

The Executive Memorandum

The Heritage Foundation

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CONFRONTING BYRD'S ATTACKS ON SDI

Democrat Senator Robert Byrd of West Virginia, who chairs the Senate Appropriations Committee, is attacking last year's agreement between Congress and the Bush Administration that sets a goal to deploy anti-missile defenses by 1996. He is trying to reverse President Bush's request to rescind over \$3 billion in fiscal 1992 funds for the *Seawolf* attack submarine. Byrd, in a bill adopted by the Senate Appropriations Committee on April 30, wants to continue funding the *Seawolf* by cutting \$1.3 billion from the Strategic Defense Initiative (SDI) and \$1 billion from the B-2 bomber program. This is misguided. SDI is the single most important program the Pentagon funds. Allowing SDI to be gutted would mean that the American people, along with American allies and forces in the field, will remain vulnerable to missile strikes.

The result of Byrd's proposal to cut \$1.3 billion from the \$4.1 billion appropriated for SDI in fiscal 1992 would be the reversal of a compromise agreement painstakingly worked out in Congress last year. That agreement, now law, set goals for the deployment of anti-missile defenses under the SDI program. Under that agreement, then-existing Bush Administration timetables for the deployment of anti-missile defenses were shortened so that the first single-site deployment of 100 interceptors near Grand Forks, North Dakota, might be completed by 1996. A \$1.3 billion cut in SDI funding in fiscal 1992 would make this impossible. Support of Byrd's funding cut for SDI by those Senators and Congressmen who supported last year's compromise agreement would constitute a betrayal of their commitment to see that America can defend itself, its allies, and armed forces against at least small-scale missile attacks as soon as possible.

Abuse of the Budget Process. Byrd's attack on SDI is part of his strategy to counter Bush's March 10, March 20, and April 9 requests to rescind funding for a host of pork barrel programs that were included in the fiscal 1992 appropriations bill. In particular, Byrd disagrees with Bush's decision to terminate the *Seawolf* submarine program. Such rescission requests are approved by Congress under special procedures established by the 1974 Budget Act.

Byrd argues that his bill meets the requirements of the Budget Act for a rescission bill and the goal of Bush's rescission request. The reason: the bill includes some of the rescissions requested by Bush and purports to save \$426 million more than Bush sought. But many suspect Byrd's maneuvering is, in fact, a plan to embarrass Bush and halt the rescission process. Several of the provisions in his bill, including the SDI funding cut, are likely to be unacceptable to Bush. The President thus may be forced to veto the rescission bill even though it is the result of a process he initiated.

If this is Byrd's strategy, it is not only disingenuous, but an abuse of the rescission process set forth in the Budget Act. The Budget Act defines a rescission bill as one "...which only rescinds, in whole or in part, budget authority proposed to be rescinded in a special message transmitted by the President...." The definition contains no reference to rescissions of budget authority not requested by the President, such as the funding cut for SDI. As such, Byrd's bill should not be entitled to the special expedited procedures established for rescission bills by the Budget Act. These procedures impose severe limits on the types of amendments that may be offered to a rescission bill and the time for debate on such a bill.

Given these circumstances a point of order, a procedure that declares a bill inappropriate for Senate consideration, could be raised against the Byrd bill. By definition rescission bills must be limited to rescissions requested by the President. As such, the bill rammed through the Appropriations Committee by Byrd

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should not qualify for the special procedures established by the 1974 Budget Act. These procedures limit Senate debate on rescission bills to ten hours. A point of order, if successfully lodged, would at a minimum allow an open-ended debate of the bill.

Determining the validity of a point of order rests either with Senate's presiding officer or the Senate as whole. Vice President Dan Quayle, as President of the Senate, could preside over the body when the bill is called up and sustain the point of order. There remains a possibility, however, that the point of order could be rejected if a favorable ruling by Quayle is overruled by the Senate as a whole. A point of order, however, even if it is rejected, will signal that some portion of the Senate views the procedures used to bring the Byrd bill to the floor as illegitimate and an abuse of the 1974 Budget Act procedures.

To thwart Byrd's onslaught against the SDI program, President Bush should:

1) Assign Vice President Quayle to preside over the Senate at the time the Byrd bill comes to the floor. Bush could direct Quayle to assume the Chair in the Senate at the time the Byrd rescission bill is to be debated. This would give Bush his best opportunity to preserve the Budget Act and the SDI program.

2) Urge the Senate to strike the provision in the rescission bill cutting the SDI program. Bush should publicly urge the Senate to strike Byrd's provision to cut SDI funding, should a point of order against the bill fail. In so doing he should explain to the American people that he thought he had a deal with Congress last year to protect the country against missile strikes. He also should declare that a vote for this funding cut represents a betrayal of the earlier commitment.

3) Make SDI a campaign issue. Bush should make the SDI issue a centerpiece of his presidential campaign. He should remind the American people how important the *Patriot* missile was during the Persian Gulf War in downing Iraqi *Scud* missiles. The President also should emphasize that the SDI program is designed to develop and deploy interceptors more capable than the *Patriot*. He should state that absent SDI American citizens will remain vulnerable to missile attacks in a world where missiles are spreading rapidly to such countries as Libya, North Korea, and Syria, and where control over the arsenal of the former Soviet Union is uncertain. America certainly deserves the same protection against long-range missiles that Israel and Saudi Arabia enjoyed against short-range missiles during the Gulf War.

4) Blast Byrd's tactics. Bush should criticize strongly the tactics used by Byrd in the attempt to gut SDI. He should point out to the American people that the current attempt to undermine last year's commitment on SDI violates the 1974 Budget Act. Further, Bush should make clear that Byrd is preserving pork barrel spending at the expense of a critical program like SDI.

The actions by Byrd in dealing with Bush's rescission request serve as an example of what is wrong with Congress today. They reveal an attitude that says no law is worth observing, no national interest is too important, and no previous commitment need be honored in the pursuit of pork barrel spending, immediate political gain, and the embarrassment of the President. With the future of the SDI program hanging in balance, Bush should say forthrightly that he is outraged by this behavior and that he will not tolerate this sort of abuse.

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