against women;

(3) evaluate the adequacy of, and make recommendations regarding, the adequacy of current education, prevention, and protection services for women victims of violent crime;

(4) evaluate the adequacy of, and make recommendations regarding, the role of the Federal Government in reducing violent crimes against women;

(5) evaluate the adequacy of, and make recommendations regarding, national public awareness and the public dissemination of information essential to the prevention of violent crimes against women;

(6) evaluate the adequacy of, and make recommendations regarding, data collection and government statistics on the incidence and prevalence of violent crimes against women;

(7) evaluate the adequacy of, and make recommendations regarding, the adequacy of State and Federal laws on sexual assault and the need for a more uniform statutory response to sex offenses; and

(8) evaluate the adequacy of, and make recommendations regarding, the adequacy of State and Federal laws on domestic violence and the need for a more uniform statutory response to domestic violence.

SEC. 143. MEMBERSHIP.

(A) NUMBER AND APPOINTMENT.—

(1) APPOINTMENT.—The Commission shall be composed of 15 members as follows:

(A) Five members shall be appointed by the President—

(i) three of whom shall be—

(I) the Attorney General;

(II) the Secretary of Health and Human Services; and

(III) the Director of the Federal Bureau of Investigation,

who shall be nonvoting members, except that in the case of a tie vote by the Commission, the Attorney General shall be a voting member;

(ii) two of whom shall be selected from the general public on the basis of such individuals being specially qualified to serve on the Commission by reason of their education, training, or experience; and

(iii) at least one of whom shall be selected for their experience in providing services to women victims of violent crime.

(B) Five members shall be appointed by the Speaker of the House of Representatives on the joint recommendation of the Majority and Minority Leaders of the House of Representatives.

(C) Five members shall be appointed by the President pro tempore of the Senate on

the joint recommendation of the Majority and Minority Leaders of the Senate.

(2) CONGRESSIONAL COMMITTEE RECOMMENDATIONS.—In making appointments under subparagraphs (B) and (C) of paragraph (1), the Majority and Minority Leaders of the House of Representatives and the Senate shall duly consider the recommendations of the Chairmen and Ranking Minority Members of committees with jurisdiction over laws contained in title 18 of the United States Code.

(3) REQUIREMENTS OF APPOINTMENTS.—The Majority and Minority Leaders of the Senate and the House of Representatives shall—

(A) select individuals who are specially qualified to serve on the Commission by reason of their education, training, and experience, including experience in advocacy or service organizations specializing in sexual assault and domestic violence; and

(B) engage in consultations for the purpose of ensuring that the expertise of the ten members appointed by the Speaker of the House of Representatives and the President pro tempore of the Senate shall provide as much of a balance as possible and, to the greatest extent possible, cover the fields of law enforcement, prosecution, judicial administration, legal expertise, victim compensation boards, and victim advocacy.

(4) TERM OF MEMBERS.—Members of the Commission (other than members appointed under paragraph (1)(A)(i)) shall serve for the life of the Commission.

(5) VACANCY.—A vacancy on the Commission shall be filled in the manner in which the original appointment was made.

(b) CHAIRMAN.—Not later than 15 days after the members of the Commission are appointed, such members shall select a Chairman from among the members of the Commission.

(c) QUORUM.—Seven members of the Commission shall constitute a quorum, but a lesser number may be authorized by the Commission to conduct hearings.

(d) MEETINGS.—The Commission shall hold its first meeting on a date specified by the Chairman, but such date shall not be later than 60 days after the date of the enactment of this Act. After the initial meeting, the Commission shall meet at the call of the Chairman or a majority of its members, but shall meet at least six times.

(e) PAY.—Members of the Commission who are officers or employees or elected officials of a government entity shall receive no additional compensation by reason of their service on the Commission.

(f) PER DIEM.—While away from their homes or regular places of business in the performance of duties for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under sections 5702 and 5703 of title 5, United States Code.

(g) DEADLINE FOR APPOINTMENT.—Not later than 45 days after the date of the enactment of this Act, the members of the Commission shall be appointed.

SEC. 144. REPORTS.

(a) IN GENERAL.—Not later than 1 year after the date on which the Commission is fully constituted under section 143, the Commission shall prepare and submit a final report to the President and to congressional committees that have jurisdiction over legislation addressing violent crimes against women, including the crimes of domestic and sexual assault.

(b) CONTENTS.—The final report submitted under paragraph (1) shall contain a detailed statement of the activities of the Commission and of the findings and conclusions of

the Commission, including such recommendations for legislation and administrative action as the Commission considers appropriate.

SEC. 146. EXECUTIVE DIRECTOR AND STAFF.

(a) EXECUTIVE DIRECTOR.—

(1) APPOINTMENT.—The Commission shall have an Executive Director who shall be appointed by the Chairman, with the approval of the Commission, not later than 30 days after the Chairman is selected.

(2) COMPENSATION.—The Executive Director shall be compensated at a rate not to exceed the maximum rate of the basic pay payable under GS-18 of the General Schedule as contained in title 5, United States Code.

(b) STAFF.—With the approval of the Commission, the Executive Director may appoint and fix the compensation of such additional personnel as the Executive Director considers necessary to carry out the duties of the Commission.

(c) APPLICABILITY OF CIVIL SERVICE LAWS.—The Executive Director and the additional personnel of the Commission appointed under subsection (b) may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(d) CONSULTANTS.—Subject to such rules as may be prescribed by the Commission, the Executive Director may procure temporary or intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals not to exceed \$200 per day.

SEC. 146. POWERS OF COMMISSION.

(a) HEARINGS.—For the purpose of carrying out this subtitle, the Commission may conduct such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate. The Commission may administer oaths before the Commission.

(b) DELEGATION.—Any member or employee of the Commission may, if authorized by the Commission, take any action that the Commission is authorized to take under this subtitle.

(c) ACCESS TO INFORMATION.—The Commission may secure directly from any executive department or agency such information as may be necessary to enable the Commission to carry out his subtitle, except to the extent that the department or agency is expressly prohibited by law from furnishing such information. On the request of the Chairman of the Commission, the head of such a department or agency shall furnish nonprohibited information to the Commission.

(d) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

SEC. 147. AUTHORIZATIONS OF APPROPRIATIONS.

There is authorized to be appropriated for fiscal year 1992, \$500,000 to carry out the purposes of this subtitle.

SEC. 148. TERMINATION.

The Commission shall cease to exist 30 days after the date on which its final report is submitted under section 144. The President may extend the life of the Commission for a period not to exceed one year.

Subtitle E—New Evidentiary Rules

SEC. 151. SEXUAL HISTORY IN ALL CRIMINAL CASES.

The Federal Rules of Evidence are amended by inserting after rule 412 the following:

"Rule 412A. Evidence of victim's past behavior in other criminal cases"

"(a) REPUTATION AND OPINION EVIDENCE EXCLUDED.—Notwithstanding any other provision of law, in a criminal case, other than a sex offense case governed by rule 412, reputation or opinion evidence of the past sexual behavior of an alleged victim is not admissible.

"(b) ADMISSIBILITY.—Notwithstanding any other provision of law, in a criminal case, other than a sex offense case governed by rule 412, evidence of a alleged victim's past sexual behavior (other than reputation and opinion evidence) may be admissible if—

"(1) the evidence is admitted in accordance with the procedures specified in subdivision (c); and

"(2) the probative value of the evidence outweighs the danger of unfair prejudice.

"(c) PROCEDURES.—(1) If the defendant intends to offer evidence of specific instances of the alleged victim's past sexual behavior, the defendant shall make a written motion to offer such evidence not later than 15 days before the date on which the trial in which such evidence is to be offered is scheduled to begin, except that the court may allow the motion to be made at a later date, including during trial, if the court determines either that the evidence is newly discovered and could not have been obtained earlier through the exercise of due diligence or that the issue to which such evidence relates has newly arisen in the case. Any motion made under this paragraph shall be served on all other parties and on the alleged victim.

"(2) The motion described in paragraph (1) shall be accompanied by a written offer of proof. If necessary, the court shall order a hearing in chambers to determine if such evidence is admissible. At such hearing, the parties may call witnesses, including the alleged victim and offer relevant evidence. Notwithstanding subdivision (b) of rule 104, if the relevancy of the evidence which the defendant seeks to offer in the trial depends upon the fulfillment of a condition of fact, the court, at the hearing in chambers or at a subsequent hearing in chambers scheduled for such purpose, shall accept evidence on the issue of whether such condition of fact is fulfilled and shall determine such issue.

"(3) If the court determines on the basis of the hearing described in paragraph (2) that the evidence that the defendant seeks to offer is relevant and that the probative value of such evidence outweighs the danger of unfair prejudice such evidence shall be admissible in the trial to the extent an order made by the court specifies the evidence which may be offered and areas with respect to which the alleged victim may be examined or cross-examined. In its order, the court should consider (A) the chain of reasoning leading to its finding of relevance, and (B) why the probative value of the evidence outweighs the danger of unfair prejudice given the potential of the evidence to humiliate and embarrass the alleged victim and to result in unfair or biased jury inferences."

SEC. 152. SEXUAL HISTORY IN CIVIL CASES.

The Federal Rules of Evidence, as amended by section 151 of this Act, are amended by adding after rule 412A the following:

"Rule 412B. Evidence of past sexual behavior in civil cases"

"(a) REPUTATION AND OPINION EVIDENCE EXCLUDED.—Notwithstanding any other provision of law, in a civil case in which a defendant is accused of actionable sexual misconduct, as defined in subdivision (d), reputation or opinion evidence of the plaintiff's past sexual behavior is not admissible.

"(b) ADMISSIBLE EVIDENCE.—Notwithstanding any other provision of law, in a civil case in which a defendant is accused of actionable sexual misconduct, as defined in subdivision (d), evidence of a plaintiff's past sexual behavior other than reputation or opinion evidence may be admissible if—

"(1) admitted in accordance with the procedures specified in subdivision (c); and

"(2) the probative value of such evidence outweighs the danger of unfair prejudice.

"(c) PROCEDURES.—(1) If the defendant intends to offer evidence of specific instances of the plaintiff's past sexual behavior, the defendant shall make a written motion to offer such evidence not later than 15 days before the date on which the trial in which such evidence is to be offered is scheduled to begin, except that the court may allow the motion to be made at a later date, including during trial, if the court determines either that the evidence is newly discovered and could not have been obtained earlier through the exercise of due diligence or that the issue to which such evidence relates has newly arisen in the case. Any motion made under this paragraph shall be served on all other parties and on the plaintiff.

"(2) The motion described in paragraph (1) shall be accompanied by a written offer of proof. If necessary, the court shall order a hearing in chambers to determine if such evidence is admissible. At such hearing, the parties may call witnesses, including the plaintiff and offer relevant evidence. Notwithstanding subdivision (b) of rule 104, if the relevancy of the evidence with the defendant seeks to offer in the trial depends upon the fulfillment of a condition of fact, the court, at the hearing in chambers or at a subsequent hearing in chambers scheduled for such purpose, shall accept evidence on the issue of whether such condition of fact is fulfilled and shall determine such issue.

"(3) If the court determines on the basis of the hearing described in paragraph (2) that the evidence that the defendant seeks to offer is relevant and that the probative value of such evidence outweighs the danger of unfair prejudice, such evidence shall be admissible in the trial to the extent an order made by the court specifies evidence which may be offered and areas with respect to which the plaintiff may be examined or cross-examined. In its order, the court should consider (A) the chain of reasoning leading to its finding of relevance, and (B) why the probative value of the evidence outweighs the danger of unfair prejudice given the potential of the evidence to humiliate and embarrass the alleged victim and to result in unfair or biased jury inferences.

"(d) DEFINITIONS.—For purposes of this rule, a case involving a claim of actionable sexual misconduct, includes, but is not limited to, sex harassment or discrimination claims brought pursuant to title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000(e)) and gender bias claims brought pursuant to title III of the Violence Against Women Act of 1991."

SEC. 153. AMENDMENTS TO RAPE SHIELD LAW.

Rule 412 of the Federal Rules of Evidence is amended—

(1) by adding at the end thereof the following:

"(e) INTERLOCUTORY APPEAL.—Notwithstanding any other provision of law, any evidentiary rulings made pursuant to this rule are subject to interlocutory appeal by the government or by the alleged victim.

"(f) RULE OF RELEVANCE AND PRIVILEGE.—If the prosecution seeks to offer evidence of prior sexual history, the provisions of this

rule may be waived by the alleged victim."; and

(2) by adding at the end of subdivision (c)(3) the following: "In its order, the court should consider (A) the chain of reasoning leading to its finding of relevance; and (B) why the probative value of the evidence outweighs the danger of unfair prejudice given the potential of the evidence to humiliate and embarrass the alleged victim and to result in unfair or biased jury inferences."

SEC. 154. EVIDENCE OF CLOTHING.

The Federal Rules of Evidence are amended by adding after rule 412 the following:

"Rule 413. Evidence of victim's clothing as inciting violence"

"Notwithstanding any other provision of law, in a criminal case in which a person is accused of an offense under chapter 109A of title 18, United States Code, evidence of an alleged victim's clothing is not admissible to show that the alleged victim incited or invited the offense charged."

Subtitle F—Assistance to Victims of Sexual Assault

SEC. 161. EDUCATION AND PREVENTION GRANTS TO REDUCE SEXUAL ASSAULTS AGAINST WOMEN.

Part A of title XIX of the Public Health and Health Services Act (42 U.S.C. 300w et seq.) is amended as follows:

(1) by adding at the end thereof the following new section:

"§ 1910A. Use of allotments for rape prevention education"

"(a) Notwithstanding the terms of section 1904(a)(1) of this title, amounts transferred by the State for use under this part may be used for rape prevention and education programs conducted by rape crisis centers or similar nongovernmental nonprofit entities, which programs may include—

- "(1) educational seminars;
- "(2) the operation of hotlines;
- "(3) training programs for professionals;
- "(4) the preparation of informational materials; and

"(5) other efforts to increase awareness of the facts about, or to help prevent, sexual assault.

"(b) States providing grant monies must assure that at least 15 percent of the monies are devoted to education programs targeted for junior high school and high school students.

"(c) There are authorized to be appropriated under this section for each fiscal year 1992, 1993, and 1994, \$65,000,000 to carry out the purposes of this section.

"(d) Funds authorized under this section may only be used for providing rape prevention and education programs.

"(e) For purposes of this section, the term 'rape prevention and education' includes education and prevention efforts directed at offenses committed by offenders who are not known to the victim as well as offenders who are known to the victim.

"(f) States shall be allotted funds under this section pursuant to the terms of sections 1902 and 1903, and subject to the conditions provided in this section and sections 1904 through 1909."

- (2) striking section 1901(b); and
- (3) striking section 1904(a)(1)(G).

SEC. 162. RAPE EXAM PAYMENTS.

No State or other grantee is entitled to funds under title I of the Violence Against Women Act of 1990 unless the State or other grantee incurs the full cost of forensic medical exams for victims of sexual assault. A State or other grantee does not incur the full medical cost of forensic medical exams if it chooses to reimburse the victim after the fact unless the reimbursement program

waives any minimum loss or deductible requirement, provides victim reimbursement within a reasonable time (90 days), permits applications for reimbursement within one year from the date of the exam, and provides information to all subjects of forensic medical exams about how to obtain reimbursement.

TITLE II—SAFE HOMES FOR WOMEN
SEC. 201. SHORT TITLE.

This title may be cited as the "Safe Homes for Women Act of 1990".

Subtitle A—Interstate Enforcement
SEC. 211. INTERSTATE ENFORCEMENT.

(a) **IN GENERAL.**—Part 1 of title 18, United States Code, is amended by inserting after chapter 110 the following:

- "Chapter 110A—Violence Against Spouses
"Sec. 2261. Traveling to commit spousal abuse.
"Sec. 2262. Interstate violation of protection orders.
"Sec. 2263. Restitution.
"Sec. 2264. Full faith and credit given to protection orders.
"Sec. 2265. Definitions for chapter.
"§ 2261. Traveling to commit spousal abuse

"(a) **IN GENERAL.**—Any person who travels or causes another (including the intended victim) to travel across State lines or in interstate commerce with the intent to injure a spouse or intimate partner, and who, during the course of any such travel or thereafter, does an act that injures his or her spouse or intimate partner in violation of a criminal law of the State where the injury occurs, shall be fined not more than \$1,000 or imprisoned for not more than 5 years but not less than 3 months, or both, in addition to any fine or term of imprisonment provided under State law.

"(b) **NO STATE LAW.**—If no fine or term of imprisonment is provided for under the law of the State where the injury occurs, a person violating this section shall be punished as follows:

"(1) If permanent disfigurement or life-threatening bodily injury results, by imprisonment for not more than 20 years; where serious bodily injury results, by fine under this title or imprisonment for not more than 10 years, or both; where bodily injury results, by fine under this title or imprisonment for not more than 5 years, or both.

"(2) If the offense is committed with intent to commit another felony, by fine under this title or imprisonment for not more than 10 years, or both.

"(3) If the offense is committed with a dangerous weapon, with intent to do bodily harm, by fine under this title or imprisonment for not more than 5 years, or both.

"(4) If the offense constitutes sexual abuse, as that conduct is described under chapter 109A of title 18, United States Code (without regard to whether the offense was committed in the maritime, territorial or prison jurisdiction of the United States) by fine or term of imprisonment as provided for the applicable conduct under chapter 109A.

"(c) **CRIMINAL INTENT.**—The criminal intent of the offender required to establish an offense under subsection (b) is the general intent to do the acts that result in injury to a spouse or intimate partner and not the specific intent to violate the law of a State.

"§ 2262. Interstate violation of protection orders

"(a) **IN GENERAL.**—Any person against whom a valid protection order has been entered or any agent of that person who travels or causes another (including the intended victim) to travel across State lines or in interstate commerce with the intent to injure a spouse or intimate partner and

who, during the course of such travel or thereafter, commits an act that injures his or her spouse or intimate partner in violation of a valid protection order issued by a State, with the intent to injure his or her spouse or intimate partner, shall be punished as follows:

"(1) If permanent disfigurement or life-threatening bodily injury results, by imprisonment for not more than 20 years; where serious bodily injury results, by fine under this title or imprisonment for not more than 10 years, or both; where bodily injury results, by fine under this title or imprisonment for not more than 5 years, or both.

"(2) If the offense is committed with intent to commit another felony, by fine under this title or imprisonment for not more than 10 years, or both.

"(3) If the offense is committed with a dangerous weapon, with intent to do bodily harm, by fine under this title or imprisonment for not more than 5 years, or both.

"(4) If the offender has previously violated any prior protection order issued against that person for the protection of the same victim, by fine under this title or imprisonment for not more than 5 years and not less than six months, or both.

"(5) If the offense constitutes sexual abuse, as that conduct is described under chapter 109A of title 18, United States Code (without regard to whether the conduct was committed in the special maritime, territorial or prison jurisdiction of the United States) by fine or term of imprisonment as provided for the applicable offense under chapter 109A.

"(b) **CRIMINAL INTENT.**—The criminal intent required to establish the offense provided in subsection (a) is the general intent to do the acts which result in injury to a spouse or intimate partner and not the specific intent to violate a protection order or State law.

"§ 2263. Interim Protections.

"In furtherance of the purposes of this chapter, and to protect against abuse of a spouse or intimate partner, any judge or magistrate before whom a criminal case under this chapter is brought, shall have the power to issue temporary order of protection for the protection of an abused spouse or intimate partner pending final adjudication of the case, upon a showing of a likelihood of danger to the abuse spouse or intimate partner.

"§ 2264. Restitution

"(a) **IN GENERAL.**—In addition to any fine or term of imprisonment provided under this chapter, and notwithstanding the terms of section 3663 of this title, the court shall order restitution to the victim of an offense under this chapter.

"(b) **SCOPE AND NATURE OF ORDER.**—(1) The order of restitution under this section shall direct that—

"(A) the defendant pay to the victim the full amount of the victim's losses as determined by the court, pursuant to subsection (3); and

"(B) the United States Attorney enforce the restitution order by all available and reasonable means.

"(2) For purposes of this subsection, the term 'full amount of the victim's losses' includes any costs incurred by the victim for—

"(A) medical services relating to physical, psychiatric, or psychological care;

"(B) physical and occupational therapy or rehabilitation; and

"(C) lost income;

"(D) attorney's fees, plus any costs incurred in obtaining a civil protection order; and

"(E) any other losses suffered by the victim as a proximate result of the offense.

"(3) Restitution orders under this section are mandatory. A court may not decline to issue an order under this section because of—

"(A) the economic circumstances of the defendant; or

"(B) the fact that victim has, or is entitled to, receive compensation for his or her injuries from the proceeds of insurance.

"(4)(A) Notwithstanding the terms of paragraph (3),

the court may take into account the economic circumstances of the defendant in determining the manner in which and the schedule according to which the restitution is to be paid, including—

"(i) the financial resources and other assets of the defendant;

"(ii) projected earnings, earning capacity, and other income of the defendant; and

"(iii) any financial obligations of the offender, including obligations to dependents.

"(B) An order under this section may direct the defendant to make a single lump-sum payment, or partial payments at specified intervals. The order shall provide that the defendant's restitutionary obligation takes priority over any criminal fine ordered.

"(C) In the event that the victim has recovered for any amount of loss through the proceeds of insurance or any other source, the order of restitution shall provide that restitution be paid to the person who provided the compensation, but that restitution shall be paid to the victim before any restitution is paid to any other provider of compensation.

"(5) Any amount paid to a victim under this section shall be set off against any amount later recovered as compensatory damages by the victim from the defendant in—

"(A) any Federal civil proceeding; and

"(B) any State civil proceeding, to the extent provided by the law of the State.

"(c) **PROOF OF CLAIM.**—(1) Within 60 days after conviction and, in any event, no later than 10 days prior to sentencing, the United States Attorney (or his delegee), after consulting with the victim, shall prepare and file an affidavit with the court listing the amounts subject to restitution under this section. The affidavit shall be signed by the United States Attorney (or his delegee) and the victim. Should the victim object to any of the information included in the affidavit, the United States Attorney (or his delegee) shall advise the victim that the victim may file a separate affidavit.

"(2) If no objection is raised by the defendant, the amounts attested to in the affidavit filed pursuant to subsection (1) shall be entered in the court's restitution order. If objection is raised, the court may require the victim or the United States Attorney (or his delegee) to submit further affidavits or other supporting documents, demonstrating the victim's losses.

"(3) If the court concludes, after reviewing the supporting documentation and considering the defendant's objections, that there is a substantial reason for doubting the authenticity or veracity of the records submitted, the court may require additional documentation or hear testimony on those questions. Any records filed, or testimony heard, pursuant to this section, shall be in camera in the judge's chambers. Notwithstanding any other provision of law, this section does not entitle the defendant to discovery of the contents of, or related to, any supporting documentation, including medical, psychological, or psychiatric records.

"(4) In the event that the victim's losses are not ascertainable 10 days prior to sentencing as provided in subsection (c)(1), the

United States Attorney (or his delegee) shall so inform the court, and the court shall set a date for the final determination of the victim's losses, not to exceed 90 days after sentencing. If the victim subsequently discovers further losses, the victim shall have 60 days after discovery of those losses in which to petition the court for an amended restitution order. Such order may be granted only upon a showing of good cause for the failure to include such losses in the initial claim for restitutionary relief.

"(d) **RESTITUTION AND CRIMINAL PENALTIES.**—An award of restitution to the victim of an offense under this chapter shall not be a substitute for imposition of punishment under sections 2261 and 2262.

"(e) **DEFINITIONS.**—For purposes of this section, the terms 'victim' includes any person who has suffered direct physical, emotional, or pecuniary harm as a result of a commission of a crime under this chapter, including, in the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or representative of the victim's estate, another family member, or any other person appointed as suitable by the court: *Provided*, That in no event shall the defendant be named as such representative or guardian.

"§ 2265. Full faith and credit given to protection orders

"(a) **FULL FAITH AND CREDIT.**—Any protection order issued consistent with the terms of subsection (b) by the court of one State (the issuing State) shall be accorded full faith and credit by the court of another State (the enforcing State) and enforced as if it were the order of the enforcing State.

"(b) **PROTECTION ORDER.**—A protection order issued by a State court is consistent with the provisions of this section if—

"(1) such court has jurisdiction over the parties and matter under the law of such State; and

"(2) reasonable notice and opportunity to be heard is given to the person against whom the order is sought sufficient to protect that person's right to due process. In the case of ex parte orders, notice and opportunity to be heard must be provided within the time required by State law, and in any event within a reasonable time after the order is issued, sufficient to protect the respondent's due process rights.

"(c) **CROSS OR COUNTER PETITION.**—A protection order issued by a State court against one who has petitioned, filed a complaint, or otherwise filed a written pleading for protection against abuse by a spouse or intimate partner is not entitled to full faith and credit if—

"(1) no cross or counter petition, complaint, or other written pleading was filed seeking such a protection order; or

"(2) if a cross or counter petition has been filed, if the court did not make specific findings that each party was entitled to such an order.

"§ 2266. Definition for chapter

"As used in this chapter—

"(1) the term 'spouse or intimate partner' includes—

"(A) a present or former spouse, a person who shares a child in common with the abuser, and a person who cohabits or has cohabited with the abuser as a spouse; and

"(B) any other person similarly situated to a spouse, other than a child, who is protected by the domestic or family violence laws of the State in which the injury occurred or where the victim resides;

"(2) the term 'protection order' includes any injunction or other order issued for the purpose of preventing violent or threatening acts by one spouse against his or her

spouse or intimate partner, including temporary and final orders issued by civil and criminal courts (other than support or child custody orders) whether obtained by filing an independent action or as a pendent lite order in another proceeding so long as any civil order was issued in response to a complaint, petition or motion of an abused spouse or intimate partner;

"(3) the term 'act that injures' includes any act, except those done in self-defense, that results in physical injury or sexual abuse; and

"(4) the term 'State' includes a State of the United States, the District of Columbia, and any Indian tribe, commonwealth, territory, or possession of the United States."

(b) **TABLE OF CHAPTERS.**—The table of chapters for part 1 of title 18, United States Code, is amended by inserting after the item for chapter 110 the following:

"110A. Violence against spouses 2261."

Subtitle B—Arrest in Spousal Abuse Cases

SEC. 221. ENCOURAGING ARREST POLICIES.

The Family Violence Prevention and Services Act (42 U.S.C. 10400) is amended by adding after section 311 the following:

"SEC. 312. ENCOURAGING ARREST POLICIES.

"(a) **PURPOSE.**—To encourage States, Indian tribes and localities to treat spousal violence as a serious violation of criminal law, the Secretary is authorized to make grants to eligible States, Indian tribes, municipalities, or local government entities for the following purposes:

"(1) to implement pro-arrest programs and policies in police departments and to improve tracking of cases involving spousal abuse;

"(2) to centralize and coordinate police enforcement, prosecution, or judicial responsibility for, spousal abuse cases in one group or unit of police officers, prosecutors, or judges;

"(3) to educate judges in criminal and other courts about spousal abuse and to improve judicial handling of such cases.

"(b) **ELIGIBILITY.**—(1) Eligible grantees are those States, Indian tribes, municipalities or other local government entities that—

"(A) demonstrate, through arrest and conviction statistics, that their laws or policies have been effective in significantly increasing the number of arrests made of spouse abusers; and

"(B) certify that their laws or official policies—

"(i) mandate arrest of spouse abusers based on probable cause that violence has been committed or mandate arrest of spouses violating the terms of a valid and outstanding protection order; or

"(ii) permit warrantless misdemeanor arrests of spouse abusers and encourage the use of that authority; and

"(C) demonstrate that their laws and policies discourage 'dual' arrests of abused and abuser and the increase in arrest rates demonstrated pursuant to paragraph (1)(A) is not the result of increased dual arrests.

"(2) For purposes of this section, the term 'protection order' includes any injunction issued for the purpose of preventing violent or threatening acts of spouse abuse, including temporary and final orders issued by civil and criminal courts (other than support or child custody orders) whether obtained by filing an independent action or as a pendent lite order in another proceeding.

"(3) For purposes of this section, the term 'spousal or spouse abuse' includes abuse of a current or former spouse, a person who shares a child in common with the abuser, and person who cohabits with or has cohabited with the abuser as a spouse.

"(4) The eligibility requirements provided in this section shall take effect one year after the date of enactment of this section.

"(c) **DELEGATION AND AUTHORIZATION.**—The Secretary shall delegate to the Attorney General of the United States the Secretary's responsibilities for carrying out this section to the Attorney General. There are authorized to be appropriated not in excess of \$25,000,000 for each fiscal year to be used for the purpose of making grants under this section.

"(d) **APPLICATION.**—An eligible grantee shall submit an application to the Secretary. Such application shall—

"(1) contain a certification by the chief executive officer of the State, Indian tribes, municipality, or local government entity that the conditions of subsection (b) are met;

"(2) describe the entity's plans to further the purposes listed in subsection (a);

"(3) identify the agency or office or groups of agencies or offices responsible for carrying out the program; and

"(4) identify the nonprofit nongovernmental victim services programs will be consulted in developing, and implementing, the program

"(e) **PRIORITY.**—In awarding grants under this section, the Secretary shall give priority to a grantee that—

"(1) does not currently provide for centralized handling of cases involving spousal or family violence in any one of the areas listed in this subsection—police, prosecutors, and courts; and

"(2) demonstrates a commitment to strong enforcement of laws, and prosecution of cases, involving spousal or family violence.

"(f) **REPORTING.**—Each grantee receiving funds under this section shall submit a report to the Secretary evaluating the effectiveness of the plan described in subsection (d)(2) and containing such additional information as the Secretary may prescribe.

"(g) **REGULATIONS.**—No later than 45 days after the date of enactment of this section, the Secretary shall publish proposed regulations implementing this section. No later than 120 days after such date, the Secretary shall publish final regulations implementing this section."

Subtitle C—Funding for Shelters

SEC. 231. AUTHORIZATION.

Section 310 of the Family Violence Prevention and Services Act (42 U.S.C. 10409) is amended to read as follows:

"SEC. 310. AUTHORIZATION OF APPROPRIATIONS.

"(a) There are authorized to be appropriated to carry out the provisions of this title, \$85,000,000 for fiscal year 1992, \$100,000,000 for fiscal year 1993, and \$125,000,000 for fiscal year 1994.

"(b) Of the sums authorized to be appropriated under subsection (a) of this section for any fiscal year, not less than 85 percent shall be used by the Secretary for making grants under section 303.

"(c) Of the sums authorized to be appropriated under subsection (a) of this section for any fiscal year, not more than 5 percent shall be used by the Secretary for making grants under section 314."

Subtitle D—Family Violence Prevention and Services Act Amendments

SEC. 241. EXPANSION OF PURPOSE.

Section 302(1) of the Family Violence Prevention and Services Act (42 U.S.C. 10401(1)) is amended by striking "to prevent" and inserting "to increase public awareness about and prevent".

SEC. 211. EXPANSION OF STATE DEMONSTRATION GRANT PROGRAM.

Section 303(a)(1) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(a)(1)) is amended by striking "to prevent" and inserting "to increase public awareness about and prevent".

SEC. 213. GRANTS FOR PUBLIC INFORMATION CAMPAIGNS.

The Family Violence Prevention and Services Act is amended by adding at the end thereof the following new section:

"GRANTS FOR PUBLIC INFORMATION CAMPAIGNS

"Sec. 314. (a) The Secretary may make grants to public or private nonprofit entities to provide public information campaigns regarding domestic violence through the use of public service announcements and informative materials that are designed for print media, billboards, public transit advertising, electronic broadcast media, and other vehicles for information that shall inform the public concerning domestic violence.

"(b) No grant, contract, or cooperative agreement shall be made or entered into under this section unless an application that meets the requirements of subsection (c) has been approved by the Secretary.

"(c) An application submitted under subsection (b) shall—

"(1) provide such agreements, assurances, and information, be in such form and be submitted in such manner as the Secretary shall prescribe through notice in the Federal Register, including a description of how the proposed public information campaign will target the population at risk, including pregnant women;

"(2) include a complete description of the plan of the application for the development of a public information campaign;

"(3) identify the specific audiences that will be educated, including communities and groups with the highest prevalence of domestic violence;

"(4) identify the media to be used in the campaign and the geographic distribution of the campaign;

"(5) describe plans to test market a development plan with a relevant population group and in a relevant geographic area and give assurance that effectiveness criteria will be implemented prior to the completion of the final plan that will include an evaluation component to measure the overall effectiveness of the campaign;

"(6) describe the kind, amount, distribution, and timing of informational messages and such other information as the Secretary may require, with assurances that media organizations and other groups with which such messages are placed will not lower the current frequency of public service announcements; and

"(7) contain such other information as the Secretary may require.

"(d) A grant, contract, or agreement made or entered into under this section shall be used for the development of a public information campaign that may include public service announcements, paid educational messages for print media, public transit advertising, electronic broadcast media, and any other mode of conveying information that the Secretary determines to be appropriate.

"(e) The criteria for awarding grants shall ensure that an applicant—

"(1) will conduct activities that educate communities and groups at greatest risk;

"(2) has a record of high quality campaigns of a comparable type; and

"(3) has a record of high quality campaigns that educate the population groups identified as most at risk."

SEC. 214. STATE COMMISSIONS ON DOMESTIC VIOLENCE.

Section 303(a)(2) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(a)(2)) is amended—

(1) by striking "and" at the end of subparagraph (F);

(2) by redesignating subparagraph (G) as subparagraph (H); and

(3) by inserting after subparagraph (F) the following new subparagraph:

"(G) provides assurances that, not later than 1 year after receipt of funds, the State shall have established a Commission on Domestic Violence to examine issues including—

"(i) the use of mandatory arrest of accused offenders;

"(ii) the adoption of 'no-drop' or vertical prosecution policies;

"(iii) the use of mandatory requirements for presentencing investigations;

"(iv) the length of time taken to prosecute cases or reach plea agreements;

"(v) the use of plea agreements;

"(vi) the testifying by victims at post-conviction sentencing and release hearings;

"(vii) the consistency of sentencing practices;

"(viii) restitution of victims;

"(ix) the reporting practices of and significance to be accorded to prior convictions (both felonies and misdemeanors); and

"(x) such other matters as the Commission believes merit investigation.

In implementing this requirement, State grantees must certify to the Secretary that—

"(aa) no less than one-third of Commission members be victim advocates associated with non-profit shelters; and

"(bb) no more than 2 percent of the grant monies awarded shall be used to support the required Commission."

SEC. 215. INDIAN TRIBES.

Section 303(b)(1) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(b)(1)) is amended by striking "is authorized" and inserting "from sums appropriated shall make no less than 10 percent available for".

SEC. 216. FUNDING LIMITATIONS.

Section 303(c) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(c)) is amended by striking ", and" and all that follows through "fiscal years".

SEC. 217. GRANTS TO ENTITIES OTHER THAN STATES: LOCAL SHARE.

The first sentence of section 303(f) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(f)) is amended to read as follows: "No demonstration grant may be made under this section to an entity other than a State or Indian tribe unless the entity provides 50 percent of the funding of the program or project funded by the grant."

SEC. 218. SHELTER AND RELATED ASSISTANCE.

Section 303(g) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(g)) is amended by—

(1) striking "not less than 80 percent" and inserting "not less than 75 percent"; and

(2) striking "immediate shelter and related assistance to victims of family violence and their dependents" and inserting "shelter and related assistance to victims of family violence and their dependents, including any, but not requiring all of the following—

"(1) food, shelter, medical services, and counseling with respect to family violence, including counseling by peers individually or in groups;

"(2) transportation, legal assistance, referrals, and technical assistance with respect to

obtaining financial assistance under Federal and State programs;

"(3) comprehensive counseling about parenting, preventive health (including nutrition, exercise, and prevention of substance abuse), educational services employment training, social skills (including communication skills), home management assertiveness training; and

"(4) day care services for children who are victims of family violence or the dependents of such victims."

SEC. 219. LAW ENFORCEMENT TRAINING AND TECHNICAL ASSISTANCE GRANTS.

Section 311(b) of the Family Violence Protection and Services Act (42 U.S.C. 10410(b)) is amended by adding at the end thereof the following new subparagraph:

"(d) Training grants may be made under this section only to private nonprofit organizations that have experience in providing training and technical assistance to law enforcement personnel on a national or regional basis."

SEC. 260. REPORT ON RECORDKEEPING.

Not later than 120 days after the date of enactment of this Act, the General Accounting Office shall complete a study of, and shall submit to Congress a report and recommendations on, problems of recordkeeping of criminal complaints involving domestic violence. The study and report shall examine efforts to date of the FBI and Justice Department to collect statistics on domestic violence and the feasibility of, including a suggested timetable for, requiring that the relationship between an offender and victim be reported in Federal and State records of crimes of assault, aggravated assault, rape, and other violent crimes.

SEC. 251. MODEL STATE LEADERSHIP INCENTIVE GRANTS FOR DOMESTIC VIOLENCE INTERVENTION.

The Family Violence Prevention Services Act, as amended by section 103 of this Act, is amended by adding at the end thereof the following new section:

"MODEL STATE LEADERSHIP GRANTS FOR DOMESTIC VIOLENCE INTERVENTION

"Sec. 315. (a) The Secretary, in cooperation with the Attorney General, shall award grants to not less than 10 States to assist in becoming model demonstration States and in meeting the costs of improving State leadership concerning activities that will—

"(1) increase the number of prosecutions for domestic violence crimes;

"(2) encourage the reporting of incidences of domestic violence; and

"(3) facilitate 'arrests and aggressive' prosecution policies.

"(b) To be designated as a model State under subsection (a), a State shall have in effect—

"(1) a law that requires mandatory arrest of a person that police have probable cause to believe has committed an act of domestic violence or probable cause to believe has violated an outstanding civil protection order;

"(2) a law or policy that discourages 'dual' arrests;

"(3) statewide prosecution policies that—

"(A) authorize and encourage prosecutors to pursue cases where a criminal case can be proved, including proceeding without the active involvement of the victim if necessary; and

"(B) implement model projects that include either—

"(1) a 'no-drop' prosecution policy; or

"(2) a vertical prosecution policy; and

"(C) limit diversion to extraordinary cases, and then only after an admission before a judicial officer has been entered;

"(4) statewide guidelines for judges that—

"(A) reduce the automatic issuance of mutual restraining or protective orders in cases where only one spouse has sought a restraining or protection order;

"(B) discourage custody or joint custody orders by spouse abusers; and

"(C) encourage the understanding of domestic violence as a serious criminal offense and not a trivial dispute;

"(5) develop and disseminate methods to improve the criminal justice system's response to domestic violence to make existing remedies as easily available as possible to victims of domestic violence, including reducing delay, eliminating court fees, and providing easily understandable court forms.

"(c)(1) In addition to the funds authorized to be appropriated under section 310, there are authorized to be appropriated to make grants under this section \$25,000,000 for fiscal year 1992 and such sums as may be necessary for each of the fiscal years 1993 and 1994.

"(2) Funds shall be distributed under this section so that no State shall receive more than \$2,500,000 in each fiscal year under this section.

"(3) The Secretary shall delegate to the Attorney General the Secretary's responsibilities for carrying out this section and shall transfer to the Attorney General the funds appropriated under this section for the purpose of making grants under this section."

SEC. 232. FUNDING FOR TECHNICAL ASSISTANCE CENTERS.

The Family Violence Prevention and Services Act is amended by inserting after section 308 the following:

"SEC. 308A. TECHNICAL ASSISTANCE CENTERS.

"(a) PURPOSE.—The purpose of this section is to provide training and technical assistance to State, Indian tribal, and local domestic violence programs and to other professionals who provide services to victims of domestic violence. From the sums authorized under this title, the Secretary shall provide grants or contracts with public or private nonprofit organizations, for the establishment and maintenance of six national resource centers serving defined geographic areas. One national resource center shall offer resource, policy, and/or training assistance to Federal, State, Indian tribal, and local government agencies on issues pertaining to domestic violence and serve a coordinating and resource-sharing function among domestic violence service providers, and maintain a central resource library. The other national resource centers shall provide information, training and technical assistance to State, tribal and local domestic violence service providers. In addition, each national center shall specialize in one of the following areas of domestic violence service, prevention or law:

"(1) Public awareness and prevention education;

"(2) Criminal justice response to domestic violence, including court-mandated abuser treatment;

"(3) Child abuse and domestic violence, including domestic violence and child custody issues;

"(4) Domestic violence victim self-defense; medical personnel training; and

"(5) Enhancing victims' access to effective legal assistance.

"(b) ELIGIBILITY.—Eligible grantees are private nonprofit organizations that—

"(1) focus primarily on domestic violence;

"(2) provide documentation to the Secretary demonstrating experience with issues of domestic violence, particularly in the specific area for which it is applying;

"(3) include on its advisory boards representatives from domestic violence programs

in the region who are geographically and culturally diverse; and

"(4) demonstrate strong support from domestic violence advocates in the region for their designation as the regional resource center.

"(c) REPORTING.—Each grantee receiving funds under this section shall submit a report to the Secretary evaluating the effectiveness of the plan described and containing such additional information as the Secretary may prescribe.

"(d) REGULATIONS.—No later than 45 days after the date of enactment of this section, the Secretary shall publish proposed regulations implementing this section.

"(e) FUNDING.—From the sums appropriated under section 310 of this title, not in excess of \$2,000,000 for each fiscal year shall be used for the purpose of making grants under this section."

Subtitle E—Youth Education and Domestic Violence.

SEC. 261. EDUCATING YOUTH ABOUT DOMESTIC VIOLENCE.

(a) GENERAL PURPOSE.—For purposes of this section, the Secretary shall delegate his powers to the Secretary of Education, hereinafter referred to as the "Secretary". The Secretary shall develop model programs for education of young people about domestic violence and violence among intimate partners.

(b) NATURE OF PROGRAM.—The Secretary shall develop three separate programs for three different audiences: primary and middle schools, secondary schools, and institutions of higher education. These model programs shall be developed with the input of educational experts, law enforcement personnel, legal and psychological experts on battering, and victim advocate organizations such as battered women's shelters. The participation of each of these groups or individual consultants from such groups is essential to the development of a program that meets both the needs of educational institutions and the needs of the domestic violence problem.

(c) REVIEW AND DISSEMINATION.—Not later than 9 months after the date of enactment of this Act, the Secretary shall transmit the model programs, along with a plan and cost estimate for nationwide distribution, to the relevant committees of Congress for review.

(d) AUTHORIZATION.—These are authorized to be appropriated under this section for fiscal year 1992, \$200,000 to carry out the purposes of this section.

Subtitle F—Confidentiality for Abused Persons

SEC. 271. CONFIDENTIALITY OF ABUSED PERSON'S ADDRESS.

No later than 90 days after the enactment of this Act, the Postmaster General shall promulgate regulations to secure the confidentiality of abused persons' addresses or otherwise prohibit the disclosure of an abused person's address consistent with the following guidelines:

(1) confidentiality shall be provided upon the presentation to an appropriate postal official of an existing and valid court order for the protection of an abused spouse;

(2) disclosure of addresses to State or Federal agencies for legitimate law enforcement or other governmental purposes shall not be prohibited; and

(3) compilations of address existing at the time the order is presented to an appropriate postal official shall be excluded from the scope of the proposed regulations.

TITLE III—CIVIL RIGHTS

SEC. 301. CIVIL RIGHTS.

(a) FINDINGS.—The Congress finds that—

(1) crimes motivated by the victim's gender constitute bias crimes in violation of the victim's right to be free from discrimination on the basis of gender;

(2) current law provides a civil rights remedy for gender crimes committed in the workplace, but not for gender crimes committed on the street or in the home; and

(3) State and Federal criminal laws do not adequately protect against the bias element of gender crimes, which separates these crimes from acts of random violence, nor do they adequately provide victims the opportunity to vindicate their interests.

(b) RIGHTS, PRIVILEGES AND IMMUNITIES.—All persons within the United States shall have the same rights, privileges and immunities in every State as is enjoyed by all other persons to be free from crimes of violence motivated by the victim's gender, as defined in subsection (d).

(c) CAUSE OF ACTION.—Any person, including a person who acts under color of any State, ordinance, regulation, custom, or usage of any State, who deprives another of the rights, privileges or immunities secured by the Constitution and laws as enumerated in subsection (b) shall be liable to the party injured, in an action for the recovery of compensatory and punitive damages, injunctive or declaratory relief, or such other relief as the court may deem appropriate.

(d) DEFINITIONS.—For purposes of this section—

(1) the term "crime of violence motivated by gender" means any crime of violence, as defined in this section, including rape, sexual assault, sexual abuse, abusive sexual contact, or any other crime of violence committed because of gender or on the basis of gender; and

(2) the term "crime of violence" means an act or series of act that would come within the meaning of State or Federal offenses described in section 18 of title 18, United States Code, whether or not those acts have actually resulted in criminal charges, prosecution, or conviction and whether or not those acts were committed in the special maritime, territorial, or prison jurisdiction of the United States.

(e) LIMITATION AND PROCEDURES.—

(1) LIMITATION.—Nothing in this section entitles a person to a cause of action under subsection (c) for random acts of violence unrelated to gender or for acts that cannot be demonstrated, by a preponderance of the evidence, to be "motivated by gender" as defined in subsection (d).

(2) NO PRIOR CRIMINAL ACTION.—Nothing in this section requires a prior criminal complaint, prosecution, or conviction to establish the necessary elements of a cause of action under subsection (c).

SEC. 302. CONFORMING AMENDMENT.

The Civil Right Attorney's Fees Awards Act of 1976 (42 U.S.C. 1988) is amended—

(1) in the last sentence, by striking "or" after "Public Law 92-318,"; and

(2) by adding after "1964," the following: "or title III of the Violence Against Women Act of 1991."

TITLE IV—SAFE CAMPUSES FOR WOMEN

SEC. 401. SHORT TITLE

This title may be cited as the "Safe Campuses for Women Act of 1990".

SEC. 402. FINDINGS.

The Congress finds that—

(1) rape prevention and education programs are essential to an educational environment free of fear for students' personal safety;

(2) sexual assault on campus, whether by fellow students or not, is widespread among the Nation's higher education institutions;

experts estimate that 1 in 7 of the women now in college have been raped and over half of college rape victims know their attackers;

(3) sexual assault poses a grave threat to the physical and mental well-being of students and may significantly impair the learning process; and

(4) action by schools to educate students may make substantial inroads on the incidence of rape, including the incidence of acquaintance rape on campus.

SEC. 103. GRANTS FOR CAMPUS RAPE EDUCATION.

Title X of the Higher Education Act of 1965 is amended to add at the end thereof the following:

"PART D—GRANTS FOR CAMPUS RAPE EDUCATION."

SEC. 1071. GRANTS FOR CAMPUS RAPE EDUCATION.

"(a) IN GENERAL.—(1) The Secretary of Education is authorized to make grants to or enter into contracts with institutions of higher education for rape education and prevention programs under this section.

"(2) The Secretary shall make financial assistance available on a competitive basis under this section. An institution of higher education or consortium of such institutions which desires to receive a grant or enter into a contract under this section shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require in accordance with regulations.

"(3) The Secretary shall make every effort to ensure the equitable participation of private and public institutions of higher education and to ensure the equitable geographic participation of such institutions. In the award of grants and contracts under this section, the Secretary shall give priority to institutions who show the greatest need for the sums requested.

"(4) Not less than 50 percent of sums available for the purposes of this section shall be used to make grants under subsection (c) of this section.

"(b) GENERAL RAPE PREVENTION AND EDUCATION GRANTS.—Grants under this section shall be used to educate and provide support services to student victims of rape or sexual assault. Grants may be used for the following purposes:

"(1) to provide training for campus security and college personnel, including campus disciplinary or judicial boards, that address the issues of rape, sexual assault, and other gender-motivated crimes;

"(2) to develop, disseminate, or implement campus security and student disciplinary policies to prevent and discipline rape, sexual assault and other gender-motivated crimes;

"(3) to develop, enlarge or strengthen support services programs including medical or psychological counseling to assist victims' recovery from rape, sexual assault, or other gender-motivated crimes;

"(4) to create, disseminate, or otherwise provide assistance and information about victims' options on and off campus to bring disciplinary or other legal action; and

"(5) to implement, operate, or improve rape education and prevention programs, including programs making use of peer-to-peer education.

"(c) MODEL GRANTS.—Not less than 25 percent of the funds authorized under this section shall be available for grants for model demonstration programs to be coordinated with local rape crisis centers for the development and implementation of quality rape prevention and education curricula and for local programs to provide services to student rape victims.

"(d) ELIGIBILITY.—No institution of higher education or consortium of such institutions shall be eligible for a grant under this section unless—

"(1) its student code of conduct, or other written policy governing student behavior, explicitly prohibits not only rape but all forms of sexual assault; and

"(2) it has in effect and implements a written policy requiring the disclosure to the victim of any sexual assault the outcome of any investigation by campus police or campus disciplinary proceedings brought pursuant to the victim's complaint against the alleged perpetrator of the sexual assault; *Provided*, That nothing in this section shall be interpreted to authorize disclosure to any person other than the victim.

"(e) APPLICATIONS.—(1) In order to be eligible to receive a grant under this section for any fiscal year, an institution of higher education, or consortium of such institutions, shall submit an application to the Secretary at such time and in such manner as the Secretary shall prescribe.

"(2) Each such application shall—

"(A) set forth the activities and programs to be carried out with funds granted under this part;

"(B) contain an estimate of the cost for the establishment and operation of such programs;

"(C) explain how the program intends to address the issue of acquaintance rape;

"(D) provide assurances that the Federal funds made available under this section shall be used to supplement and, to the extent practical, to increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the purpose described in this part, and in no case to supplant such funds; and

"(E) include such other information and assurances as the Secretary reasonably determines to be necessary.

"(e) Grantee Reporting.—Upon completion of the grant period under this section, the grantee institution or consortium of institutions shall file a performance report with the Secretary explaining the activities carried out together with an assessment of the effectiveness of those activities in achieving the purposes of this section. The Secretary shall suspend funding for an approved application if an applicant fails to submit an annual performance report.

"(f) DEFINITIONS.—(1) Except as otherwise provided, the terms used in this part shall have the meaning provided under section 2981 of this title.

"(2) For purposes of this subchapter, the following terms have the following meanings:

"(A) The term 'rape education and prevention' includes programs that provide educational seminars, peer-to-peer counseling, operation of hotlines, self-defense courses, the preparation of informational materials, and any other effort to increase campus awareness of the facts about, or to help prevent, sexual assault.

"(B) The term 'Secretary' means the Secretary of Education.

"(g) General Terms and Conditions.—(1) Regulations.—No later than 45 days after the date of enactment of this section, the Secretary shall publish proposed regulation implementing this section. No later than 120 days after such date, the Secretary shall publish final regulations implementing this section.

"(2) No later than 180 days after the end of each fiscal year for which grants are made under this section, the Secretary shall submit to the committees of the House of Representatives and the Senate responsible

for issues relating to higher education and to crime, a report that includes—

"(A) the amount of grants made under this section;

"(B) a summary of the purposes for which those grants were provided and an evaluation of their progress; and

"(C) a copy of each grantee report filed pursuant to subsection (e) of this section.

"(3) For the purpose of carrying out this subchapter, there are authorized to be appropriated \$20,000,000 for the fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993, 1994, and 1995."

SEC. 404. REQUIRED CAMPUS REPORTING OF SEXUAL ASSAULT.

Section 204(f) of the Crime Awareness and Campus Security Act of 1990 is amended to read as follows:

"(F) Statistics concerning the occurrence on campus, during the most recent school year, and during the 2 preceding school years for which data are available, of the following criminal offenses reported to campus security authorities or local police agencies—

- "(i) murder;
- "(ii) rape or sexual assault;
- "(iii) robbery;
- "(iv) aggravated assault;
- "(v) burglary; and
- "(vi) motor vehicle theft.

TITLE V—EQUAL JUSTICE FOR WOMEN IN THE COURTS ACT OF 1990

SECTION 501. SHORT TITLE.

This title may be cited as the "Equal Justice for Women in the Courts Act of 1991".

Subtitle A—Education and Training for Judges and Court Personnel in State Courts

SEC. 511. GRANTS AUTHORIZED.

The State Justice Institute is authorized to award grants for the purpose of developing, testing, presenting, and disseminating model programs to be used by States in training judges and court personnel in the laws of the States on rape, sexual assault, domestic violence, and other crimes of violence motivated by the victim's gender.

SEC. 512. TRAINING PROVIDED BY GRANTS.

Training provided pursuant to grants made under this subtitle may include current information, existing studies, or current data on—

(1) the nature and incidence of rape and sexual assault by strangers and non-strangers, marital rape, and incest;

(2) the underreporting of rape, sexual assault, and child sexual abuse;

(3) the physical, psychological, and economic impact of rape and sexual assault on the victim, the costs to society, and the implications for sentencing;

(4) the psychology of sex offenders, their high rate of recidivism, and the implications for sentencing;

(5) the historical evolution of laws and attitudes on rape and sexual assault;

(6) sex stereotyping of female and male victims of rape and sexual assault, racial stereotyping of rape victims and defendants, and the impact of such stereotypes on credibility of witnesses, sentencing, and other aspects of the administration of justice;

(7) application of rape shield laws and other limits on introduction of evidence that may subject victims to improper sex stereotyping and harassment in both rape and nonrape cases, including the need for sua sponte judicial intervention in inappropriate cross-examination;

(8) the use of expert witness testimony on rape trauma syndrome, child sexual abuse accommodation syndrome, post-traumatic stress syndrome, and similar issues;

(9) the legitimate reasons why victims of rape, sexual assault, and incest may refuse to testify against a defendant;

(10) the nature and incidence of domestic violence;

(11) the physical, psychological, and economic impact of domestic violence on the victim, the costs to society, and the implications for court procedures and sentencing;

(12) the psychology and self-presentation of batterers and victims and the implications for court proceedings and credibility of witnesses;

(13) sex stereotyping of female and male victims of domestic violence, myths about presence or absence of domestic violence in certain racial, ethnic, religious, or socioeconomic groups, and their impact on the administration of justice;

(14) historical evolution of laws and attitudes on domestic violence;

(15) proper and improper interpretations of the defenses of self-defense and provocation, and the use of expert witness testimony on battered woman syndrome;

(16) the likelihood of retaliation, recidivism, and escalation of violence by batterers, and the potential impact of incarceration and other meaningful sanctions for acts of domestic violence including violations of orders of protection;

(17) economic, psychological, social and institutional reasons for victims' inability to leave the batterer, to report domestic violence or to follow through on complaints, including the influence of lack of support from police, judges, and court personnel, and the legitimate reasons why victims of domestic violence may refuse to testify against a defendant;

(18) the need for orders of protection, and the implications of mutual orders of protection, dual arrest policies, and mediation in domestic violence cases;

(19) recognition of and response to gender-motivated crimes of violence other than rape, sexual assault and domestic violence, such as mass or serial murder motivated by the gender of the victims; and

(20) current information on the impact of pornography on crimes against women, or data on other activities that tend to degrade women.

SEC. 513. COOPERATION IN DEVELOPING PROGRAMS IN MAKING GRANTS UNDER THIS TITLE.

The State Justice Institute shall ensure that model programs carried out pursuant to grants made under this subtitle are developed with the participation of law enforcement officials, public and private nonprofit victim advocates, legal experts, prosecutors, defense attorneys, and recognized experts on gender bias in the courts.

SEC. 514. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for fiscal year 1992, \$600,000 to carry out the purposes of this subtitle. Of amounts appropriated under this section, the State Justice Institute shall expend no less than 40 percent of model programs regarding domestic violence and no less than 40 percent on model programs regarding rape and sexual assault.

Subtitle B—Education and Training for Judges and Court Personnel in Federal Courts

SEC. 521. EDUCATION AND TRAINING GRANTS.

(a) **STUDY.**—The Federal Judicial Center shall conduct a study of the nature and extent of gender bias in the Federal courts, including in proceedings involving rape, sexual assault, domestic violence, and other crimes of violence motivated by gender. The study shall be conducted by the use of data collection techniques such as reviews of trial and appellate opinions and transcripts,

public hearings, and inquiries to attorneys practicing in the Federal courts. The Federal Judicial Center shall publicly issue a final report containing a detailed description of the findings and conclusions of the study, including such recommendations for legislative, administrative, and judicial action as it considers appropriate.

(b) **MODEL PROGRAMS.**—(1) The Federal Judicial Center shall develop, test, present, and disseminate model programs to be used in training Federal judges and court personnel in the laws on rape, sexual assault, domestic violence, and other crimes of violence motivated by the victim's gender.

(2) The training programs developed under this subsection shall include—

(A) all of the topics listed in section 512 of subtitle A; and

(B) all procedural and substantive aspects of the legal rights and remedies for violent crime motivated by gender including such areas as the Federal penalties for sex crimes, interstate enforcement of laws against domestic violence and civil rights remedies for violent crimes motivated by gender.

SEC. 522. COOPERATION IN DEVELOPING PROGRAMS.

In implementing this subtitle, the Federal Judicial Center shall ensure that the study and model programs are developed with the participation of law enforcement officials, public and private nonprofit victim advocates, legal experts, prosecutors, defense attorneys, and recognized experts on gender bias in the courts.

SEC. 523. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for fiscal year 1992, \$400,000 to carry out the purposes of this subtitle. Of amounts appropriated under this section, no less than 25 percent and no more than 40 percent shall be expended by the Federal Judicial Center on the study required by section 521(a) of this subtitle. ◊

BIDEN "VIOLENCE AGAINST WOMEN ACT"

TITLE I—SAFE STREETS FOR WOMEN

Creates New Penalties for Sex Crimes:
Doubles penalties for rape and aggravated rape.

Creates new penalties for repeat sex offenders.

Increases restitution for the victims of sex crimes.

Encourages Women to Prosecute Their Attackers:

Requires states to pay for women's medical examinations to determine if they have been raped.

Extends "rape shield law" protection to criminal and civil cases—other than sexual assault cases where it already applies—to bar embarrassing and irrelevant inquiries into a victim's sexual history at trial.

Authorizes \$65 million in funds for rape prevention and education.

Bans the use of a woman's clothing to show, at trial, that the victim incited or invited a sexual assault.

Targets Places Most Dangerous for Women:

Authorizes \$350 million for law enforcement efforts to combat sex crimes, with \$100 million targeted for the 40 metropolitan areas most dangerous for women.

Creates special units of police, prosecutors and victim advocates to fight crime against women.

Creates Safer Public Transit and Public Parks:

Funds increased lighting and camera surveillance at bus stops, bus stations, subways, and parking lots adjacent to public transit facilities.

Targets \$25 million in existing park funds for increased lighting, emergency telephones, and police.

Establishes the "National Commission on Violent Crime Against Women":

Creates a commission to develop a national strategy for combating violence against women.

TITLE II—SAFE HOMES FOR WOMEN

Protects Women from Abusive Spouses:
Deters abusers from learning the whereabouts of a fleeing victim.

Creates federal penalties for spouse abusers who cross state lines to continue their abuse.

Requires all states to enforce any "stay away" order, regardless of which state issues it.

Promotes Arrests of Abusive Spouses:
Authorizes \$25 million for prosecutors and courts to develop special spouse abuse units.

Provides additional grants to "model states" that promote the arrest and prosecution of abusive spouses.

Provides More Money for Shelters:
Triples funding for battered women's shelters.

Teaches Children about Domestic Violence:

Creates school-based programs designed to stop the cycle of family violence.

Educates Women about Their Rights:

Requires States to establish commissions to study domestic violence and authorize a national media campaign against such violence. (Senator Coats)

TITLE III—CIVIL RIGHTS FOR WOMEN

Labels Sex Crimes as "Bias" or "Hate" Crimes:

Defines gender-motivated crimes as "bias" crimes that deprive victims of their civil rights.

Extends "Civil Rights" Protections to All Gender-Motivated Crimes:

Makes gender-based assaults a violation of federal civil rights laws.

Allows victims of all felonies "motivated by gender" to bring civil rights suits against their assailants.

TITLE IV—SAFE CAMPUSES FOR WOMEN

Funds Rape Prevention Programs:

Creates a \$20 million grant program for the neediest colleges to fund campus rape education and prevention programs and services.

Guarantees Victims' Right to Know:

Requires grantee colleges to disclose to rape victims the outcome of college disciplinary proceedings against their attackers.

Strengthens Campus Security:

Closes loophole in existing campus crime reporting law by requiring that campuses report not only "rape" but also any form of sexual assault.

Requires grantee colleges to expressly bar sexual assault as a violation of student disciplinary codes.

TITLE V—JUDICIAL EDUCATION ON VIOLENCE AGAINST WOMEN

Educates state and federal judges about domestic violence, sexual assault and gender bias.

◊ **Mr. BOREN.** Mr. President, I am very pleased to join my colleague, Senator BIDEN of Delaware, in introducing the Violence Against Women Act. This bill is the first piece of comprehensive legislation that directly addresses and alleviates the serious problem of violent crime against women in this country.

Violent crimes against women are rising at an alarming and unacceptable

rate. During the last decade, the rate of rape rose four times as fast as the total crime rate. Today, with every minute that passes, over 4 women are beaten; and with every hour that passes, 10 women are raped.

While the statistics are alarming, they pale in comparison to the true numbers of female victims. It is estimated that less than half of all rapes, and even fewer domestic assaults, are ever reported. Violent crimes against women are not limited to the streets of the inner cities, but also occur in homes in the urban and rural areas across the country.

Violence against women affects not only those who are actually beaten and brutalized, but indirectly affects all women. Today, our wives, mothers, daughters, sisters, and colleagues are held captive by the fear generated from these violent crimes—held captive not for what they do or who they are, but solely because of their gender.

Mr. President, the Violence Against Women Act is not a panacea for this pervasive problem, but is a necessary first step in freeing all females from unnecessary risk and fear. The bill designates sex crimes as a violation of civil rights, allowing women to seek remedies under the Federal civil rights laws.

Additionally, the bill increases penalties for sex related crimes being tried in Federal court, and makes court restraining orders for women enforceable across State lines. The bill also provides \$300 million in grants to State and local law-enforcement agencies to tailor programs to combat this problem at the local level.

Mr. President we can and must put an end to the spiraling escalation of violent crimes against women in this country. We must protect the rights of women in this country to feel safe on the street and in their homes. I strongly urge my colleagues to recognize the urgent need for this legislation and to join me in supporting the Violence Against Women Act. ●

Mr. COHEN. Mr. President, today I am pleased to join Senator BIDEN in reintroducing the Violence Against Women Act. The first comprehensive legislation designed specifically to combat violent crime against women, this legislation was first introduced by Senator BIDEN last year and, subsequently, was favorably reported by the Judiciary Committee. Regrettably, the full Senate did not have the opportunity to consider the measure before adjournment.

Violence against women in this country has been rising at an alarming rate. Increases in the rate of rape, assaults, and murder of women are significantly higher than increases in the national crime rate or the rate of assaults and murder of men. Nationally, a woman is raped every 6 minutes and, every 18 seconds, a woman is beaten. In my own State of Maine, a woman is raped every 38 hours and a domestic assault occurs every 3 hours.

While the statistics are shocking, the reality is even worse. It is estimated that less than half of all rapes and even fewer domestic assaults are ever reported. These crimes are not limited to the streets of our inner cities or to those few highly publicized cases that we read about in the newspapers or see on the evening news.

Women throughout the country, in our Nation's urban areas and rural communities, are being beaten and brutalized in the streets and in their homes. It is our mothers, wives, daughters, sisters, friends, neighbors, and coworkers who are being victimized; and, in many cases, they are being victimized by family members, friends, and acquaintances.

The physical and emotional toll on women who are the victims of violent crime is devastating. Compounding this tragedy is the fact that the law enforcement and judicial systems in this country, and society in general, often contribute to the victimization of women by their insensitivity, reliance on outmoded stereotypes, and failure to adequately protect victims.

Even those women who have not been touched directly by violent crime are not unaffected. How many women can walk home at night from the bus or subway without some thought of what is the safest route to take, or without pausing when they hear footsteps behind them. How many women have thought better of taking an evening stroll in their neighborhood or perhaps a local park because of a concern about crime. Regrettably, all women are victims of fear—the fear generated by the pervasiveness of violence directed against women not because of who they are or what they are doing or where they live but simply because they are women.

The Federal Government has an important role to play in reversing the trend of increasing violence against women. In addition to setting an example for the States to emulate by strengthening its own laws and enforcement efforts, the Federal Government can promote programs at the State and local level to prevent violence against women, and to more effectively prosecute and appropriately punish those individuals who commit violent crimes against women.

The Violence Against Women Act is not a cure to the growing incidence of violence but it is an important step in the right direction. The bill has five major titles: Safe Streets for Women; Safe Homes for Women; Civil Rights for Women; Safe Campuses for Women; and Equal Justice for Women in the Courts. A summary of the bill has been placed in the RECORD.

I want to take this opportunity to commend Senator BIDEN for his leadership in this area and his commitment to addressing the very difficult problem of violence against women, and I look forward to working with him to move this measure forward. I

urge my colleagues to join in supporting this important legislation.

By Mr. BIDEN (for himself, Mr. KENNEDY, Mr. SPECTER, Mr. ADAMS, Mr. D'AMATO, Mr. DECONCINI, Mr. SIMON, Mr. BRADLEY, Mr. FRYOR, Mr. METZENBAUM, Mr. HEINZ, Mr. HEFLIN, Mr. BAUCUS, Mr. GORTON, Mr. MOYNIHAN, Mr. CRANSTON, and Mr. AKAKA):

S. 18. A bill to provide emergency Federal assistance to drug emergency areas; to the Committee on the Judiciary.

DRUG EMERGENCY AREAS ACT

● Mr. BIDEN. Mr. President, today I am introducing the Drug Emergency Areas Act of 1991 to fight the spiraling problems of drug trafficking and violent crime in our Nation's cities and communities.

The drug and violent crime epidemics are taking their toll on U.S. cities unlike any natural disaster in modern history. Each year, thousands die in drug-related violence and overdoses. Tens of billions of dollars are lost in health costs and lowered productivity. The drug crisis has—literally—destroyed neighborhoods in every major city in this country.

Congress and the President recognized the need to provide emergency Federal aid to the hardest hit cities as far back as 1988, when the Anti-Drug Abuse Act was enacted. This law directed the President to designate certain areas of the country as "high intensity drug trafficking areas" and to provide immediate Federal aid to these areas. And to ensure that emergency aid was provided immediately, Congress appropriated \$25 million in October 1989 for the areas to be designated by the President.

Unfortunately, the White House response has been plagued by bureaucratic delays and inefficiency.

More than 2 years after the high-intensity drug trafficking area legislation was signed into law, not a single Federal dollar—not a single extra police officer or treatment bed—had been delivered to these hard-hit areas.

That's why 16 of my colleagues and I are introducing the Drug Emergency Areas Act of 1991 as an alternative to the President's plan. Our legislation is simple and direct. It would:

Provide \$300 million—six times the amount in the President's antidrug plan—in emergency Federal assistance to those areas of the Nation hardest hit by drug trafficking, abuse and related violence;

Direct that emergency Federal aid be available not only for big cities, but also to rural and suburban areas, where the drug crisis has overwhelmed the ability of State and local law enforcement agencies to respond; and

Allow funding for both law enforcement and prevention and treatment initiatives—to attack the problem at every possible level.

Alaska State Legislature



SENATOR
ARLISS STURGULEWSKI

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Senate

MEMORANDUM

25 February 1991

TO: Senator Pat Rodey
Chairman, Senate State Affairs Committee

FROM: Senator Arliss Sturgulewski *AS*

RE: SJR 18

I appreciate your scheduling SJR 18 for a hearing before your committee. This resolution is to express support on the part of the State of Alaska for S.15, federal legislation to provide national leadership and funding for programs to end violence against women. S.15 is expected to increase funds for prosecutors, police, public safety departments, shelters, and rape crisis centers to increase prevention, intervention, and response to this growing national problem.

I ask the committee's support for this legislation.

SJR

22

Arms Control Today

November 1990

\$3.00

Nuclear Testing: Time to Call a Halt

Paths to a Test Ban: Two Views

Wolfgang K.H. Panofsky and David A. Koplow

Do We Need Nuclear Testing?

J. Carson Mark

Verifying a Comprehensive Test Ban

Gregory E. van der Vink

End Testing, Stem the Bomb's Spread

Gerard C. Smith

Federation of American
Scientists
307 Mass Ave NE
Washington, DC 20002

Forty-five Years

	1945	1946	1947	1948	1949	1950	1951	1952	1953	1954	1955	1956	1957	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967
United States	3	2	0	3	0	0	15	10	11	6	17	18	27	62	0	0		39	4				
Soviet Union					1	0	2	0	4	7	5	9	15	29	0	0	50	43	0				
Great Britain								1	2	0	0	6	7	5	0	0	0		0			0	0
France																3	1					5	3
China																				1	1	3	2

Since 1945, over 1,600 nuclear tests have been conducted worldwide. Until the Limited Test Ban Treaty of 1963, frequent atmospheric nuclear testing caused substantial radioactive contamination of the atmosphere; since 1963 all U.S., Soviet, and British tests have been conducted underground. No atmospheric tests have been conducted by any state since 1980.

The peak years for nuclear testing came immediately before and after the 1958-1961 testing moratorium. In 1989 and 1990, nuclear testing has declined as the Soviet and (to a lesser extent) the U.S. programs came under increasing budgetary and political pressure. On October 24, 1990, the Soviet Union conducted its first test in over a year.

Time to Call a Halt?

1968	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	Totals
3	38	35	31	18	16	16	21	36	16	17	15	14	16	18	17	17	17	14	14	14	11	8	929
13	16	17	19	22	14	18	15	15	16	22	29	21	22	31	27	20	19	0	23	17	7	1	714
0	0	0	0	0	0	1	0	1	0	2	1	1	1	1	1	2	1	1	1	0	1	0	42
5	0	9	5	3	5	7								6	8	8	8	8	8	8	8	4	181
1	1	1	1	2	1	1	3	1	2	1	1	1	0	1	1	1	0	0	1	1	0	2	36

Sources: National Resources Defense Council, Stockholm International Peace Research Institute

Figures for 1990 are through October 24, the date of the most recent Soviet nuclear test. The Soviet Union's total includes 18 tests for which a breakdown by year is not available. It is likely that the United States has conducted additional tests that have gone unreported in publicly available data, and it is possible the Soviet Union has tested and/or conducted one underground test in 1974.

- Atmospheric Tests
- Underground Tests
- No Tests

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PROFESSIONAL EXPERIENCE

THE NORTH ATLANTIC ASSEMBLY Brussels. Researcher: Coordinated legislation between NATO's member-nation parliaments. Produced reports, editorials and speeches for legislators on alliance strategy, NATO's future, arms control, the CSCE process, aerospace technology, and environmental issues. Represented the Deputy Secretary General at meetings and seminars. Special Observer of the German Democratic Republic's first free election. January 1990-January 1991

CONGRESSIONAL ARMS CONTROL & FOREIGN POLICY CAUCUS Washington, DC
Research Associate: Supported 140 Congressional offices by producing reports, analyses and legislative alerts on Defense Appropriations bills, the U.S. military intervention in Panama, the use of the U.S. military in the Andean drug war, and the prospects for deep cuts in the U.S. defense budget. October 1989-January 1990

INFORMATION RESOURCES TECHNOLOGY, INC. Washington, DC International Programs Analyst: Monitored legislation pertaining to emerging technology, trade, and international cooperation issues. Conducted analyses and produced reports assessing French governmental, industrial, and military coordination. Responsible for implementing a SUN workstation network used by the Department of Defense in managing international armaments cooperation programs. April-October 1989

FEDERATION OF AMERICAN SCIENTISTS Washington, DC Research Assistant: Co-authored a forthcoming data book on the Strategic Defense Initiative. Revised, edited, and updated an existing text. Focused on arms control implications and contractor activity. February-April 1989

CONGRESSIONAL RESEARCH SERVICE, FOREIGN AFFAIRS & NATIONAL DEFENSE DIVISION Washington, DC Foreign Affairs Analyst: Produced extensive research for time-sensitive Congressional action including: legislative initiatives, briefing books, floor speeches, and constituent requests for information. Topics included: East-West relations, NATO burden sharing, West European defense cooperation, conventional and strategic arms control, high technology, and International Economics. September 1988-January 1989

UNION OF CONCERNED SCIENTISTS Washington, DC Research Assistant to Amb. Jonathan Dean: Provided quantitative analyses for conventional arms reduction models in "Meeting Gorbachev's Challenge," a book on restructuring the European security system. Assessed the USSR's unilateral conventional arms reductions in the context of the CFE negotiations. Edited speeches and manuscripts. Tracked legislation pertaining to arms control and defense spending. January-June 1988/January 1989

FOREIGN POLICY Washington, DC Staff Assistant: Evaluated and performed initial editing of manuscripts. Researched and verified the factual accuracy of articles on the history and function of the National Security Council, U.S.-Japanese trade relations, and U.S. foreign policy towards South Africa. September-December 1987

EDUCATION

M.A., International Affairs, The American University, Washington, DC (1988) Specialization: U.S. Foreign Policy, International Relations of Western Europe

B.A., International Relations, University of Minnesota, Minneapolis (1985)



Center for Defense Information

BIOGRAPHICAL DATA

Rear Admiral Eugene J. Carroll, Jr., USN (Ret.)

Rear Admiral Eugene J. CARROLL, Jr., was commissioned as an Ensign in April 1945. His early service as a Naval Aviator included ten months flying AD Skyraiders from aircraft carriers in the Pacific during U.N. operations in Korea. Following a series of assignments in the Atlantic Fleet, he commanded two light jet attack squadrons of A-4 Skyhawk aircraft. Transferred to the Pacific Fleet in 1965, he served a total of six years with units engaged in the Vietnam campaign. His assignments there included command of the amphibious assault ship, USS OGDEN (LPD-5) and the aircraft carrier, USS MIDWAY (CVA-41).

Promoted to the rank of Rear Admiral in 1972, he served as Commander of Task Force 60, the carrier striking force of the U.S. Sixth Fleet in the Mediterranean.

Admiral Carroll served on General Alexander Haig's staff in Europe from 1977 to 1979. He was the first naval officer to serve as Director of U.S. military operations for all U.S. forces in Europe and in the Middle East. His last assignment on active duty was in the Pentagon as Assistant Deputy Chief of Naval Operations for Plans, Policy and Operations. In this capacity he was engaged in U.S. naval planning for conventional and nuclear war.

During his 37 years of active service Admiral Carroll was awarded the Defense Superior Service Medal, the Legion of Merit with three gold stars, the Bronze Star Medal with combat "V" and gold star, the Air Medal with four gold stars and numerous campaign ribbons for service in World War II, Korea and Vietnam.

A graduate of both the U.S. Navy and U.S. Army War Colleges, Rear Admiral Carroll holds B.A. and M.A. degrees in International Relations from George Washington University. He is now serving as Deputy Director of the private, non-governmental Center for Defense Information in Washington, D.C. He is actively engaged in research and analysis concerning major defense issues and is writing and speaking on the need for rational military programs which will meet the long-term national security interests of the United States.

June 1986

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FOR RELEASE:
Monday, April 8, 1991

FOR MORE INFORMATION, CONTACT:
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465-4766

RETIRED ADMIRAL TO TESTIFY FOR NUCLEAR TEST BAN RESOLUTION

Rear Adm. Eugene J. Carroll, U.S.N. (Ret.) will testify via phone at a teleconference Monday, April 8 at 1:30 P.M. on behalf of SJR-22, a resolution sponsored by state senator Jim Duncan calling for an end to the testing of nuclear weapons. Adm. Carroll is Deputy Director of the private non-governmental Center for Defense Information, a Washington, DC think tank staffed by retired military officers.

Adm. Carroll served as the commander of Task Force 60, the carrier striking force of the U.S. Sixth Fleet in the Mediterranean. He served on Gen. Alexander Haig's staff from 1977 to 1979 and was the first naval officer to serve as Director of U.S. military operations for all U.S. forces in Europe and the Middle East.

Adm. Carroll's last assignment on active duty was in the Pentagon as Assistant Deputy Chief of Naval Operations for Plans, Policy and Operations. In this capacity he was engaged in naval planning for conventional and nuclear war. Adm. was decorated for service in World War II, Korea and Vietnam and holds B.A. and Masters degrees in International Relations from George Washington University. Since his retirement, Adm. Carroll has been actively engaged in research and analysis concerning major defense issues.

Also scheduled to testify for the resolution is Christopher Bolkom (202-546-1025), a staffer for the non-profit Federation of American Scientists (FAS), FAS, comprised of over 5,000 scientists in the U.S., is the oldest organization in the world devoted to ending the nuclear arms race. The organization has the sponsorship and support of dozens of prominent American scientists who are Nobel Laureates.

-30-

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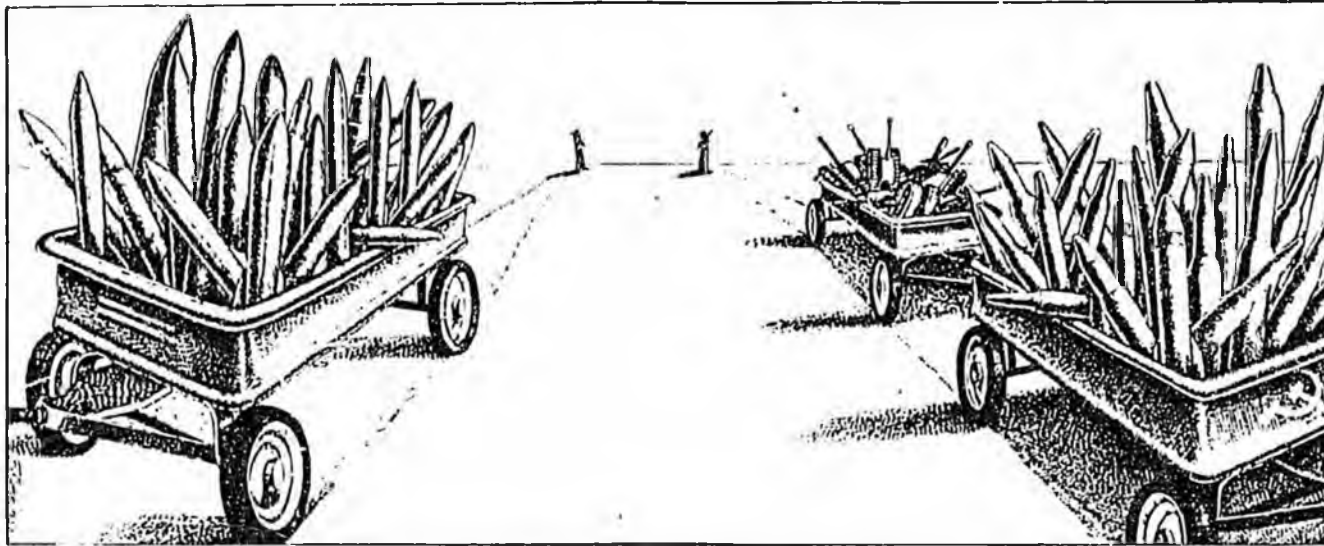
First step to elimination of war is nuclear test ban

By CHRISTOPHER TOAL

The continued testing of nuclear weapons by the United States and the Soviet Union is a global scandal hidden from the eyes of most Americans. Since 1945, when the U.S. exploded the first fission bomb in the New Mexico desert, the superpowers have conducted more than 1,500 nuclear tests. The knowledge gained from those tests has gone directly into the development of faster, more accurate, more threatening nuclear weapons.

President Kennedy began negotiations for a comprehensive test ban with Premier Khrushchev 25 years ago. Had they succeeded, the nuclear arsenals of the world would be free of Cruise missiles, MXs, SS-4s and a whole array of other weapons, and the world would be safer for it.

Now that we have agreed, in the INF Treaty, to remove our Pershing IIs, SS 20s and other intermediate-range missiles from Europe, the U.S. and Soviet governments are looking for ways to negotiate much deeper cuts in strategic nuclear arsenals. Yet as long as nuclear testing continues, those weapons can be replaced by



Los Angeles Times

others that would wipe out any benefit gained from simple numerical reductions.

What can we expect to gain from more nuclear tests? Not confidence that our existing weapons are reliable — we can determine that through non-explosive tests. Since 1970, out of the 300 nuclear tests conducted by the United States, only eight were conducted to ensure that a warhead would explode as predicted.

Nor do we need nuclear

tests to improve our means of verification. Seismic monitoring capabilities are now so precise that the Natural Resources Defense Council was recently able to document 117 previously secret U.S. nuclear tests. The Soviet Union has even agreed to on-site seismic monitoring as a means of verifying a comprehensive test ban.

What will nuclear tests give us in the future? Physicist Theodore B. Taylor, a former Deputy Director of

the U.S. Defense Atomic Support Agency, listed some of the "third generation" nuclear weapons the Pentagon is developing in the April 1987 issue of *Scientific American*. The list includes nuclear weapons that could concentrate and aim different types of radiation, such as x-rays, gamma rays or microwaves, and underground nuclear weapons that could fuel x-ray lasers (key elements in Reagan's Star Wars plans). The whole

trend of nuclear testing, in fact, is toward the development of new nuclear weapons with specific military uses — as though we could ever use these weapons without risking an all-out nuclear war.

President Kennedy spoke the central truth about nuclear testing 25 years ago at a commencement speech at American University. Both the U.S. and the Soviet Union, he said, "are devoting massive sums of money

to weapons, that could be better devoted to combating ignorance, poverty and disease." A comprehensive test ban treaty, Kennedy assured us then, "would increase our security — it would decrease the prospects of war."

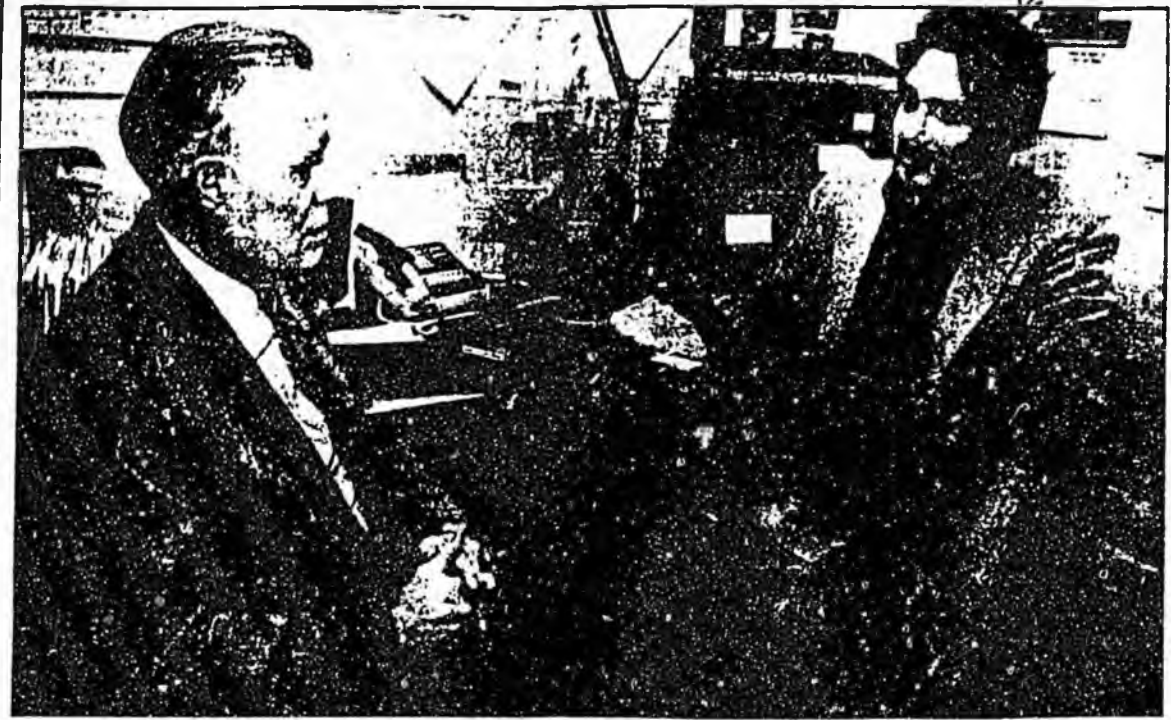
That was true 25 years ago, and remains true today. The U.S. spends between \$12 and \$70 million on each nuclear test, while programs to deal with homelessness, AIDS, child care, health care, education, and employment remain tragically underfunded.

Aug. 5, 1988 was the 25th anniversary of the signing of the Limited Test Ban Treaty. As President Bush considers his new Cabinet and policy, he should be encouraged to consider the benefits of a comprehensive test ban treaty. In ending all nuclear tests, we would pave the way for President Kennedy's ultimate hope: "the elimination of war and arms."

□ Christopher Toal was campaign coordinator for Alaska's Nuclear Freeze Initiative and is executive director of SANE/Alaska.



Former SANE/AK board member



Dr. Rodman Wilson, left, and Lawrence Weiss, both of Anchorage, discuss their part in a recent protest at the nuclear testing site in Nevada. Times photo by Al Davis

Alaskans protest at nuclear test site

By Catherine Stadem
Times Writer

Four Alaskans have broken the law and they're proud of it.

Dr. Rodman Wilson, D.; Phillip Nice, Dr. David Spence and Lawrence Weiss walked across a line with 135 companions on a sandy desert road in Nevada on Sept. 30, were handcuffed by sheriffs and arrested on charges of criminal trespass.

"I wanted to make a public statement that I think the U.S. government should stop testing nuclear devices," said Wilson, the municipality's deputy director of the Department of Health and Human Services.

Wilson, 65, and the other three Alaskans were attending the American Public Health Association convention in Las Vegas in September when they heard there would be an organized demonstration at the Nevada Nuclear Test Site, about an hour's drive away.

Spence, 40, is a physician with the state's public health service in Juneau. He said he was glad to pay the \$25 bus fare to get to the protest site, about two miles inside the nuclear test reservation.

"I feel we're violating (the 1970 nuclear non-proliferation treaty) by failing to negotiate in good faith to stop testing. That's one reason I resorted to civil disobedience," Spence said.

Joining with Wilson and Spence were Nice, a 68-year-old doctor who teaches medical students at the University of Alaska-Fairbanks; and Weiss, 40, an occupational and environmental health specialist in private business in Anchorage.

The four were part of an estimated 525 protesters on Sept. 30, a day that has been called the "largest single day of protest" in a long series of demonstrations at the test site.

"Our main point down there was

to make a statement about our opposition to the nuclear arms race and specifically a desire to end nuclear testing. Our goals in this defense are to try to accomplish a ban on testing nuclear weapons," Nice said from Fairbanks.

The protesters were given lessons on the bus and at the site, before their arrest, in Gandhian principles of non-violent confrontation. But instead of being a pro form event, they found out when they arrived at the demonstration area that an underground nuclear explosion would take place within minutes.

"It was a very scary moment," Weiss said. "It was a very shocking thing" to find out that we were standing 40 miles from ground zero, he added. When organizers found out there would be an explosion, they gave the protesters a choice: leave the area immediately on the buses, or stay.

Everyone stayed.

Carl Sagan, noted scientist, held a radio tuned to the countdown close to a microphone while the protesters listened.

"People were crying and holding on to each other," Weiss said. "No one knew what to expect."

"It was the most terrible irony. You have 500 people demonstrating for peace and that's the moment the Reagan administration chose to detonate the 21st U.S. nuclear weapon since the U.S.S.R. unilaterally stopped detonating all nuclear weapons," Weiss said.

The men said they were in good company. Sagan crossed the line with them and got arrested that warm afternoon. Others crossing the line included Dr. Bernard Lown, Nobel Peace Laureate and co-president of the International Physicians for the Prevention of Nuclear War, and Dr. Victor W. Sidel, president.

See Alaskans, page B-2

B-2 Sunday, November 21, 1984, The Anchorage Times

Alaskans protest

Continued from page B-1

elect of physicians for social responsibility.

The group has joined in a common defense — called The Desert Defense — and will be represented by Ramsey Clark, former U.S. Attorney General, at what is expected to be a high-profile trial.

Clark recently served as an expert witness in the Sept. 29 trial of another group of test-site demonstrators, which include Daniel Ellsberg. The defense of that trial was based on the National Law, the defense of necessity.

Basically, these principles state that when the government is doing something so grave that it represents an extreme danger to your person, your family or the human community at large, the government's actions and policies must be resisted, the doctors said.

It is expected that the Desert Defense trial — set for the 12th and 18th — will use the same defense

as the Sept. 30 trial, at least in part. None of the Alaskans plans on attending the trial. They were arrested on misdemeanor charges and court appearances are not mandatory.

Although the protest was an official part of the 60,000-member American Public Health Association convention, the acts of civil disobedience were up to the individuals. Weiss explained. Weiss said he was not representing his employer, the Alaska Health Project, when he broke the law.

Spence said although he is employed by the state, he was on annual leave and paid his own expenses to the meeting. Nice also said he was representing himself and not his employer during the protest.

Wilson said that although he attended the APHA convention on taxpayers' expense, "I do not expect the municipality to endorse any civil disobedience or to go to jail for me or pay my fine if I am found guilty, but I do expect the municipality to be sympathetic to my effort to keep the world from being incinerated."

Measure's backers, detractors agree on one thing: Anchorage Times Alaska nuclear freeze resolution would send a powerful message

by Earl Swift 8-13-86
Times Writer

Its backers say it is designed to send a message to Washington; its opponents argue that it will instead send a message to the Kremlin.

Those supporting it say it will bring the United States a tiny step closer to peace. The other side, however, says that through naive and oversimplification, it will achieve the opposite.

The issue is Alaska's nuclear freeze initiative, a three-paragraph resolution on the Aug. 26 primary ballot that calls for the adoption of a nuclear freeze "policy."

And both the measure's supporters and detractors agree that what seems a cut-and-dried provision of few words addresses an issue of great complexity.

Alaska will be the only state in the union voting on such a measure in 1986, thanks to a three-year drive by members of Freeze 86, an Anchorage-based

coalition that collected more than 30,000 voters' signatures to land the question on the primary ballot.

The measure's first section calls for state policy recognizing the prevention of nuclear war as earth's greatest challenge and the arms race as a prime promoter of such a conflict. It concludes with a proviso that the state's policy be to "promote a mutual and verifiable freeze followed by reductions in nuclear warheads, missiles and other delivery systems...."

Paragraph two covers the initiative's implementation: "The governor shall conduct the affairs of state and carry out state programs in conformity with this policy," it reads.

Alaskans have had the opportunity to vote on the issue before. Voters in Anchorage and Juneau passed freeze resolutions in 1982, although the same measure failed in Fairbanks. In addition, state senators passed in April 1982

a resolution calling for a worldwide freeze proposal.

But this time, they have the opportunity to speak as a state on the issue. That's good, Chris Toal said Saturday. Such solidarity will send a solid message to Washington about the views of the state once owned by, and closest to, the Soviets.

Juneau resident Lou Coatney disagreed: The message will go to Moscow, he said, and it will say that Alaska is willing to accept any treaty, rather than a good one; it will, he said, compromise the United States' bargaining position with the Soviets.

"All the folks in the Bush never had a chance to vote for it before, so I'll be the first time for most native Alaskans to vote on it," Toal, a University of Alaska-Anchorage student, said.

"I think Alaskans should be as concerned as anyone else," about the issue, he said. "Maybe a little more, because

everyone here is aware we are a target."

The measure's reference to "mutual" agreement, Toal said, can be interpreted as either calling for a bilateral U.S.-Soviet or worldwide freeze. But, he said, the two are largely synonymous: "The immediate danger is the superpowers."

Its second paragraph does not mean that Alaska's governor will be obliged to, say, oppose military deployment or commercial uranium mining here. The initiative is intended, Toal said, strictly as "an expression of concern by the people of Alaska," and the only time the policy might interfere with the executive's latitude would be if he "hosted a conference to promote the arms race."

Coatney, who describes himself as a student of Soviet history — and who prepared the opposition statement on the Division of Elections' summary of the question — said the U.S.S.R. views

Alaska with special interest and that the initiative would be particularly damaging because of the state's size and geopolitical importance.

He disagreed, he said, "with the practical effect, as opposed to the idealistic intent," of the initiative, on three grounds. First of all, a freeze will do nothing to halt the development of non-nuclear weapons, he said; second, he thinks nuclear weapons deter any aggression, not just nuclear; and third, he says a freeze would most benefit the Soviets, who undertook a massive military buildup in the 1970s.

Toal disagreed, labeling counts of each country's nuclear stockpiles "number games" and "pre-nuclear thinking."

"They're pretty irrelevant if it only takes 400 nuclear weapons to wipe out either society," he said. "Four hundred nuclear weapons could reduce the United States to a Third World country overnight."

Both sides say freeze is 'message'

Anchorage Times
By Earl Swift
Times Writer
8-24-86

Both those for and against Alaska's nuclear freeze initiative say the three-paragraph resolution will "send a message" if the state's voters give it the nod in the Aug. 26 primary election.

But the measure's supporters and opponents differ on who will receive that message and what the initiative's long-term effects might be.

If passed, the provision would convey to Washington the concern of a state once owned by, and closest to, the Soviets, said Chris Toal, coordinator of Freeze 86, a coalition sponsoring the initiative.

Juneau resident Lou Coatney

disagreed: The message would go to Moscow, he said, and would compromise the U.S.'s bargaining position with the Soviets.

Alaska will be the only state in the union voting on such a measure in 1986. Its first section calls for a state policy recognizing the prevention of nuclear war as Earth's greatest challenge and the arms race as a prime promoter of such a risky conflict. It concludes with a proviso that the state's policy be to "promote a mutual and verifiable freeze followed by reductions in nuclear warheads, missiles, and other delivery systems...."

Paragraph two covers the initiative's implementation: "The governor shall conduct the af-

fairs of state and carry out state programs in conformity with this policy," it reads.

Toal said the implementation provisions do not mean that Alaska's governor will be obliged to oppose military deployment or commercial uranium mining here. The initiative is intended, he said, strictly as "an expression of concern by the people of Alaska."

Coatney, who wrote the opposition statement in the Division of Elections' informational handout on the question, said he felt the initiative would be particularly damaging because of the state's size and geopolitical importance.

He disagreed, he said, "with

the practical effect, as opposed to the idealistic intent," of the provision, saying it would do nothing to halt the development of non-nuclear weapons and would most benefit the Soviets, who undertook a massive military buildup in the 1970s.

Regardless of how one feels about the Soviet Union, Toal said, the chance of nuclear accidents is ever-present without a freeze. "If Murphy's Law can affect the space shuttle, Murphy's Law can affect nuclear weapons," he said. "There are a number of scenarios that could take place. It's the accidental ones that scare me the most."

Alaskans pass nuclear arms moratorium

By Earl Swift
Times Writer

Alaskans turned the idea of a nuclear weapons freeze into an official state policy Tuesday, approving an initiative calling for a moratorium on the production and deployment of such devices by a 10-percent margin.

The only vote of its kind in the nation this year, the tally was heralded by freeze organizers as a grass-roots victory for peace and a strident message to Washington about the state's nuclear angst.

With 84 percent of the state's precincts reporting, those favoring the three-paragraph measure accounted for 58 percent of the 114,065 votes cast, while those opposing it had captured just shy of 42 percent.

The simply worded provision, which will become law when the final election results are certified next month, calls for a state policy recognizing the prevention of nuclear war as the planet's greatest challenge and that the arms race increases the risk of such a conflict.

It continues with a proviso that the state's policy be to "promote a mutual and verifiable freeze followed by reductions in nuclear warheads, missiles and other delivery systems." Paragraph two covers the initiative's implementation: "The governor shall conduct the affairs of state and carry out state programs in conformity with this policy," it reads.

"We're really happy," smiled Chris Toal, coordinator of the Freeze 86 coalition that sought and obtained more than 30,000 voters' signatures to place the question on the ballot. "For a conservative state like Alaska to come out for the freeze this way is just terrific."

In a campaign that seemed to excite much private debate but little public discussion, both the freeze's supporters and detractors agreed the initiative would send a message.

They disagreed, however, on that message's target and long-term impact. Toal and other supporters argued the resolution would be particularly relevant to national leaders, given the state's one-time ownership by Russia and proximity to the Soviet Union. The measure's detractors, meanwhile, asserted that any message stemming from a successful initiative would go to Moscow, not Washington, and would compromise the United States' bargaining position with the Soviets.

The outcome of Tuesday's balloting seemed to settle the matter, as far as Toal was concerned. "We would have been ecstatic with anything over 50 percent," he said outside the Hotel Captain Cook's ballroom early this morning, as a handful of Freeze '86 volunteers — a few carrying placards and balloons reading "No More Hiroshimas" — congratulated one another nearby. "We think it passed because it makes sense — it's a common-sense vote to end the arms race."

The initiative's passage does not mean Alaska's governor will be obliged to oppose military deployment or commercial uranium mining here, Toal said; rather, he said, it is intended strictly as an expression of concern by the people of Alaska, aimed at national lawmakers.

"We hope our representatives will think twice before voting for anything that will bring about more nuclear weapons, with their votes in Congress," he said.

Voters approve nuclear freeze initiative

By JOHN TETTON
Daily News Reporter

The nuclear freeze initiative on Tuesday's ballot appeared headed for victory by a 5-to-2 margin with more than half of the vote counted. With passage, Alaska would join nearly half of the states in the nation in rejecting the continued build-up of nuclear weapons.

The proposition, Ballot Measure No. 1, said, "... The prevention of nuclear war is the greatest challenge facing the Earth and ... the nuclear arms race dangerously increases the risk of war that would destroy humanity." It called for a "mutual and verifiable nuclear weapons freeze, to be followed by nuclear weapons reduction." It directed the governor to "conduct the state's affairs in conformity with the initiative's goals."

Alaska Freeze '86, the organizers of the initiative, collected more than 30,000 signatures to qualify it for a place on the ballot. Similar propositions passed in municipal elections in Anchorage and Juneau in 1982, but failed in Fairbanks.

With victory apparent, freeze supporter Dr. Ted Maki, an associate professor of health sciences at the University of Alaska-Anchorage, said, "Peace is too important to leave in the hands of politicians." Maki is scheduled to visit the Soviet Union next month to discuss medical science problems. The freeze campaign had virtually no organized opposition.

Few individuals spoke out against the initiative publicly. One, Lou Coakley of Juneau, argued that "a freeze of the research, development and production of nuclear weapons cannot be verified." U.S. spy satellites, he said, can read license plates, but the Soviets have "nonetheless succeeded in seriously violating existing nuclear and biological treaties."

The ban-the-bomb movement isn't new. Scores of national and international groups in 1982 endorsed similar proposals, among them Friends of the Earth, International Physicians for the Prevention of Nuclear War, National Council of Churches, National Ed-

ucation Association and the U.S. Conference of Mayors.

Twenty-three states have had nuclear freeze resolutions pass in both their upper and lower legislative bodies. The freeze passed by popular vote in nine states and the District of Columbia.

In a national Gallup Poll in 1984, 78 percent of the respondents favored a nuclear freeze, 18 percent opposed it and 4 percent had no opinion. More than 80 percent of those favoring a nuclear freeze were Democrats under 30 years of age.

In another poll, 62 percent of the delegates to the 1984 Republican Party national convention said they supported a nuclear freeze.

Alaska voters join freeze bandwagon

8-27-86 Fairbanks Daily News-Miner

The State of Alaska joined eight other states and Washington, D.C., Tuesday when voters passed Proposition 1, an initiative supporting a mutual and verifiable arms freeze followed by reductions in nuclear weapons arsenals.

At the end of the night, with 89.5 percent of statewide precincts reporting, the supporters of the measure led the one opposition 58 percent to 41.9 percent.

In the Fairbanks area, voters have changed their minds on this issue. A similar ballot proposition was voted down in the 1982 municipal elections, 8,837 to 7,977. Tuesday, 59 percent of Fairbanks and North Pole voters cast ballots in favor of the initiative while 40.9 percent cast theirs in opposition.

"We expected it to be tight and the race is living up to its expectations," said Ian Heitman, coordinator of Fairbanks Freeze '86, at about 12:30 this morning.

Despite the opposition of more than 40 percent of the voters, neither Heitman nor co-worker Mike Geil was aware of any organized opposition to the freeze proposition.

Lou Coakley, a resident of Juneau, wrote a statement opposing the proposition, enclosed in a media packet from the Division of Elections. In his statement, Coak-

ley called the resolution "a naive, simplistic and cruelly false solution to a complex and deadly problem."

"Our government has heard our concern about the cost and dangers of the arms race," Coakley continued. "It has tried to regulate fairly, verifiable disarmament treaties which will also contribute to ending war. The Soviets refuse these and break others."

Coakley is only one man, however, and 43,653 people in Alaska, including 7,237 from Fairbanks, voted against Proposition 1. Heitman believes that if more voters knew the ins and outs of the freeze measure, more would have voted for it.

"I think it's a philosophical question that a lot of people don't have a lot of answers to," he said. "I really don't understand why people would oppose it considering it's a mutual and verifiable freeze we're asking for. We're not asking the U.S. to go it alone."

The question is: will the United States listen to Alaska? The answer, in Heitman's opinion, is yes.

"I think the Administration would have to look and take into consideration movements such as this from one state or 50 states," Heitman said.

FAIRBANKS AREA	4,140
ANCHORAGE	55,575
UNINCORPORATED AREAS	2,213
Juneau District 8 (out of 20 precincts)	2,089
Juneau District 9 (out of 20 precincts)	2,089
Juneau District 10 (out of 20 precincts)	2,089
Juneau District 11 (out of 20 precincts)	2,089
Juneau District 12 (out of 20 precincts)	2,089
Juneau District 13 (out of 20 precincts)	2,089
Juneau District 14 (out of 20 precincts)	2,089
Juneau District 15 (out of 20 precincts)	2,089
Juneau District 16 (out of 20 precincts)	2,089
Juneau District 17 (out of 20 precincts)	2,089
Juneau District 18 (out of 20 precincts)	2,089
Juneau District 19 (out of 20 precincts)	2,089
Juneau District 20 (out of 20 precincts)	2,089
TOTAL	114,065
FOR	66,592
AGAINST	48,073

campaign news

Sullivan chairs Murkowski campaign

Former Anchorage mayor George M. Sullivan was selected state chairman for Republican U.S. Sen. Frank Murkowski's re-election campaign. According to a news release from Murkowski's campaign office, Sullivan will represent Murkowski during the campaign, particularly when the Senate is in session. He will also provide counsel to the campaign staff. Other officers include Fred Eastaugh, Southeast chairman; Roy Huhndorf and Pat Rumley, Anchorage finance co-chairmen; Bill Bushey, Fairbanks finance chairman; and Bill Corbus, Juneau finance chairman.

Candidates back freeze measure

Gov. Bill Sheffield, who is running for re-election, Republican gubernatorial candidates Walter Hickel and Dick Randolph and Democratic candidate Steve Cowper have endorsed Proposition 1. The initiative calls for a mutual and verifiable nuclear freeze. It will be on the primary ballot. According to a news release, Alaska Freeze '86, which backed the drive to put the initiative on the ballot, is still seeking support from the rest of the gubernatorial candidates.

Anchorage Times
SAT August 16th



Alaska

Anti-nuclear war group to walk for ballot issue

Times Staff






Alaskans supporting a nuclear weapons freeze will hit the streets at 10 a.m. today, when Citizens Against Nuclear War sponsors a 10-kilometer pledge walk through downtown Anchorage.

The event, open to the public and intended to raise money for Freeze '86, a drive to ban nuclear weapons in Alaska through a ballot proposition in the Aug. 25 primary

election. People interested in participating in the walk and a subsequent rally on the Delaney Parkstrip should meet at the Log Cabin Church, 602 W. 10th Ave., Freeze '86 coordinator Chris Toal said Friday.

"We'll have the pledge forms available for them there, and if they have their pledges lined up they can fill them out right there," he said.

ELECTION COVERAGE INSIDE

 U.S. SENATE:	Murkowski, Olds running ahead	C-1
 U.S. HOUSE:	Young, Begich battle shapes up	C-1
 NUCLEAR FREEZE:	Initiative appears headed for victory	A-12
 AROUND ALASKA:	Mat-Su, state	C-1
 SUZAN NIGHTINGALE:	Passing out the plaudits for political 'eloquence'	C-1

Being Jagged Sommer Statewide nuclear freeze movement gains

Encouraged by the passage of nuclear freeze resolutions in Anchorage and Juneau as well as in Aberdeen or Juntura and thousands of municipalities throughout the state, a group of Anchorage citizens got together in the spring of 1985 to organize a statewide freeze campaign. The group decided to focus on placing a freeze initiative on the 1986 ballot. This goal required securing the signatures of 10 percent of Alaskan voters, roughly 20,000 people. To qualify for the 1986 ballot, we needed to submit the signatures by January of that year. To that end, the group organized chapters in communities across the state.

The freeze initiative calls for "a mutual and verifiable freeze followed by reductions in nuclear warheads, delivery systems, and other delivery systems in order to halt the nuclear arms race and... reduce the risk of nuclear war." In essence, the initiative...

momentum.

In Fairbanks, Juneau, Ketchikan, Sitka, Homer, and Kodiak chapters organized for this purpose and some of the chapters are sponsoring related activities. The Kodiak chapter has established a public project with Aeady, a coastal community in the Sitka Union. The Ketchikan chapter is actively involved in a campaign to establish a nuclear free zone in southwestern Alaska because of the possibility a nuclear submarine will be based in that area.

The freeze group, called Alaska Freeze '86, is planning a number of fund raising projects preliminary to a centralized media campaign shortly before the November elections. It plans a political dance, freeze walk, and auction. It urgently needs contributions and participants in these activities. Anybody interested in participating should contact the chair, Dorothy Jones, at 694-2023 (evenings) or 277-0201 (days). Contributions should be sent to Alaska Freeze '86, 6605 Arctic Bl., Anchorage 99501.

ELECTION COVERAGE

U.S. SENATE

U.S. HOUSE

NUCLEAR FREEZE

AROUND ALASKA

SUZAN NIGHTINGALE

Passing out the plaudits for political 'eloquence'

Proponents hope freeze vote gets message across

By SAM BISHOP
Staff Writer

Alaska would be on the record as supporting a "mutual and verifiable" freeze on the deployment of nuclear weapons if a measure on Tuesday's ballot is approved by voters.

Mike Geil, a member of Fairbanks' Freeze '86, said passage of the measure would express the beliefs of Alaskans. He said many people are also hoping it will stimulate discussion of the freeze again outside the state.
(See FREEZE, Back Page)

out, he said. "I think that that we take passus not a we have a react there." Shaw said. In addition to Flat and Fairbanks were set up row after the at all but the station will be closed t Syup. Akas: designate of the t tute, said he plans reconsider the bu

8—Daily News-Miner, Fairbanks, Alaska

FREEZE . . .

(Continued from page 1)

Several other states approved such freeze initiatives in 1984, but it did not appear on the ballot in Alaska. The people organizing the initiative drive were able to collect enough signatures, but by then it was too late to be on the ballot. Geil said the Division of Elections lost some of the signatures prior to the 1984 election and refused to put the measure on the ballot.

More signatures collected and the question was placed on the 1986 primary ballot, the next statewide election.

California, New Jersey, Massachusetts, Michigan, Montana, North Dakota, Oregon, Rhode Island, Wisconsin and Washington, D.C. have adopted similar initiatives.

Geil, the science coordinator for the school district, said Fairbanks Freeze '86 began meeting in July, sponsored a booth at the Alaska State Fair and is running 30-second spots on local radio stations.

Geil said that there are an estimated 50,000 nuclear warheads in the world, the equivalent in explosive power of four tons of TNT for every person on earth.

"Why do we keep spending billions a year on making more and making bigger ones?" Geil said. "These things are about unusable, they are so powerful, it's madness, especially when you think about what some of this money could be going toward."

If a freeze were implemented, the United States could save about \$100 billion during the next five years, Geil said.

Geil said he wanted to emphasize that the measure refers only to a "mutual and verifiable" freeze. In national debates on the subject, doubts have been expressed about whether the United States or the Soviet Union could verify whether each had frozen production of nuclear weapons.

Geil said he thinks a freeze is verifiable and quotes several people to support him, including Herbert Scoville, former deputy director of the CIA, and Harold Brown, former secretary of defense.

"To me I think it (passage of the measure) will send a message that the people are still aware of this and they want an end to the insanity of nuclear weapons proliferation. And it will send a message to our representatives in Congress," Geil said.

Following is the exact wording of ballot measure No. 1:

"The initiative would officially recognize that the prevention of nuclear war is the greatest chal-

lenge facing the Earth and that the nuclear arms race dangerously increases the risk of a war that would destroy humanity. The initiative would promote a mutual and verifiable nuclear weapons freeze, to be

PRIMARY Preview

followed by a nuclear weapons reduction. The initiative would direct the governor to conduct the state's affairs in conformity with the initiative's goals.

A vote for adopts the initiative and a vote against rejects the initiative.



Anti-nuclear war group to walk for ballot issue

Their next public event will be a walk for the streets at 10 a.m. today.

When Citizens Against Nuclear War sponsors a 10-kilometer pledge walk through downtown Anchorage.

The event, open to the public and intended to raise money for Freeze '86, a drive to ban nuclear weapons in Alaska through a ballot proposition in the Aug. 26 primary

People interested in participating in the walk and a subsequent rally on the Delaney Parkway should meet at the Log Cabin Church, 600 W. 10th Ave., Freeze '86 coordinator Chris Fou said Friday.

"We'll have the pledge forms available for them there, and if they have their pledges lined up they can fill them out right there," he said.

Question:

What Do These Candidates Have in Common?

Gov. Bill Sheffield
Walter J. Hickel
Dick Randolph
Sen. Arliss Sturgisowski
Ed Hoch
Allegra Barnes

Jane Angvik
Dave Carlson
Glenn Olds
Pegge Begich
Sen. Vic Fischer
Mary Ratcliff

Johnny Ellis
Dave Donley
Kay Brown
Rep. Max. F. Gruenberg Jr.
Rep. Katie Hurley
Mark Boyer

Rep. Mike Davis
Virginia Sampson
Rep. Niilo Koponen
Rep. Marco Pignatelli
Rep. Andre Marrou

Thomas Brooks Jones
Bill Davis
V. Fate Putman
Donna Estell
Rep. Mike Miller

Answer:

They support a mutual and verifiable freeze on nuclear weapons and they hope you will vote for Ballot Measure 1 in the August 26th Alaska Primary Election.

Paid for by:



and Physicians for Social Responsibility/Alaska
1013 W. 16th Avenue
Anchorage, Alaska 99501

ALASKA FREEZE '86
419 Barrow St., Anchorage, AK 99501

appeared in Anchorage Times 8-26-86

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO. SJR 22

Revision Date: _____
Title: Urging Halt to Nuclear Tests

Department Affected: _____

BRU: _____

Component: _____

Sponsor: Sen. Duncan

Requestor: Senate State Affairs

COMPONENT SERIAL NO.

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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS. CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
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FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: none

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Senate State Affairs Phone: 465-3793

Division: Legislative Date: April 8, 1991

Approved by Commissioner: Senator Patrick Rodey *Pat Rodey*

Agency: Senate State Affairs Committee Date: April 8, 1991

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

INTERNATIONAL

COMPREHENSIVE TEST BAN

CAMPAIGN

**BACKGROUND
INFORMATION**

HISTORY OF TESTING NEGOTIATIONS

THE COLD WAR

The concept of a Comprehensive Test Ban (CTB) predates even the first nuclear test. When World War II ended in Europe in May 1945, many scientists working on the Manhattan Project vigorously objected to testing a nuclear weapon. They argued that Nazi Germany had been defeated before it could develop the atomic bomb, removing the need to complete the development of a U.S. weapon. Their pleas went unheeded, and the world's first nuclear test was conducted in July 1945. The Soviet Union conducted its first nuclear test in August 1949.

By 1958, as public demand for an end to nuclear testing increased, the U.S. and the Soviet Union committed themselves to negotiating a test ban. In an effort to foster a climate conducive to negotiations, President Eisenhower announced a moratorium on U.S. testing. The Soviet Union joined on the condition that France and Great Britain also refrain from testing.

The moratorium continued until President Eisenhower announced withdrawal from the agreement on December 31, 1959, and France exploded its first atomic weapon on February 13, 1960. Citing this violation, the Soviet Union surprised the Western powers with a rapid series of 30 nuclear tests in sixty days. The U.S. responded by conducting nearly 100 tests in 1962. Nuclear testing had become more of a political exercise than a technical one, and remains so today.

LIMITED TEST BAN TREATY

The Cuban Missile Crisis between the U.S. and the Soviet Union in 1962 galvanized strong popular opposition to nuclear testing. This opposition increased when PSR publicized a study finding radioactive strontium-90, an element associated with the fallout from nuclear tests, in the deciduous teeth of American children. Together, PSR and the St. Louis Committee for Nuclear Information waged an effective campaign to educate the public about the deleterious health effects of testing in the atmosphere and to push for a test ban.

On June 10, 1963, President Kennedy announced a moratorium on U.S. nuclear testing in the atmosphere. The Soviet Union responded favorably and within 55 days the Limited Test Ban Treaty (LTBT) was negotiated and signed. The LTBT prohibits the testing of nuclear weapons above ground, underwater, and in space, but allows underground nuclear testing.

NUCLEAR NON-PROLIFERATION TREATY

After the LTBT was signed, the three original nuclear weapons states (the U.S., Soviet Union and Great Britain) committed themselves in specific provisions of other treaties to achieving a CTB. Article VI of the 1968 Nuclear Non-Proliferation Treaty (NPT), which bans acquisition of nuclear explosives by non-nuclear weapons states, directs the nuclear weapons states to pursue a test ban.

Many non-nuclear weapons states that are party to the NPT agreement have warned that they will not be held to the terms of the agreement unless the superpowers actively pursue the completion of a CTB. The threat of nuclear proliferation will continue until the nuclear powers sign a CTB and halt the flow of nuclear technology to non-nuclear states.

THRESHOLD TEST BAN AND PEACEFUL NUCLEAR EXPLOSIONS TREATIES

The 1974 Threshold Test Ban Treaty (TTBT), which prohibits all nuclear weapons tests over 150 kilotons, also urges a ban on all underground nuclear tests. Its companion treaty, the Peaceful Nuclear Explosions Treaty (PNET), prohibits the testing of non-weapon nuclear devices with a yield of over 150 kilotons. The TTBT and PNET were negotiated and signed by Presidents Nixon and Ford in 1974 and 1976, respectively. The U.S. Senate has not completed ratification of either treaty, despite some appeals for ratification in recent years. The U.S. and USSR have complied with both treaties since they were signed.

CTB PROGRESS UNDER PRESIDENT CARTER

Following the lead of his predecessors, President Carter identified the CTB as a top priority on his arms control agenda. In 1977, the U.S., the Soviet Union and Great Britain began CTB negotiations. President Carter's push for a test ban was opposed by the Joint Chiefs of Staff as well as heads of the Los Alamos and Lawrence Livermore national laboratories. Arguing that a complete halt to testing would impair the reliability of the U.S. stockpile, these critics persuaded the Carter Administration to press for a CTB that would be limited to three years.

In response to pressure from these testing advocates, President Carter de-emphasized CTB negotiations, and they ground to a complete halt after the Soviet invasion of Afghanistan. However, in the three years during which CTB negotiations were conducted, agreement was reached on most of the significant provisions. The Soviet Union made concessions on several pivotal verification issues, agreeing to emplacement of ten seismic monitoring stations in each nation and to on-site inspection in the event of any suspicious activity.

THE REAGAN ADMINISTRATION HALTS CTB TALKS

In a dramatic policy reversal from all previous administrations since Eisenhower's, President Reagan announced in July 1982 that he would not resume CTB talks. He asserted that negotiations could not be conducted until the verification provisions of the TTBT and the PNET had been strengthened. Reagan officials alleged that if the 150-kiloton limit on nuclear explosions could not be adequately verified, there was no possibility for verifying a total test ban. Although the Reagan administration said at the time that a CTB remained a "long term goal," a 1983 Arms Control and Disarmament Agency (ACDA) report to the House Appropriations Committee argued that nuclear testing should be continued indefinitely to evaluate nuclear weapons effects, to develop and modernize warheads, and to maintain stockpile reliability.

THE SOVIET TESTING MORATORIUM

In July 1985, Soviet General Secretary Gorbachev announced a moratorium on Soviet nuclear testing, to begin on the fortieth anniversary of the atomic bombing of Hiroshima. He appealed to the U.S. to join, but Reagan refused, and continued to refuse each time Gorbachev extended the moratorium. The administration argued variously that compliance with the moratorium could not be verified, that a halt to U.S. testing would be injurious to national security, and that the Soviet initiative was a propaganda ploy preceded by a period of intensive Soviet testing.

In December 1985, Gorbachev wrote a personal letter to President Reagan stating that the Soviet Union would allow on-site inspection if the U.S. would agree to stop its testing program. Reagan rejected this offer on the grounds that the Soviets could not be trusted. Throughout 1986, repeated Soviet extensions of the moratorium were met with repeated U.S. testing.

When the U.S. conducted its first nuclear test of 1987 on February 3, the Soviet Union announced that it would end its 19-month-old moratorium. The Soviet Union resumed testing on February 26, emphasizing that it was prepared to stop testing again "any day and any month when the United States announces termination of its nuclear tests." During the moratorium, the U.S. conducted at least 25 tests.

INDEPENDENT VERIFICATION AGREEMENT IMPLEMENTED

In May 1986, the Natural Resources Defense Council (NRDC), a private U.S. research organization, signed an agreement with the Soviet Academy of Sciences to monitor jointly U.S. and Soviet underground nuclear tests. The Soviets agreed to place three seismic monitoring stations within 200 kilometers of their chief test site at Semipalatinsk, provided that the U.S. allowed similar stations on its territory. Facilities in each country would be jointly staffed and operated by scientists from the two organizations, and information gathered by the stations would be delivered to both governments.

In July 1986, three seismic stations began operations about 100 miles southwest of Semipalatinsk. In January 1986, the NRDC began operating a seismic station near the Nevada Test Site where all U.S. tests are conducted. So far, the U.S. has refused to grant visas to Soviet seismologists, preventing them from working with NRDC scientists at the new seismic station. The success of this cooperative venture effectively refutes arguments that compliance with a test ban cannot be adequately verified with seismic monitoring equipment. It provides concrete evidence that verification issues can be resolved when political will is added to technical capability.

TESTING TALKS RESUME

In the autumn of 1987, the Soviet Union insisted that testing talks resume as a precondition to an agreement banning all Intermediate-Range Nuclear Force (INF) missiles. Both sides agreed in a joint statement that a CTB would be the ultimate goal of these talks. But Reagan Administration officials simultaneously insisted that the U.S. had to continue its testing program indefinitely, and that a test ban was not feasible for the foreseeable future.

The renewed talks are addressing more stringent verification of the 150 kiloton ceiling on all nuclear explosions required under the PNET and TTBT agreements. Although the Reagan Administration alleges Soviet violations of the TTBT, the CIA has confirmed that the Soviet Union has complied with the 150 kiloton ceiling.

Under the terms of the renewed testing talks, an on-site monitoring device called CORRTEX (Continuous Reflectometry for Radius versus Time Experiment) will be used to verify compliance with the 150 kiloton testing limit. The Administration has insisted on this on-site verification method in the past, in part because the Soviet Union was opposed to on-site monitoring. But the Soviet Union has agreed to use CORRTEX now, with the understanding that seismic monitoring would be the most effective means of verifying a CTB.

Improvements in superpower relations since mid-1987 have improved prospects for a CTB in future administrations. Although current testing talks will not produce new testing restrictions, they set important precedents for on-site inspections and government-level exchanges of scientific personnel.

**Physicians for Social Responsibility
1601 Connecticut Avenue, NW
Suite 800
Washington, DC 20009**

March 1988

TALKING POINTS ON TECHNICAL ISSUES

A Comprehensive Test Ban (CTB) is the single most important key to halting the nuclear arms race. By stopping modernization on all sides, a CTB would stabilize U.S.-Soviet relations, and ease negotiation of deep cuts in the superpower nuclear arsenals. In addition, a CTB would help prevent the further spread of nuclear weapons technologies throughout the world. Supporters of continued nuclear testing site verification and warhead reliability as roadblocks to a CTB, but these issues have been resolved for decades. A halt to nuclear testing awaits only the political will of the superpowers.

The negotiation and signing of a Comprehensive Test Ban Treaty would reduce the global threat of nuclear war and enhance the security of the United States and the Soviet Union by:

- Preventing the design and development of new, dangerous nuclear weapons by the superpowers. A CTB would increase the benefit of arms reduction treaties by preventing development of replacement weapons.
- Strengthening international laws preventing the spread of nuclear weapons technology to current non-nuclear nations.
- Saving hundreds of billions of dollars in the U.S. and the Soviet Union by preventing production and deployment of new nuclear weapons.
- Protecting the global environment from the release of radioactivity from underground nuclear tests and weapons production facilities.
- Promoting contact and cooperation among U.S. and Soviet government agencies and scientists.

Over the past 30 years, U.S. officials have cited technical problems that would prevent nuclear powers from signing a CTB Treaty. These officials have claimed that inadequate verification technology would allow Soviet tests to go undetected during a CTB. Testing proponents also claim that a CTB would allow the reliability of nuclear warheads to deteriorate over time, reducing the credibility of the U.S. nuclear deterrent. But continued research in the fields of verification and reliability confirm that a bilateral test ban is feasible and cannot be dismissed on these grounds. In addition, a test ban would prevent the development of dangerous new nuclear weapons including Star Wars components, and would slow or stop the proliferation of nuclear weaponry throughout the world.

1. VERIFICATION OF A CTB

The technical ability to verify CTB compliance has been debated since leading Western scientists agreed in 1958 that a U.S.-Soviet bilateral ban on tests in the air, water, and space was verifiable. Five years later, President Kennedy and Soviet Premier Nikita Khrushchev signed the Limited Test Ban Treaty, banning tests in these environments. Even then, the two leaders believed that a CTB was verifiable with on-site inspection provisions. But political constraints on both sides prevented such an agreement, and have continued to plague test ban advocates to this day.

Seismic verification technologies are now so advanced that a CTB is verifiable even without test-site inspections. Experiments conducted by the U.S.-based Natural Resources Defense Council (NRDC) and the Soviet Academy of Sciences have shown that seismographic data is sufficient to detect all but the smallest nuclear explosions, even if the measurements are recorded from thousands of miles away from test sites.

A 1988 NRDC report provides further evidence that seismic monitoring can be used to effectively monitor a test ban. Reviewing past seismic data, researchers discovered that the U.S. had conducted 117 unannounced nuclear tests in the past three decades, bringing the total number of U.S. tests to 899 through 1987.

The following measures would allow both sides confidence that neither was conducting secret underground nuclear tests during a CTB:

- Cooperative calibration of seismic equipment, as demonstrated in the NRDC-Soviet Academy of Sciences experiment.
- Installation of in-country radiation detectors. Because many underground nuclear tests have released detectable radioactivity into the atmosphere, these detectors would create an additional hurdle for one party trying to conduct undetected nuclear tests in violation of a CTB.
- Observation of test ranges by reconnaissance satellites. Both sides have the national technical means to detect the movement of large numbers of people and scientific equipment necessary for even one nuclear test.
- Establishment of an international inspectorate for large industrial chemical explosions. Such an inspectorate would enable all sides to distinguish high-yield chemical explosions from nuclear explosions.

Independent verification technology experts and Congressional Committees agree that inadequate resources are being devoted to U.S. verification technologies. With a stronger verification regime, even the most strenuous attempts at clandestine explosions could be detected. A verifiable CTB awaits only the political will to complete negotiations. In late 1987, testing talks between the superpowers resumed, but with a more limited agenda and little urgency. U.S. negotiators first want to improve verification of the two testing treaties limiting both sides to nuclear explosions of less than 150 kilotons (the Peaceful Nuclear Explosions and Threshold Test Ban Treaties). The U.S. has also insisted that an on-site verification device called CORTEX (Continuous Reflectometry for Radius versus Time Experiment) be used to check compliance with these treaties. However, neither country has charged the other with violating the 150 kiloton limit.

2. WEAPONS RELIABILITY AND A CTB

CTB opponents argue that nuclear weapons reliability cannot be assured without continued testing of stockpiled weapons. In fact, nuclear weapons reliability can be assured by periodic examination, non-explosive testing, and remanufacture of nuclear warheads. Weapons testing data show that very few U.S. tests are conducted to determine if existing stockpiled warheads work as designed.

- The Natural Resources Defense Council's January 1988 report "Known Nuclear Tests," concluded that, "since 1970, only eight tests out of almost 300 (three percent) have been conducted to correct defects in stockpiled weapons."
- Glenn Seaborg, Nobel Laureate in Chemistry and former Atomic Energy Commission Chairman reports that "no reliability tests were conducted between 1961 and 1971" by the U.S.

A 1987 Congressionally-mandated review authored by Lawrence Livermore National Laboratory physicist Dr. Ray Kidder concludes that a "high degree of confidence in the reliability of the existing stockpile is justified, and that it is sufficiently robust to permit confidence in reliability in the absence of nuclear proof tests." A CTB would permit activities necessary to sustain each side's confidence in the continued operability of its nuclear weapons stockpiles. These activities include:

- Rigorous inspection and inspection testing of individual weapons components -- fuses, power supplies, circuits, neutron generators and chemical explosives.
- Detonating the "implosion" fission-trigger mechanism with inert material substituted for the nuclear material.

3. NEW WEAPONS DEVELOPMENT

A CTB would dramatically hamper the development of dangerous new nuclear weapons, including Star Wars weapons, that are designed to attack the USSR first and destroy its ability to retaliate. These "third generation" nuclear weapons (first generation are Hiroshima-type fission weapons, second generation are fusion or thermonuclear weapons) would tailor nuclear explosive power for specific military missions. According to national weapons laboratory officials, the most sophisticated weapons could concentrate the effect of a nuclear explosion on a narrow area, maximize an electromagnetic pulse to block enemy communications and electronics, or power the Strategic Defense Initiative's X-ray laser weapon.

Department of Energy administrators are using third generation weapons development as leverage against a CTB. The weapons establishment's current warning of a "warhead gap" resembles specious arguments used in the 1960's against the Limited Test Ban Treaty (LTBT). But no gap would develop in warhead technology if both sides agreed to a mutually verifiable ban on all testing. In fact, the U.S. would benefit from an immediate test ban because its current lead

in warhead development, as measured by the key criteria of yield to weight and yield to volume ratios, could be maintained as long as the ban continued.

4. NUCLEAR PROLIFERATION

The prompt conclusion of a CTB between the major nuclear weapons states is required by the provisions of the Nuclear Non-Proliferation Treaty (NPT). The NPT signatory nations agreed in 1968 to forego developing their own nuclear weapons if the superpowers negotiated an end to testing and deep cuts in their nuclear arsenals. Without a CTB, the NPT may break down and more nations may join the "nuclear club." The 125-nation United Nations review of the NPT, held in September 1985, strongly urged superpower negotiation of a CTB.

A number of strategically important nuclear and non-nuclear nations, including France, China, South Africa, India, Pakistan, Brazil, and Argentina, have cited doubts about superpower commitment to non-proliferation as a rationale for not signing the NPT. Although a CTB alone would not prevent potential nuclear nations from acquiring weapons, widespread multilateral adherence to a CTB would have a stabilizing impact on international nuclear politics.

5. SAVING SCARCE WORLD RESOURCES

The cost of verifying a CTB Treaty for participating countries would be minimal compared to the resources saved not testing nuclear weapons. According to the Council On Economic Priorities, total savings from a CTB could amount to \$4 billion dollars annually. But the true cost of continued testing is reflected in the development, procurement, and maintenance of new nuclear weapons. For the U.S. alone, currently planned new nuclear weapons will cost at least \$150 billion.

6. STOPPING RADIOACTIVE CONTAMINATION

Nevada Test Site officials have estimated that one third of all U.S. underground tests have leaked radioactive isotopes into the atmosphere. Although most of these leaks are small, some have been measured beyond the borders of the U.S. Only the cancer rates of future generations will demonstrate the environmental damage caused by nuclear testing.

In the U.S., the most dangerous instance of radioactive contamination occurs at weapons manufacturing facilities. Most of these facilities would be out of business once a CTB took effect, because new warheads would not need to be manufactured.

7. STRENGTHENING SCIENTIFIC COOPERATION

The exchange of U.S. and Soviet scientific personnel and information to monitor a CTB would create a more stable superpower relationship. Such exchanges have proven useful in determining Soviet intentions and capabilities. Regular exchanges of high-ranking scientific personnel can only contribute to a better understanding on both sides of the real issues that divide them.

KNOWN NUCLEAR TESTS WORLDWIDE, 1945 TO DECEMBER 31, 1990

Year	U.S.	S.U.	U.K.	FR	CH	Total
1945	3	0	0	0	0	3
1946	2	0	0	0	0	2
1947	0	0	0	0	0	0
1948	3	0	0	0	0	3
1949	0	1	0	0	0	1
1950	0	0	0	0	0	0
1951	16	2	0	0	0	18
1952	10	0	1	0	0	11
1953	11	4	2	0	0	17
1954	6	7	0	0	0	13
1955	18	5	0	0	0	23
1956	18	9	6	0	0	33
1957	32	15	7	0	0	54
1958	77	29	5	0	0	111
1959	0	0	0	0	0	0
1960	0	0	0	3	0	3
1961	10	50	0	2	0	62
1962	96	44	2	1	0	143
1963	44	0	0	3	0	47
1964	38	6	1	3	1	49
1965	36	10	1	4	1	52
1966	43	15	0	7	3	68
1967	34	17	0	3	2	56
1968	45	15	0	5	1	66
1969	38	16	0	0	2	56
1970	35	17	0	8	1	61
1971	17	19	0	6	1	43
1972	18	22	0	3	2	45
1973	16	14	0	5	1	36
1974	14	18	1	8	1	42
1975	20	15	0	2	1	38
1976	18	18	1	4	4	45
1977	19	18	0	6	1	44
1978	17	27	2	8	3	57
1979	15	29	1	9	1	55
1980	14	21	3	13	1	52
1981	16	22	1	12	0	51
1982	18	32	1	6	1	58
1983	17	27	1	9	2	56
1984	17	29	2	8	2	58
1985	17	9	1	8	0	35
1986	14	0	1	8	0	23
1987	14	23	1	8	1	47
1988	14	17	0	8	1	40
1989	11	7	1	8	0	27
1990	8	1	1	6	2	18
929	715*	43	186*	36	1,910*	

*Totals include 85 Soviet and 2 French tests not identified by date, and one 1974 underground explosion by India.

Fewer nuclear tests were conducted in 1990 than in any year since 1954, excluding the U.S./U.K./Soviet moratorium of November 1958 to September 1961.

Since 1945 at least 1,910 known nuclear test explosions have been conducted, about 86 percent of them by the United States and Soviet Union. For the entire period the average has been one test every nine days. Dating from each country's first explosion, the rate for the United States is one test every 18 days; Soviet Union, one test every 22 days; France, one test every 61 days; China, one test every 266 days; and the United Kingdom, one test every 330 days.

The United States does not announce all of its tests. The U.S. total includes 116 unannounced tests, the most recent of which was conducted on April 6, 1990. It is likely that several dozen more remain to be discovered. Twenty-seven of the total were peaceful nuclear explosions (PNEs) conducted between 1961 and 1973. Recent annual U.S. testing budgets have been approximately \$600 million. Vertical shaft tests cost around \$30 million each, and the more complicated horizontal-tunnel weapons-effects tests cost \$50-60 million each.

Included in the Soviet total are 18 tests which, according to the Swedish National Defense Research Institute, took place between 1949 and 1958 but for which a breakdown by year is not available. Information has now come to light on other, previously unreported Soviet tests. In an article on the seismic characteristics of 96 tests conducted at Semipalatinsk between October 1961 and the end of 1972 (*Atomic Energy*, September 1989), Soviet scientists revealed that one additional test was conducted on October 14, 1965, and two additional tests were conducted in 1968, on October 21 and November 11. A U.S. scientist who reexamined the Soviet seismic record discovered two tests, one conducted on March 20, 1976, and one on July 19, 1982. These five documented tests have been added to the list, bringing the number of Soviet tests with known dates to 630. However, V.N. Mikhailov, the key official of the Ministry of Atomic Power and Industry, confirms that there have been additional tests. Mikhailov put the total number of Soviet tests (excluding the October 24, 1990, test) at 714 (see "Nuclear Notebook," November 1990). Mikhailov said that a total of 467 weapons tests have been conducted in Kazakhstan, and 131 on the Arctic island of Novaya Zemlya. Mikhailov specified that since 1963, there have been 499 underground weapons tests—343 in Kazakhstan, and 131 at Novaya Zemlya. Another 115 underground explosions were carried out for "peaceful purposes." While these new figures are important, contradictions remain which may eventually be resolved by future disclosures.

Beginning in 1962, the United Kingdom has conducted 22 of its 43 tests jointly with the United States at the Nevada Test Site.

A French Ministry of Defense document is the only source of information on five of the French tests. Two of these tests, included only in the total, occurred sometime between 1975 and 1977, but their exact dates are unknown.

The precise dates of all 36 Chinese tests are now known. The overall total includes one Indian underground test on May 18, 1974.

A New Road to a Comprehensive Test Ban

Fulfilling the promise of the Partial Test Ban Treaty:
to end all nuclear weapons testing for all time



President Kennedy ratifying the Partial Test Ban Treaty after receiving the advice and consent of the U.S. Senate, October 7, 1963. Left to right: Senator Pastore, chief negotiator Averell Harriman, Senator Smathers, Senator Fulbright, Secretary-of-State Dean Rusk, Senator Aiken, Senator Humphrey. (Courtesy John F. Kennedy Library)

1963

“I think President Kennedy would be deeply disappointed to know that today, 24 years later, we still have no comprehensive nuclear test ban. And I think he would salute the effort to utilize one of the provisions of the Treaty for a conference of member nations to convert that Partial Test Ban Treaty into a comprehensive test ban. . . .”

Ted Sorensen
Special Counsel to President Kennedy on the
24th anniversary of the signing of the Treaty

1987



Press conference at the United Nations, August 5, 1987. Left to right, Carl Sagan, Ólafur Ragnar Grímsson, Paul Warnke, Ted Sorensen

PARLIAMENTARIANS GLOBAL ACTION



August 5, 1987 — Twenty-four years after the Partial Test Ban Treaty was signed, Global Action publicly launched its campaign to work for a comprehensive test ban through a new method: an amendment conference to the Partial Test Ban Treaty. A press conference, held at the United Nations on the anniversary of the signing of the Treaty, highlighted the broad international support the amendment conference proposal has already gathered.

While the press conference represented the first time this new method to work for a comprehensive test ban was presented publicly, Global Action has researched and built support for the proposal for two years.

The proposal advocates use of the legal right that the non-nuclear states have under the Treaty's amendment provision to convene an international conference of the 115 signatory states to consider transforming the Treaty into a comprehensive test ban.

Global Action press conference at the United Nations, August 5, 1987. Left to right, Carl Sagan, Director of the Laboratory for Planetary Studies, Cornell University; Olafur Ragnar Grimsson, President and Chairman, Global Action; Paul Warnke, chief US arms control negotiator during the Carter Administration; Ted Sorensen, Special Counsel to President Kennedy; Carl Kaysen, Executive Advisor, US delegation to the Partial Test Ban Treaty negotiations.



Mexican Ambassador Moya-Palencia speaks at the press conference. Left to right: Peruvian Ambassador Alzamora; Ambassador Moya-Palencia; William Epstein, Secretary-General U Thant's representative to the 1962-63 test ban negotiations; Yugoslav Minister Djokić.

The Amendment Conference and the United States

Q: "Do you think that we should have to wait for a change of administration (in the U.S.) before the results of your parliamentary discussion can be put into operation? Or can we go into action right away once you've made a decision, whenever you've met?" — Reporter at press conference.

Paul Warnke: "I think that this new negotiating forum could be activated while the Reagan Administration is in office. Now I don't think a treaty could be concluded without the cooperation of the United States, and as a consequence I would not anticipate that could be done before 1989. But the negotiations certainly could begin to take place, and the actual amendment could be framed. And that would probably take a period of about a year anyway."

Ted Sorensen: "I look upon such an amendatory conference as a means of mobilizing opinion both in this country and around the world to induce Washington and the other governments to do their part in concluding a comprehensive test ban treaty."

"Mexico recently has joined in the promotion of the idea to amend the Partial Test Ban Treaty in order to achieve the complete prohibition of all nuclear weapons tests. We are, of course, fully conscious that any amendment to the Partial Test Ban Treaty will require its acceptance by the three Depository Governments, the United Kingdom, the United States and the Soviet Union. But an amendment conference will serve to demonstrate to world public opinion the almost unanimous position of the international community regarding these questions. This can be seen in the broad support that in the last two years has been given to the General Assembly resolution on this question."

Ambassador Moya-Palencia,
Permanent Representative to the UN from Mexico

The Partial Test Ban Treaty is also referred to as the Limited Test Ban Treaty

"Together the United States and the Soviet Union have amassed an arsenal of nearly 60,000 tactical and strategic nuclear weapons. A tiny fraction of which would be sufficient to destroy the global civilization surely and conceivably put at risk the human species. And yet the two nations feel they do not have nuclear weapons of sufficient diverse and useful sorts. They desperately need more. . . . My point of view is that the single most effective, most easily implemented, most easily verified way to pull the rug out from under the nuclear arms race is a comprehensive test ban treaty and I applaud the initiative of Parliamentarians Global Action."

Carl Sagan.

Director of the Laboratory for Planetary Studies, Cornell University



"Previous methods which have been used to negotiate a comprehensive test ban — bilateral superpower talks, trilateral negotiations that broke down in 1980, and the Conference on Disarmament in Geneva — have failed to achieve the desired result. Therefore, there is a great urgency to use a new method, which is provided by the Partial Test Ban Treaty, to mobilize the political forces that have for a long time favoured a comprehensive test ban. Through this method, governments, parliaments, public movements, scientists, and individual citizens can all cooperate to exert the pressure needed to end nuclear testing."

Olafur Ragnar Grimsson.

President and Chairman, Parliamentarians Global Action

"The question in everybody's mind is why is it that 24 years after the signing of a Limited Test Ban Treaty we still do not have a comprehensive test ban. As you know, the signatories undertook to pursue a halt to all testing of all nuclear weapons for all time. And why that hasn't occurred, it seems to me, is attributable largely to a lack of political will. . . . So I welcomed this effort because it seems to me that this is one way to galvanize world support, to awaken the American public, to publicize the benefits of a comprehensive test ban. It is the most important single step that could be taken to prevent proliferation. If the United States, the Soviet Union, other signatories, including Great Britain, were to forego all testing of all nuclear explosive devices, it would be much easier to marshal world opinion, to prevent other countries from getting into the nuclear weapons business."

Paul Warnke.

Chief US arms control negotiator during the Carter Administration



"I remember very clearly 24 years ago today those of us who had been involved on the Washington end joined with President Kennedy in his office as he received the telephone report from Averell Harriman in Moscow that after a relatively brief period of negotiations the Limited Test Ban Treaty had been signed. It was, as President Kennedy later said to the country, an historic step: the first step in slowing the nuclear arms race. But he also said it was a very small step. You may recall the old adage that he invoked — a journey of a thousand miles begins with a single step. . . . I was very proud of my small role 24 years ago; but I would hope that if we're going to go on a journey of a thousand miles we can take more than one step every 24 years."

Ted Sorensen.

Special Counsel to President Kennedy

"In our relation with the great majority of other states, we and the Soviet Union, less so the United Kingdom, stand in the posture of great bad faith. . . . The kind of proposals that we and the Soviet Union are in the process of negotiating, would leave us with arsenals still many times bigger than each of us had in 1963. So that as a step in moving us back to a posture of good faith, to a posture that says arms negotiations are not merely a blind, a camouflage, the extension from a partial to a comprehensive test ban treaty would be a most important and valuable step."

Carl Kaysen.

Executive Officer, US delegation to the Partial Test Ban Treaty negotiations



**"Let our descendants look back and see a beginning—
not a light that briefly burned and slowly flickered out."
—Averell Harriman**

"When, in 1963, we rose from the round table in Moscow having agreed to the partial ban, there was a sense of elation. But the years since then have shown that what we agreed did all but nothing either to stem the nuclear arms race between the two superpowers or to prevent other states from joining the nuclear club. . . .

"I have never stopped believing that the decisive move that must be made, if the current situation is not to worsen, is to conclude an effective C.T.B. without further delay. The hesitant steps to this goal that have been taken since 1963 have so far always been frustrated. It is therefore my earnest wish that what Parliamentarians Global Action now proposes will achieve the success it deserves."

**Lord Zuckerman, Scientific Adviser to
British Prime Minister Harold Macmillan**

"Twenty-four years after the conclusion of the Test Ban Treaty it is now time for all nations supporting a ban on nuclear testing to take the necessary action. . . . The prospects of amending the Partial Test Ban Treaty into a comprehensive test ban must be explored. Greenpeace supports Parliamentarians Global Action in its amendment conference efforts. It's a grand opportunity for international cooperation in the interest of global security."

**David McTaggart
Chairman, Greenpeace International**

"I believe that this 25th year is a fitting time to initiate an international discussion with the hope that we might be well on our way to achieving the goal of a CTB by the 25th anniversary of the LTBT on August 5, 1988."

**Glenn Seaborg, Chairman
U.S. Atomic Energy Commission, 1961-1971**

"Your plan for international action to stop all testing will provide a valuable focus for activity around the world."

**Admiral Gene LaRocque
Director, The Center for Defense Information**



**Averell Harriman and Soviet Premier Krushchev celebrating the day after
the signing of the Partial Test Ban Treaty**

"It is now nearly 25 years since the Limited Test Ban Treaty was signed. As Averell said on the 20th anniversary of its signing in 1983, 'The Limited Test Ban Treaty demonstrates that nuclear control can be done even in difficult times. Let our descendants look back upon it and see a beginning — not a light that briefly burned and slowly flickered out. . . . The opportunity for constructive action exists today.'"

Pamela C. Harriman

"On the eve of Hiroshima Day I convey to you our support for your efforts to initiate the extension of the existing Partial Test Ban Treaty to a comprehensive one. This would facilitate all projects for a final nuclear disarmament the world over."

**Dr. Hans-Jochen Vogel
Chairman, Social Democratic Party of Germany**

**For more information, write to
PARLIAMENTARIANS GLOBAL ACTION
for Disarmament, Development and World Reform
211 East 43rd Street, Suite 1604, New York, New York 10017
Telephone: (212) 687-7755 / Telex: 4998460PWONY / Fax: (212) 687-8409**

A Partial Test Ban Treaty Amendment Conference

How can it be initiated?

Will the US comply and help convene it?

Will the US attend and negotiate in good faith?

Is this the best way to a comprehensive test ban treaty?

What role can the peace movement play?

For eight years, the Reagan Administration has studiously avoided negotiations on a comprehensive test ban treaty. Yet in his final year in office, President Reagan may find himself under strict treaty obligation to begin the convening of multilateral comprehensive test ban treaty negotiations. And his successor in the White House will have to prepare for the opening of these negotiations in the early days of the new administration.

How is it that the prospect of multilateral comprehensive test ban treaty negotiations could improve so dramatically even while President Reagan is in office?

The answer can be found in the 1963 Partial Test Ban Treaty, the very Treaty whose 25th anniversary we are commemorating this year. The first article of the Treaty banned testing in the atmosphere, under water, and in outer space. This did much to protect the environment from the worst effects of radiation from nuclear explosions, but it did little to stop nuclear weapons development. There was a gaping "loophole": underground explosions were not banned.

Since 1963, 110 non-nuclear nations have joined the three "Original Parties" to the Treaty — the US, UK and USSR. These nations have hoped, over all these years, that the promise in the Partial Test Ban Treaty, "to achieve the discontinuance of all test explosions of nuclear weapons for all time," would be fulfilled. After 25 years, with no results forthcoming from the nuclear powers, the non-nuclear states are taking matters into their own hands. They have turned to the second article of the Partial Test Ban Treaty: its provisions for considering and adopting amendments to the Treaty.

Using the United Nations as a spring board, six non-nuclear nations — Indonesia, Mexico, Peru, Sri Lanka, Venezuela, and Yugoslavia — have drawn the attention of the non-nuclear world to the possibility of amending the 1963 Treaty to close the underground testing loophole. At its most recent session, the General Assembly mandated activation of the Partial Test Ban Treaty's amendment procedure through "formal submission of an amendment proposal to the Depositary Governments" — the three Original Parties.

When this is done (and it can be done at any time by even a single country) the nuclear powers will be required by the Treaty to circulate the proposal to all 110 non-nuclear parties. If one-third of the parties like the proposal (over two-thirds supported the call for action at the UN), the amendment conference is on. And it is up to President Reagan, Prime Minister Thatcher, and General Secretary Gorbachev, whatever their opinion of the proposed amendment, to see that the amendment conference is convened.

The Soviet Union is ready to proceed in this way; Gorbachev personally declared so in his major address on international security in January 1986 and the Soviet Union has voted accordingly at the UN. Only the United States, the United Kingdom, and France opposed the General Assembly decision. The French vote is irrelevant since France is not even a party to the Partial Test Ban Treaty. But the US and UK are Original Parties; will they carry out their ministerial duties as Depositary Governments?

Will President Reagan comply with a treaty obligation to convene an amendment conference to consider converting the Partial Test Ban Treaty into a comprehensive test ban treaty?

The administration has put great emphasis on the issue of treaty compliance. To then turn around and blatantly disregard a clear-cut treaty obligation would smack of the worst hypocrisy. The US Senate would undoubtedly take note. It has a stake in this matter since it is the body which ratified the Partial Test Ban Treaty in October 1963. The constitutional issues that have arisen in the last year around Senate ratification of treaties would become even more acute if the administration contrived a new "interpretation" of the Partial Test Ban Treaty in order to avoid its clear-cut ministerial duties under the Treaty.

Both Houses of Congress have passed resolutions by wide margins calling for comprehensive test ban negotiations. Since the Soviets agreed last fall to a nuclear-test-talks agenda, however, it has become difficult for Congress to press this issue. According to US officials, this agenda puts off comprehensive test ban negotiations well into the next century. A legally based demand from the non-nuclear world for comprehensive test ban treaty negotiations would be welcomed by the Congress. Any administration effort to thwart this initiative would be sure to elicit a strong congressional reaction.

Even if the administration did obstruct the convening of the conference, the most it could do is delay matters. Either the next US administration would renounce such a policy and move to convene the amendment conference, or the Soviets, having waited to proceed in cooperation with the US and the UK, would carry out the task alone -- as would be its right and, indeed, its obligation.

For these immediate reasons, and for other important long-range considerations to be discussed in the next section, it is most likely that the Reagan Administration will grudgingly carry out its ministerial duties, passing the "problem" on to the next administration. In any case, a new set of issues will arise for the next US administration as the opening of the amendment conference approaches in the first half of 1989.

Once the amendment conference is convened, will the United States attend and negotiate for a comprehensive test ban treaty in good faith?

To approve an amendment to the Treaty, the US, the UK, and the USSR must be brought on board, since, by terms of the Treaty, majority approval must include the three votes of the Original Parties. As a legal maneuver, a boycott of the conference by any of the big three would derail an amendment effort. In political terms, however, such a policy would be a disastrous. It would have particularly dire consequences for the international non-proliferation regime.

The promise in the Partial Test Ban Treaty to seek an end to testing is reiterated in the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). In Article VI the parties to the treaty have pledged themselves "to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms at an early date."

The NPT went into force in 1970 and has a 25 year life span. Every five years it is subject to review by the member states. At the 1975, 1980, and 1985 reviews by far the most contentious issue has been the continued nuclear weapon testing by the US, the UK, and the USSR. At the next review in 1990, the question of nuclear weapon testing will be at the top of the agenda of the non-nuclear states. The 1990 review is the last before 1995 when the future of the NPT beyond its original 25 years in force is to be addressed by a treaty renewal conference. A simple majority of all the parties -- with no special role for the nuclear weapon states -- will determine the fate of the NPT.

US behavior at a Partial Test Ban Treaty amendment conference would provide a "litmus test" of its intentions under Article VI of the NPT. One hundred nations are parties to both the Partial Test Ban Treaty and the NPT. A boycott of the Partial Test Ban Treaty amendment conference, or a manifest unwillingness to negotiate in good faith, would leave the United States open to the harshest criticism at the 1990 NPT review. It would totally undermine its ability to advocate strict adherence to the NPT, and would nullify any positive role the US might hope to play in the five years leading up to the NPT renewal conference.

It is widely believed that the most likely way that nuclear war may begin is with the use of nuclear weapons by some lesser power. The non-proliferation regime, that has thus far held this nightmare at bay, depends upon international confidence in

the NPT. It would be foolhardy for any US administration to undercut its influence in the NPT simply to avoid consideration of a comprehensive test ban treaty. Indeed any presidential or congressional candidate who failed to show awareness of this point might well lose the support of the electorate.

Even when negotiations are conducted in good faith, they do not always produce results. Is the amendment approach the best way to achieve a multilateral comprehensive test ban treaty?

Right now it is the best because it is the only way — all other ways forward are stalled or blocked. As already mentioned the bilateral test talks will not begin negotiation of a comprehensive test ban treaty for many, many years. For eight years, the multilateral fora in Geneva, the Conference on Disarmament, has been prevented from going ahead on the test-ban because of a US veto over the mandate for such talks.

The next US president may consider accelerating the pace of the bilateral negotiations or permitting multilateral work to begin in Geneva. But will he act? There will be entrenched opinion in important government circles opposing action. If an amendment conference is already in the process of being convened (or if it is a matter of correcting a policy of non-compliance), the president may find that it is easier to "react" on the test-ban issue .

The public might also find it easier to influence the test-ban talks at an amendment conference. They will not have to choose between the bargaining positions of East and West as they so often are forced to do in bilateral negotiations. There will be balanced proposals advanced by non-aligned nations whose only motive is to end the nuclear arms race. These proposals will be on the table for all to openly discuss, and contain verification measures as good as any bilateral agreement might produce.

The amendment route could, also, have a unique, direct impact on the problem of nuclear proliferation. Many nations would immediately sign on to a comprehensive test ban treaty no matter how it had been negotiated. But would the most crucial nations sign up: specifically those non-nuclear nations with nuclear weapons capability who have not signed the NPT — Pakistan, India, Argentina, Brazil, Israel, and South Africa?

All these "threshold" nations are parties to the Partial Test Ban Treaty. In fact, with the exception of non-voting South Africa, they have all supported the UN resolution of an amendment conference. But even without their support, an amendment conference could approve an amendment to the Partial Test Ban Treaty. If the amendment were then ratified by a majority of the parties (that includes the Original Parties) it would become automatically binding on every party to the Treaty whether or not they have ratified the amendment. No other arms control treaty has an amendment procedure with this feature. Stopping the testing of nuclear weapons is one of the best ways of keeping these nations out of "regional" nuclear arms races.

Much of this test-ban strategy involves international diplomacy.
What role is there for the peace movement?

The whole idea of using the Partial Test Ban Treaty's amendment procedure came from a peace group. Parliamentarians Global Action, one of the founding organizations of the International Comprehensive Test Ban Campaign, first began advocating this new approach to a test-ban in 1985. It played a part in the efforts at the United Nations to move the concept forward. Today it is working closely with the nations that co-sponsored the 1987 UN resolution to ensure that it is implemented, i.e. that the amendment procedure is activated. Global Action will stay at the center of action if an amendment conference is called, both as a source of expert advice to the leading non-aligned countries and through the participation of parliamentarians from several countries in the official delegations to the amendment conference. Global Action will, of course, continue to work closely with other peace groups through the International Comprehensive Test Ban Campaign.

The peace movement can help make the most of this new initiative:

- There is an immediate need for education on the amendment conference approach. It is completely new to most people, even seasoned veterans of the arms-control community.
- Global Action is urging individuals and groups to encourage Treaty action by the lead nations (Indonesia, Mexico, Peru, Venezuela, Sri Lanka, and Yugoslavia) by writing letters and visiting their embassies, consulates and missions.
- Once action is taken, Secretary Shultz and President Reagan should be pressed to commit the US to strict compliance with its obligation to convene an amendment conference.
- If there is any foot dragging by the administration, Congress should be aroused to apply pressure for proper compliance.
- If candidates for the House or Senate are not advocating a test-ban and compliance with the Partial Test Ban Treaty amendment effort, they should be challenged on this and on their non-proliferation credentials.
- The president-elect should be pressed to adopt a constructive approach to the amendment conference, both to strengthen the US position within the NPT and to take advantage of approving an amendment that could "rope in" some of the nuclear threshold nations.
- The convening of the amendment conference, probably in New York City at the UN, would supply a superb opportunity for a show of numbers by test-ban supporters nationally and world-wide.
- Once a concrete proposal for a fully verified comprehensive test ban treaty is on the table, it can be used as the centerpiece for a political campaign to press the nuclear powers to end testing.

It would be an outstanding breakthrough for the International Comprehensive Test Ban Campaign, if during its first year of activity, dedicated to commemorating the Partial Test Ban Treaty, an amendment conference was placed on the agenda of the international community. It would help to remind Americans who already support a comprehensive test ban treaty that the rest of the world cares deeply about this issue and is prepared to act in concert with us. And it would set the stage for effective action in 1989 for a new test-ban policy from a new US administration.

Commencement Address American University in Washington

(Excerpts)
President John F. Kennedy

June 10, 1963

I have . . . chosen this time and place to discuss a topic on which ignorance too often abounds and the truth is too rarely perceived — yet it is the most important topic on earth: world peace.

What kind of peace do I mean? Not a *Pax Americana* enforced on the world by American weapons of war. Not the peace of the grave or the security of the slave. I am talking about genuine peace, the kind of peace that makes life on earth worth living, the kind that enables men and nations to grow and to hope and to build a better life for their children — not merely peace for Americans but peace for all men and women — not merely peace in our time but peace for all time.

I speak of peace because of the new face of war. Total war makes no sense in an age when great powers can maintain large and relatively invulnerable nuclear forces and refuse to surrender without resort to those forces. It makes no sense in an age when a single nuclear weapon contains almost ten times the explosive force delivered by all of the allied forces in the Second World War. It makes no sense in an age when the deadly poisons produced by a nuclear exchange would be carried by wind and water and soil and seed to the far corners of the globe and to generations yet unborn.

Today the expenditure of billions of dollars every year on weapons acquired for the purpose of making sure we never need to use them is essential to keeping the peace. But surely the acquisition of such idle stockpiles — which can only destroy and never create — is not the only, much less the most efficient, means of assuring peace. . . .

Some say that it is useless to speak of world peace or world law or world disarmament — and that it will be useless until the leaders of the Soviet Union adopt a more enlightened attitude. I hope they do. I believe we can help them do it. But I also believe that we must re-examine our own attitude — as individuals and as a Nation — for our attitude is as essential as theirs. And every graduate of this school, every thoughtful citizen who despairs of war and wishes to bring peace, should begin by looking inward — by examining his own attitude toward the possibilities of peace, toward the Soviet Union, toward the course of the cold war and toward freedom and peace here at home.

First: Let us examine our attitude toward peace itself. Too many of us think it is impossible. Too many think it unreal. But that is a dangerous, defeatist belief. It leads to the conclusion that war is inevitable — that mankind is doomed — that we are gripped by forces we cannot control.

We need not accept that view. Our problems are manmade — therefore, they can be solved by man. And man can be as big as he wants. No problem of human destiny is beyond human beings. Man's reason and spirit have often solved the seemingly unsolvable — and we believe they can do it again.

I am not referring to the absolute, infinite concept of universal peace and good will of which some fantasies and fanatics dream. I do not deny the value of hopes and dreams but we merely invite discouragement and incredulity by making that our only and immediate goal.

Let us focus instead on a more practical, more attainable peace — based not on a sudden revolution in human nature but on a gradual evolution in human institutions — on a series of concrete actions and effective agreements which are in the interest of all concerned. There is no single, simple key to this peace — no grand or magic formula to be adopted by one

“Among the many traits the peoples of our two countries have in common, none is stronger than our mutual abhorrence of war. Almost unique, among the major world powers, we have never been at war with each other.”

"For we are both devoting massive sums of money to weapons that could be better devoted to combating ignorance, poverty and disease."

or two powers. Genuine peace must be the product of many nations, the sum of many acts. It must be dynamic, not static, changing to meet the challenge of each new generation. For peace is a process — a way of solving problems.

With such a peace, there will still be quarrels and conflicting interests, as there are within families and nations. World peace, like community peace, does not require that each man love his neighbor — it requires only that they live together in mutual tolerance, submitting their disputes to a just and peaceful settlement. And history teaches us that enmities between nations, as between individuals, do not last forever. However fixed our likes and dislikes may seem, the tide of time and events will often bring surprising changes in the relations between nations and neighbors.

So let us persevere. Peace need not be impracticable, and war need not be inevitable. By defining our goal more clearly, by making it seem more manageable and less remote, we can help all peoples to see it, to draw hope from it, and to move irresistibly toward it.

Second: Let us re-examine our attitude toward the Soviet Union. It is discouraging to think that their leaders may actually believe what their propagandists write. It is discouraging to read a recent authoritative Soviet text on *Military Strategy* and find, on page after page, wholly baseless and incredible claims — such as the allegation that "American imperialist circles are preparing to unleash different types of wars. . . that there is a very real threat of a preventive war being unleashed by American imperialists against the Soviet Union. . . (and that) the political aims of the American imperialists are to enslave economically and politically the European and other capitalist countries. . . (and) to achieve world domination. . . by means of aggressive wars."

Truly, as it was written long ago: "The wicked flee when no man pursueth." Yet it is sad to read these Soviet statements — to realize the extent of the gulf between us. But it is also a warning — a warning to the American people not to fall into the same trap as the Soviets, not to see only a distorted and desperate view of the other side, not to see conflict as inevitable, accommodation as impossible, and communication as nothing more than an exchange of threats.

No government or social system is so evil that its people must be considered as lacking in virtue. As Americans, we find communism profoundly repugnant as a negation of personal freedom and dignity. But we can still hail the Russian people for their many achievements — in science and space, in economic and industrial growth, in culture and acts of courage.

Among the many traits the peoples of our two countries have in common, none is stronger than our mutual abhorrence of war. Almost unique, among the major world powers, we have never been at war with each other. And no nation in the history of battle ever suffered more than the Soviet Union suffered in the course of the Second World War. At least 20 million lost their lives. Countless millions of homes and farms were burned or sacked. A third of the nation's territory, including nearly two-thirds of its industrial base, was turned into a wasteland — a loss equivalent to the devastation of this country east of Chicago.

Today, should total war ever break out again — no matter how — our two countries would become the primary targets. It is an ironic but accurate fact that the two strongest powers are the two in the most danger of devastation. All we have built, all we have worked for, would be destroyed in the first 24 hours. And even in the cold war, which brings burdens and dangers to so many countries, including this Nation's closest allies — our two countries bear the heaviest burdens. For we are both devoting massive sums of money to weapons that could be better devoted to combating ignorance, poverty and disease. We are both caught up in a vicious and dangerous cycle in which suspicion on one side breeds suspicion on the other, and new weapons beget counterweapons.

In short, both the United States and its allies, and the Soviet Union and its allies, have a mutually deep interest in a just and genuine peace and in halting the arms race. Agreements to this end are in the interests of the Soviet Union as well as ours — and even the most hostile nations can be

relied upon to accept and keep those treaty obligations, and only those treaty obligations, which are in their own interest.

So, let us not be blind to our differences — but let us also direct attention to our common interests and to the means by which those differences can be resolved. And if we cannot end now our differences, at least we can help make the world safe for diversity. For, in the final analysis, our most basic common link is that we all inhabit this small planet. We all breathe the same air. We all cherish our children's future. And we are all mortal.

Third: Let us re-examine our attitude toward the cold war, remembering that we are not engaged in a debate, seeking to pile up debating points. We are not here distributing blame or pointing the finger of judgement. We must deal with the world as it is, and not as it might have been had the history of the last 18 years been different.

We must, therefore, persevere in the search for peace in the hope that constructive changes within the Communist bloc might bring within reach solutions which now seem beyond us. We must conduct our affairs in such a way that it becomes in the Communists' interest to agree on a genuine peace. Above all, while defending our own vital interests, nuclear powers must avoid those confrontations which bring an adversary to a choice of either a humiliating retreat or nuclear war. To adopt that kind of course in the nuclear age would be evidence only of the bankruptcy of our policy — or of collective death-wish for the world.

To secure these ends, America's weapons are non-provocative, carefully controlled, designed to deter, and capable of selective use. Our military forces are committed to peace and disciplined in self-restraint. Our diplomats are instructed to avoid unnecessary irritants and purely rhetorical hostility.

For we can seek a relaxation of tensions without relaxing our guard. And, for our part, we do not use threats to prove that we are resolute. We do not need to jam foreign broadcasts out of fear our faith will be eroded. We are unwilling to impose our system on any unwilling people — but we are willing and able to engage in peaceful competition with any people on earth.

... At the same time we seek to keep peace inside the non-Communist world, where many nations, all of them our friends, are divided over issues which weaken Western unity, which invite Communist intervention or which threaten to erupt into war. . . .

Speaking of other nations, I wish to make one point clear. We are bound to many nations by alliances. Those alliances exist because our concern and theirs substantially overlap. Our commitment to defend Western Europe and West Berlin, for example, stands undiminished because of the identity of our vital interests. The United States will make no deal with the Soviet Union at the expense of other nations and other peoples, not merely because they are our partners, but also because our interests and theirs converge.

Our interests converge, however, not only in defending the frontiers of freedom, but in pursuing the paths of peace. It is our hope — and the purpose of allied policies — to convince the Soviet Union that she, too, should let each nation choose its own future, so long as that choice does not interfere with the choices of others. The Communist drive to impose their political and economic system on others is the primary cause of world tension today. For there can be no doubt that, if all nations could refrain from interfering in the self-determination of others, the peace would be much more assured.

This will require a new effort to achieve world law — a new context for world discussions. It will require increased understanding between the Soviets and ourselves. And increased understanding will require increased contact and communication. One step in this direction is the proposed arrangement for a direct line between Moscow and Washington, to avoid on each side the dangerous delays, misunderstandings, and misreadings of the other's actions which might occur at a time of crisis.

We have also been talking in Geneva about other first-step measures of arms control, designed to limit the intensity of the arms race and to reduce the risks of accidental war. Our primary long-range interest in

“Our most basic common link is that we all inhabit this small planet. We all breathe the same air. We all cherish our children's future. And we are all mortal.”

“The one major area of these negotiations where the end is in sight, yet where a fresh start is badly needed, is in a treaty to outlaw nuclear tests.”

“While we proceed to safeguard our national interests, let us also safeguard human interests. And the elimination of war and arms is clearly in the interest of both.”

Geneva, however, is general and complete disarmament — designed to take place by stages, permitting parallel political developments to build the new institutions of peace which would take the place of arms. The pursuit of disarmament has been an effort of this Government since the 1920s. It has been urgently sought by the past three administrations. And however dim the prospects may be today, we intend to continue this effort — to continue it in order that all countries, including our own, can better grasp what the problems and possibilities of disarmament are.

The one major area of these negotiations where the end is in sight, yet where a fresh start is badly needed, is in a treaty to outlaw nuclear tests. The conclusion of such a treaty, so near and yet so far, would check the spiraling arms race in one of its most dangerous areas. It would place the nuclear powers in a position to deal more effectively with one of the greatest hazards which man faces in 1963, the further spread of nuclear arms. It would increase our security — it would decrease the prospects of war. Surely this goal is sufficiently important to require our steady pursuit, yielding neither to the temptation to give up the whole effort nor the temptation to give up our insistence on vital and responsible safeguards.

I am taking this opportunity, therefore, to announce two important decisions in this regard.

First: Chairman Khrushchev, Prime Minister MacMillan, and I have agreed that high-level discussions will shortly begin in Moscow looking toward early agreement on a comprehensive test ban treaty. Our hopes must be tempered with the caution of history — but with our hopes go the hopes of all mankind.

Second: To make clear our good faith and solemn convictions on the matter, I now declare that the United States does not propose to conduct nuclear tests in the atmosphere so long as other states do not do so. We will not be the first to resume. Such a declaration is no substitute for a formal binding treaty, but I hope it will help us achieve one. Nor would such a treaty be a substitute for disarmament, but I hope it will help us achieve it.

Finally, my fellow Americans, let us examine our attitude toward peace and freedom here at home. The quality and spirit of our own society must justify and support our efforts abroad. We must show it in the dedication of our own lives. . .

It is the responsibility of the executive branch at all levels of government — local, State and National — to provide and protect that freedom for all of our citizens by all means within their authority. It is the responsibility of the legislative branch at all levels, wherever that authority is not now adequate, to make it adequate. And it is the responsibility of all citizens in all sections of this country to respect the rights of all others and to respect the law of the land.

All this is not unrelated to world peace. . . [I]s not peace, in the last analysis, basically a matter of human rights — the right to live out our lives without fear of devastation — the right to breathe air as nature provided it — the right of future generations to a healthy existence?

While we proceed to safeguard our national interests, let us also safeguard human interests. And the elimination of war and arms is clearly in the interest of both. No treaty, however much it may be to the advantage of all, however tightly it may be worded, can provide absolute security against the risks of deception and evasion. But it can — if it is sufficiently effective in its enforcement and if it is sufficiently in the interests of its signers — offer far more security and far fewer risks than an unabated, uncontrolled, unpredictable arms race.

The United States, as the world knows, will never start a war. We do not want a war. We do not expect a war. This generation of Americans has already had enough — more than enough — of war and hate and oppression. We shall be prepared if others wish it. We shall be alert to try to stop it. But we shall also do our part to build a world of peace where the weak are safe and the strong are just. We are not helpless before that task or hopeless of its success. Confident and unafraid, we labor on — not toward a strategy of annihilation but toward a strategy of peace.

STATEMENT OF THE INTERNATIONAL COMPREHENSIVE TEST BAN CAMPAIGN

On the occasion of the 25th anniversary year of the signing of the Partial Test Ban Treaty, the undersigned organizations and individuals join together in an intensified international campaign to halt nuclear testing.

We are agreed:

- that the achievement of a Comprehensive Test Ban would prevent the creation of new more costly and dangerous nuclear weapons and that this ban is an urgent and indispensable step to halt and reverse the nuclear arms race;
- that a Comprehensive Test Ban would help to prevent further radiological contamination of the human and global environment;
- that effective verification of a Comprehensive Test Ban is now possible and that the \$20-\$70 million cost of each test and the billions of dollars that would be saved by forgoing new nuclear weapon systems should be directed to the improvement of the living conditions of people worldwide; and
- that a Comprehensive Test Ban is necessary to fulfill the legal obligation of signers of the Partial Test Ban Treaty and the Non-Proliferation Treaty "to seek the discontinuance of all test explosions of nuclear weapons for all time."

We thereby call on:

- 1) the United States, the Soviet Union and all other nuclear weapons states to declare an immediate moratorium on nuclear testing;
- 2) the United Kingdom, the United States and the Soviet Union to immediately resume negotiations on a Comprehensive Test Ban within the Conference on Disarmament in Geneva and we urge France and China to join in the negotiations;
- 3) non-nuclear weapons states party to the Partial Test Ban Treaty to implement without delay the United Nations mandate to convene an amendment conference to consider converting the Partial Test Ban Treaty into a Comprehensive Test Ban Treaty; and
- 4) all nations to conclude a binding, verifiable Comprehensive Test Ban Agreement prior to the 1990 Non-Proliferation Treaty Review Conference.

Linking with international organizations, we commit ourselves to working together on a series of activities and events in 1988, to include:

- a call for a Comprehensive Test Ban at the United Nations Third Special Session on Disarmament;
- the designation of August 5th, 1988, as International Test Ban Day; and
- local, national and international events and religious observances in conjunction with Hiroshima commemorations August 5th-7th.

Furthermore, we will call attention, through a worldwide alert network, to every nuclear test explosion.

NUCLEAR TESTING ISSUES IN BRIEF

WHY SUPPORT A COMPREHENSIVE TEST BAN TREATY (CTB)? A CTB WOULD:

- **BUILD CONFIDENCE** in weapons reductions agreements. In an era of negotiated cuts in nuclear arms, each side would be assured that the other is not developing new weapons.
- **HAMPER DEVELOPMENT** of new Soviet and American nuclear weapons, including planned "third generation" nuclear weapons. This new generation of weapons includes more powerful and accurate "first strike" weapons and components of the destabilizing Strategic Defense Initiative.
- **INHIBIT THE SPREAD** of nuclear weapons to additional countries. A CTB would eliminate incentives for proliferation, assuring currently non-nuclear countries that the superpowers are trying to stop the arms race.
- **REDUCE HEALTH RISKS** from the contamination of the environment with radioactive materials. Roughly one-third of all underground tests have vented radioactivity. A CTB would put out of business dangerous nuclear warhead production facilities with extremely poor health and safety records.
- **SAVE BILLIONS** of dollars that would otherwise be spent on the development, procurement and maintenance of new, dangerous nuclear weapons systems.

A CTB CAN BE VERIFIED:

In May 1986, the Natural Resources Defense Council (NRDC), a private U.S. research organization, agreed with the Soviet Academy of Sciences to jointly monitor U.S. and Soviet underground nuclear tests using seismic verification techniques. Seismic monitoring is a non-intrusive, cost-effective means of monitoring all nuclear test explosions.

NRDC and Soviet equipment has accurately measured U.S. and Soviet nuclear tests and detected secret US nuclear tests. Seismic verification has been proven able to detect even very small nuclear tests from hundreds of miles away. Although the Soviets favor seismic verification techniques, they have agreed to U.S. demands to use CORTEX verification methods to verify the 150 kiloton threshold provision of two past treaties. CORTEX requires on-site monitoring.

A CTB WOULD NOT ENDANGER WEAPONS STOCKPILE RELIABILITY:

Former directors of Los Alamos and Livermore national laboratories concede that explosive "proof testing" is not required to identify or remedy defective warheads. Nuclear weapons can be remanufactured periodically to assure reliability.

THERE IS STRONG PUBLIC SUPPORT FOR A CTB:

Seventy-eight percent of the public wants a bilateral nuclear testing moratorium. (Cambridge Reports, Inc., February 1987). Eight States, 24 counties, and 160 communities have passed resolutions calling for a mutual moratorium and a CTB.

CURRENT SUPERPOWER POLICIES ON NUCLEAR TESTING:

In a dramatic policy reversal from all previous administrations since Eisenhower's, the Reagan Administration announced in July 1982 that it would not resume CTB talks.

In July 1985, Soviet General Secretary Gorbachev launched a 19-month moratorium on Soviet nuclear testing and appealed to the U.S. to join. Reagan refused, and continued to refuse each time Gorbachev extended the moratorium.

In the fall of 1987, the Soviet Union insisted that testing talks resume as a precondition to an agreement banning all Intermediate-Range Nuclear Forces (INF). Both sides agreed in a joint statement that a CTB would be the ultimate goal of these talks. But Reagan Administration officials immediately said a CTB was not possible for the foreseeable future.

Improvements in superpower relations since mid-1987 have made a test ban agreement more likely under a future President. Although current testing talks are unlikely to produce new testing restrictions, they set important precedents, including on-site inspections and government-level exchanges of U.S. and Soviet scientific personnel trained in nuclear testing verification issues.

NUCLEAR TESTING TREATIES NOW IN EFFECT:

Limited Test Ban Treaty (LTBT) -- 1963. Prohibits nuclear tests in the atmosphere, in space, and under water, while allowing underground testing. Signed by the U.S., USSR and Great Britain.

Nuclear Non-Proliferation Treaty (NPT) -- 1968. Prohibits non-nuclear states from manufacturing nuclear weapons; in exchange, the nuclear powers agreed to negotiate an end to testing and reductions in nuclear weapons. Over 130 nations are party to the NPT.

Threshold Test Ban Treaty (TTBT) -- 1974. Prohibits nuclear weapons tests over 150 kilotons and urges a ban on all underground nuclear tests. Never ratified by the U.S. Senate, but observed by the U.S. and USSR.

Peaceful Nuclear Explosions Treaty (PNET) -- 1976. Prohibits testing of non-weapon nuclear devices with a yield over 150 kilotons. Never ratified by the U.S. Senate, but observed by the U.S. and USSR.

RECENT CONGRESSIONAL VOTES ON NUCLEAR TESTING:

May 1987 -- House of Representatives approves Aspin-Gephardt amendment, 234-187. The amendment would have suspended funds for nuclear tests above one kiloton for one year beginning January 1, 1988.

September 1987 -- U.S. Senate tables Hatfield-Kennedy amendment, 36-61. It is the first Senate vote on legislation forcing a halt in nuclear testing. The legislation would have halted tests above one kiloton, and allowed limited reliability testing over the next two years.

Repeat votes on this legislation are expected in the House and Senate in 1988.



Support the
International Test Ban
Treaty in 1990-91

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PRESS PACKET

Nuclear Test Ban Events

In Conjunction With

The Test Ban Treaty Conference

January 7-18, 1991

UN Headquarters, New York, NY

COMPREHENSIVE TEST BAN TIMELINE
September, 1990 - January, 1991

SEPTEMBER

- 1-3 International Physicians for the Prevention of Nuclear War (IPPNW)
South Asia Regional Conference on CTB in New Delhi
- 12-15 IPPNW European Regional Meeting on CTB in England
- 24 CTB forum in Monterey, CA
- 25 Senate ratification of Threshold Test Ban and Peaceful Nuclear
Explosions Treaties
- 27 CTB forum in Oakland
- 29 CTB forum at American Public Health Association annual meeting
- Late Sept Greenpeace ship travels from Norway to Soviet test site at Novaya
Zemlya to protest Soviet testing

OCTOBER

- 2 Vigil and demonstration at U.N.
- 10 27th anniversary of Partial Test Ban Treaty taking effect--CTB
signature ads appear across U.S.
- 21-22 National actions at over 20 Dept. of Energy (DOE) facilities and
other federal buildings, to protest testing;
- Late Oct Greenpeace ship "Rainbow Warrior" travels from San Francisco to
Moruroa to protest French testing

NOVEMBER/DECEMBER

- 8 Non-governmental organizations' forum on a CTB at the United Nations
- 10 CTB forum in Baltimore
- 11-12 CTB public events in St. Louis
- 26-28 Tripartite delegation (Members of Congress, House of Commons, and
Supreme Soviet) meets with Gorbachev, Thatcher and Bush to
present open letters from parliamentarians, elected officials,
and citizens calling for test ban
- 29 CTB forum in Salt Lake City
- 29-Dec 14 Olzhas Suleimenov, leader of Soviet anti-testing movement, speaking
tour of New York, Boston, Seattle, San Francisco, Los Angeles,
Las Vegas, Nevada Test Site, southern Utah, and St. Louis
- Dec 15-18 IPPNW Circumpolar Regional meeting on CTB in Leningrad

JANUARY

- 4 International CTB Conference in Las Vegas
- 5 Mass demonstration at Nevada Test Site
- 5-18 Citizens' actions at embassies worldwide; lobbying of delegates,
vigils, and observing at U.N.
- 6 U.S. Conference of Mayors and Soviet mayors meeting on CTB issue in
New York; reception for citizens; gala dinner for mayors, UN
delegates, parliamentarians, former Kennedy administration
- 7 Religious convocation/teach-in in New York
- 11 International Lobbying Day at the U.N.
- 12 Mass demonstration at the U.N.
- 13 International meeting in New York to launch "Global Anti-Nuclear
Alliance"
- 7-12 International Pacific Policy Conference, Port Vila, Vanuatu
- 7-18 TEST BAN TREATY CONFERENCE convenes at UN

NATIONAL ORGANIZATIONS ENDORSING
A COMPREHENSIVE TEST BAN

American Association of University Women
American Baptist Churches, USA,
Office of Governmental Relations
American Ethical Union
American Medical Association
American Peace Test
American Public Health Association
Americans for Democratic Action
Center for Common Security
Center for Defense Information
Center for Innovative Diplomacy
Church of the Brethren
Church Women United
Citizen Alert
Citizens Call
Committee for National Security
Continuing the Peace Dialogue
Council for a Livable World
Council on Economic Priorities
Democratic Socialists of America
DOWNWINDERS
Fellowship of Reconciliation
Friends Committee on Nat'l Legislation
Grandmothers for Peace
Gray Panthers
Greenpeace
The Hundredth Monkey
In Vivo Radiation Response
Institute for Security & Cooperation
in Outer Space
Institute for Soviet-American
Relations
Institute for Space & Security Studies
International Association of Lawyers
Against Nuclear Arms
International Peace Walk
International Physicians for the
Prevention of Nuclear War
Jewish Action for Nuclear
Responsibility
Jobs With Peace Campaign
Lawyers Alliance for World Security
Control

Lawyers Committee for Nuclear Policy
Mennonite Central Committee
Nat'l Association of Radiation Survivors
Nat'l Committee of Radiation Victims
Nat'l Conference of Black Lawyers
Nat'l Institute for Women of Color
Nat'l Lawyers Guild
Nat'l Women's Political Caucus
Natural Resources Defense Council
Network: A Catholic Social Justice Lobby
Nevada Desert Experience
Nuclear Free America
Pax Christi USA
Peace Links
Physicians for Social Responsibility
Presbyterian Church, USA, Peace and
Justice Committee
Promoting Enduring Peace
Psychologists for Social Responsibility
Rural Americans Working for Arms
Reduction
SANE FREEZE Campaign for Global Security
SANE FREEZE Interstate Lobby Network
Southern Christian Leadership Conference
The Shalom Center
U.S. Peace Center
Union of American Hebrew Congregations
Unitarian Universalist Association of
Congregations in North America
Unitarian Universalist Peace Network
United Campuses to Prevent Nuclear War
United Church of Christ
United States Conference of Mayors
Western States Legal Foundation
Women Strike for Peace
Women's Action for Nuclear Disarmament
Women's International League for Peace
and Freedom
Women's Peace Initiative
World Federalist Association
YWCA of the USA, National Board

10/16/90

A COMPREHENSIVE TEST BAN TREATY--NOW MORE THAN EVER

The international political arena has changed dramatically in just one year. The Cold War is over, Germany is reunited, Saddam Hussein has annexed Kuwait, the U.S. has poured troops into Saudi Arabia, and the nuclear powers are now seeking mutually-agreed-upon approaches to solving the crisis in the Middle East.

Each new development points more and more clearly to the need for and the timeliness of an international comprehensive test ban (CTB).

The new climate in East/West relations makes cooperative ventures like the CTB more possible than ever before. The Soviet Union's willingness--indeed, eagerness--for a CTB is well-documented: their 18-month moratorium during 1986-87 and their repeated statements that they would join the U.S. in a bilateral test ban at any time. Hundreds of thousands of Kazakhs living downwind of the major Soviet test site at Semipalatinsk have protested the continued testing, forcing the government to close the site. The Soviet government announced it would shift its testing program to Novaya Zemlya, an island in the Arctic Circle, and within days, the government of Norway, the people of Novaya Zemlya, and the President of the republic which contains the island--Boris Yeltsin--all lodged protests.

While the growing crisis in the Middle East has diverted attention from the urgent need to halt the nuclear arms race and allocate resources to domestic and environmental problems, it also serves to heighten awareness of the crucial link between the proliferation of nuclear weapons and a CTB. One has only to imagine the effect on stability in the Middle East if Iraq possessed a nuclear bomb.

Americans are deeply afraid, and rightly so, that Iraq will use chemical weapons against U.S. troops. But it is important to remember that poison gas is essentially "the poor nation's atom bomb." Since Israel has acquired a nuclear bomb and prevented Iraq from developing one by conducting an air strike against Iraq's suspected weapons grade materials plant, Iraq has felt it had the right to match the Israelis by obtaining chemical weapons.

Less than two weeks after Iraq pillaged and annexed Kuwait, the 1990 Non-Proliferation Treaty (NPT) review conference convened in Geneva, for the last time before the treaty's renewal in 1995. Angered by the U.S. steadfast refusal to halt nuclear testing--a condition for continuance written into the treaty--the non-aligned nations, led by Mexico, insisted that the final document of the review conference include a commitment by all parties to negotiate a CTB. The U.S. delegation refused. The result: there was no final document from the conference. The future of the NPT is thus clouded by U.S. insistence that it continue to test and develop new nuclear weapons systems. Without an NPT regime, global arms control could be permanently derailed.

The crucial NPT conference coincided with the equally important Partial Test Ban Treaty (PTBT) amendment conference, scheduled for January 1991--the "Test Ban Treaty Conference." This conference has been brought about by extraordinary and unprecedented steps by the non-nuclear nations. The convergence of these two conferences opens a new opportunity for challenging the recalcitrance of the U.S. and other nations opposing a CTB.

As every nuclear-age president before Reagan recognized, the most effective way to lessen nuclear tensions is through a comprehensive test ban. Not only would such an accord halt the proliferation of nuclear weapons, it would also stop the superpowers from testing ever more destabilizing systems. Over the past few years, significant progress toward verifying compliance with a CTB has been made. Through seismic monitoring and on-site inspections, the means of implementing a verifiable CTB are now available.

Polls show that 75-85% of the U.S. public consistently supports a CTB. By using this politically popular and understandable approach to curbing the nuclear arms race, we can also open a broader public discourse on the convergence of environmental, development, and disarmament issues. Worldwide, native populations and others living downwind from the test sites continue to reap devastating environmental and health effects of nuclear testing in Nevada, the South Pacific and the Soviet republic of Kazakhstan. Internationally, there is no issue which commands such broad public and diplomatic support.

** NONBINDING RESOLUTIONS **

224 JURISDICTIONS NOW SUPPORT A COMPREHENSIVE TEST BAN

190 Cities
26 Counties
8 States

Have passed nonbinding resolutions favoring a comprehensive test ban:

ALABAMA: * Cities -- Anniston

ARIZONA: * Cities -- Tucson
* Counties -- Pima

CALIFORNIA: * Cities -- Azusa, Costa Mesa, Fremont, Los Angeles, Monterey, Morgan Hill, Oakland, Redondo Beach, Richmond, Sacramento, San Francisco, San Jose, Santa Barbara, Santa Cruz, Santa Monica, South El Monte, Stocktor, Union City, West Covina, West Hollywood
* Counties -- Alameda, Contra Costa, Sonoma, Sacramento

COLORADO: * Cities -- Denver, Boulder, Fort Collins

CONNECTICUT: * Cities -- Hamden, New Haven, Simsbury, West Hartford
* State Legislature

DISTRICT OF COLUMBIA: * City -- Washington

GEORGIA: * Cities -- Atlanta

HAWAII: * Cities -- Honolulu, Maunaloa, Monalulu
* Counties -- Honolulu, Kalui, Kalai
* State Legislature

IDAHO: * Cities -- Hailey, Ketchum

ILLINOIS: * Cities -- Chicago, Urbana
* State Legislature

IOWA: * Cities -- Burlington, Cedar Rapids, Cherokee, Davenport, Decorah, Des Moines, Dubuque, Elkhader, Indianola, Maquoketa, Marshalltown, Orange City, Oskaloosa, Pringhar, Ringstad, Sheldon, Sioux City, Waverly, West Branch
* Counties -- Dubuque, Marshall, O'Brien

KANSAS: * Cities -- Johnson
* Counties -- Sedgewick

MAINE: * Cities -- Augusta, Auburn, Lewiston

MASSACHUSETTS: * Cities -- Ashfield, Boston, Brookline, Cambridge, Colrain, Conway, Cummington, Deerfield, Egremont, Great Barrington, Greenfield, Heath, Lanesboro, Lenox, Leverett, Middlefield, Monterey, Northfield, Pelham, Pittsfield, Richmond, Sheffield, Shelbourne, Shelbourne Falls, Shutesbury, Somerville, South Hadley, Stockbridge, Wendell, West Stockbridge, Williamsburg, Williamstown
* Counties -- Berkshire

MARYLAND: * Counties -- Montgomery

MICHIGAN: * Cities -- Ann Arbor, Detroit, East Lansing, Lansing, Marquette
* Counties -- Ingham
* State Legislature

MINNESOTA: * Cities -- Duluth, Minneapolis

MISSOURI: * Cities -- Kansas City, St. Joseph, St. Louis
* Counties -- Jackson

NEW HAMPSHIRE: * Cities -- Portsmouth

NEW JERSEY: * Cities -- Audubon, Belleville, Camden, Cape May, Carney, Demarest, East Brunswick, East Orange, Englewood, Ewing Township, Fair Haven, Fair Lawn, Fort Lee, Hamilton Township, Highland Park, Hoboken, Jersey City, Kearny, Lawrenceville, Leonia, Long Branch, Maplewood, Metuchen, Mountclair, Newark, New Brunswick, North Arlington, Nutley, Orange, Paramus, Parsippany-Troy Hills, Princeton Borough, Princeton Township, Ringwood, Roosevelt, Rutherford, South Brunswick, South Orange, Teaneck, Trenton, Wayne, West Orange, Willingboro, Woodbridge
* Counties -- Essex, Mercer, Monmouth, Ocean

NEW MEXICO: * Cities -- Santa Fe

NEW YORK: * Cities -- Chappaqua, Chenango Town Board, Johnson City, Mount Vernon, New York City, Scarsdale, Vestal
* Counties -- Chenango, Rockland
* State Legislature

NORTH CAROLINA: * Cities -- Chapel Hill, Davidson, Edenton
* Counties -- Orange

OHIO: * Cities -- Cleveland, Columbus, Shaker Heights, Yellow Springs, Youngstown
* Counties -- Cuyahoga
* State Legislature

OREGON: * Cities -- Portland
* Counties -- Multnomah

PENNSYLVANIA: * Counties -- Mifflin

RHODE LAND: * Cities -- Bristol, Cranston, Cumberland Hill,
Jamestown, Kingston, Narragansett, North Providence,
Providence, South Kingston, Warwick, West Kingston,
Woonsocket
* State Legislature

SOUTH DAKOTA: * Cities -- Brookings

TEXAS: * Cities -- Austin

UTAH: * Cities -- Provo, Riverton, Salt Lake City, Shione
Tribal Council, Yumba Indian Reservation

VERMONT: * Cities -- Burlington

VIRGINIA: * Cities -- Alexandria

WISCONSIN: * Cities -- Madison

WASHINGTON: * State Legislature

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COMMITTEE ON GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

TESTIMONY OF

WILLIAM E. COLBY
Director of Central Intelligence (1973-1976)

9 October 1990

Thank you, Mr. Chairman, for inviting me to testify before you on this important topic of the proliferation of weapons of mass destruction throughout the world and the necessity that this process be halted. The end of the Cold War and the successful activation of the United Nations to meet aggression by Iraq opens a whole new vision of possible cooperation instead of rivalry in the world community against common dangers to the peace and safety of all nations.

Many years ago, Prime Minister Indira Gandhi of India once rejected our advocacy of the non-proliferation of nuclear weapons by saying that she would not accept lectures on the subject by the great powers until they got their own nuclear arms race under control. The Non-Proliferation Treaty of 1968 tried to recognize the justice if not the wisdom of her comment by including the pledge that the nuclear powers would indeed pursue negotiations in good faith to end the nuclear arms race, and achieve nuclear disarmament. And for almost twenty years the two great powers produced no progress on this pledge, while they piled quantitative and qualitative increases into their nuclear

arsennals. They accompanied the process with pious assertions by their leaders that they looked forward to a world without nuclear weapons and ignored their agreement in the Limited Test Ban Treaty of 1963 that they would be "seeking .. the discontinuance of all test explosions of nuclear weapons for all time".

In the Iraq crisis, President Bush provided spectacular leadership for the world community to meet a world problem. He worked closely with many, even most, world leaders to assemble the consensus reflected in the United Nations resolutions to impose sanctions on Iraq until it reverses its aggression into Kuwait. And he accepted a leading role for the United States, sending our forces to ensure that Iraq does not move against Saudi Arabia.

Mr. Chairman, I suggest the Iraq crisis as a model of how to confront the dangers of the proliferation of weapons of mass destruction. We need to assemble a consensus of world opinion and implement this through multilateral diplomacy against those who endanger us all by insisting on continuing to develop these weapons. And the example of imposing sanctions on them should be among the tools available. But we need to show American leadership in the process.

The recent review conference on the Non-Proliferation Treaty is a model to the contrary. Instead of the United States taking the lead, it dragged its feet and caused the conference to be unable to issue a formal report. And the issue is one on which the United States should be in the forefront, a call for a

comprehensive nuclear test ban treaty. The result is to pose an ominous warning over the review conference scheduled for 1995, at which the question of the continued extension of the Non-Proliferation Treaty will be open, despite the ambiguous legal language between the choices of continuing it "indefinitely, or .. for an additional fixed period or periods".

It is difficult to ascribe the United States position to anything except Cold War or bureaucratic inertia. President Kennedy first tried to negotiate a comprehensive test ban, and the two sides failed by the narrowest of margins. Every "improvement" in nuclear weapons since that time, including the nefarious MIRV and the theoretical first strike danger, stems from that failure, while the United States and the Soviet Union have bankrupted themselves and endangered the globe by building more and more dangerous versions of nuclear weapons.

In the current arms reduction (not mere "control") negotiations on both conventional and strategic weapons, it is clear that the world is moving faster than its diplomats. The negotiations are still being conducted on an adversarial basis, with concessions carefully balanced and the fullest concern being given the retention of huge forces for defense. Meanwhile, the political situation in Europe and the Soviet Union is moving far beyond these careful negotiations, as the Cold War disappears and with it the framework of hostility which has existed for so many years. The START discussions try to refine a reduction in strategic weapons from 12,000 warheads on each side to a "mere"

8,000 or so, while the two sides turn from confrontation to cooperation.

In this situation, American espousal of a comprehensive test ban could provide the kind of leadership President Bush has shown in the Iraq crisis. It would be aimed at a different crisis, one less immediate than the Persian Gulf but no less ominous in the years ahead. A comprehensive test ban could revive the consensus behind the Non-Proliferation Treaty and firmly halt any further "improvements" in nuclear weapons by any nations, giving the basis for firm influence and even sanctions on nations insisting on endangering the world by moving further into the dread territory of nuclear war. And it would be of advantage to the United States in locking in the budgetary and safety savings of stopping these tests, with assurance that they would be stopped elsewhere.

The example of such a forward step on nuclear tests and proliferation could also give impetus to similar advances on other weapons of mass destruction. And it could open the possibility of serious discussions on how to reduce the arsenals of nuclear and other mass weapons already in the arsenals of some states, providing assurances of security to those states to replace their reliance on these weapons for their ultimate security. We may not be able to put the nuclear genie entirely back in the bottle, but with American leadership on a comprehensive test ban we can stop its further proliferation.

1/23/90

THE CHRISTIAN SCIENCE MONITOR

Complete the Ban on Nuclear Testing

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By William Epstein

TWENTY-TWO years ago this month, the Nuclear Non-Proliferation Treaty (NPT) was signed. With 142 parties, it is the main pillar of the regime to prevent the proliferation of nuclear weapons, but its future is now in jeopardy.

Next month the fourth review of the treaty will be held. It will be the last review before the first term of the treaty expires in 1995, when a conference of the parties will be convened to decide on its extension.

Because of the opposition of the United States to ending nuclear testing, the outcome of the fourth review and the future of the treaty itself are in serious doubt.

Five years before the NPT, the US, Britain, and the Soviet Union had signed the Partial Test Ban Treaty banning nuclear tests in the atmosphere, outer space, and underwater. The treaty left a gaping loophole by failing to ban underground tests; the nuclear powers proceeded to conduct such tests at a faster pace than ever before to develop more fearsome nuclear weapons. However, the three nuclear powers had pledged in the treaty that they would continue negotiations to end all test explosions of nuclear weapons. They repeated that pledge in the preamble of the NPT, and undertook in the now famous Article VI "to pursue negotiations in good faith in effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament."

A total test ban, as a means of stopping the proliferation of nuclear weapons, has

been the main demand of the nonnuclear parties at the three previous reviews of the NPT. There will be even stronger pressure for it at the forthcoming review.

Neutral and nonaligned countries, which constitute the great majority of the parties to both the Partial Test Ban Treaty and the NPT, became fed up by the procrastination of the three nuclear parties. They have called for a conference to convert the Partial Treaty into a comprehensive test ban treaty. The amendment conference will be held at the United Nations in New York in January 1991.

The neutral and nonaligned countries are convinced that, unless all nuclear tests are ended, there is no way to halt the nuclear arms race and the continued proliferation of nuclear weapons by both the nuclear and nonnuclear countries. Even if the START negotiations succeed in reducing American and Soviet strategic nuclear weapons by 50 percent, the two superpow-

ers will still have more than three times the number of these weapons than they had in 1968 when the NPT was signed.

Moreover, the supporters of a total test ban fear that even deep cuts will be nullified by testing and developing even more dangerous and destabilizing third-generation nuclear weapons.

Many parties are convinced that the fourth NPT review will be a failure because of the refusal of the US and Britain to negotiate a total ban on nuclear testing. This could have a disastrous effect on the chances of extending the NPT in 1995.

But if the US and Britain join the Soviet Union in supporting a total test ban, it could be achieved quickly. If a majority of the parties to the Partial Test Ban Treaty, including the three nuclear parties, approve and ratify the amendment banning all nuclear tests, that would automatically bind all the 118 parties. If that happens, then such near-nuclear countries as

Argentina, Brazil, India, Israel, Pakistan, and South Africa (none is a party to the NPT, but all are parties to the Partial Test Ban Treaty) would not be able to test and develop nuclear weapons.

The US says it will oppose the amendment. But supporters of the amendment say the January conference will be only the first of a series that will continue until agreement is reached on a total test ban.

With the astonishing improvement in East-West relations, the ending of the cold war, and the vanishing threat of a nuclear war, there is no real reason for continued testing to develop costly, modernized nuclear weapons that will never be used. Some American officials have said that they would rather abandon the NPT than give up nuclear testing, which they consider to be in the national interest. Many international observers tend to regard this as a bluff and as contrary to American interests. They consider nuclear deterrence solid and credible for many years ahead and believe that testing would be continued only in an effort to acquire nuclear superiority or a first-strike capability. By stopping all testing, each superpower could be freed from the fear that the other could gain a strategic advantage or that new nuclear powers could become a threat.

It seems almost incredible that the US would risk jeopardizing the NPT for the dubious benefits it might obtain from continued testing. There is still time for reason to prevail.

■ William Epstein is a senior fellow at the UN Institute for Training and Research. He represented the Secretary-General at the negotiations for the 1963 Partial Test Ban Treaty and the 1968 Nuclear Non-Proliferation Treaty.

