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Senate

(Legislative day of Monday, July 10, 1995)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, our day is filled with challenges and decisions. In the quiet of this magnificent moment of conversation with You we dedicate this day. We want to live it to Your glory.

We praise You that it is Your desire to give Your presence and blessings to those who ask You. You give strength and power to Your people when we seek You above anything else. You guide the humble and teach them Your way. Help us to humble ourselves as we begin this day so that no self-serving agenda or self-aggrandizing attitude will block Your blessings to us or to our Nation through us. Speak to us so that we may speak with both the tenor of Your truth and the tone of Your grace.

Make us maximum by Your Spirit for the demanding responsibilities and relationships of this day. We say with the Psalmist, ''God, be merciful to us and bless us, and cause Your face to shine upon us, that Your way may be known on earth, Your salvation among the nations.''—Psalm 67:1–2. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

Mr. LOTT. Thank you, Mr. President.

SCHEDULE

Mr. LOTT. Mr. President, this morning the leader time has been reserved and the Senate will resume consideration of S. 1026, the Department of Defense authorization bill. Under the order, Senator DORGAN is to be recognized to offer an amendment regarding the national missiles defense. That amendment is limited to a 90-minute time limitation. Therefore, Senators may anticipate a rollcall vote at approximately at 10:30 a.m. if all debate time is used. Additional rollcall votes are expected throughout the day today and the Senate is expected to remain in session into the evening.

I yield the floor, Mr. President, so that Senator DORGAN and others might be recognized.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996

The PRESIDING OFFICER (Mr. ASHCROFT). Under the previous order, the Senate will now resume consideration of S. 1026, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1026) to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The Senate resumed consideration of the bill.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from North Dakota [Mr. DORGAN] is recognized to offer an amendment on which there shall be 90 minutes for debate equally divided.

Mr. EXON. Mr. President, may I inquire of the Senator from North Dakota? The Senator from Nebraska has been attempting to make an opening statement with regard to the measure before us. I am wondering, after the Senator from North Dakota has made the presentation under the unanimous-consent agreement, if both sides would agree to the Senator from Nebraska having 10 minutes for an opening statement on the overall measure without being charged to the time under the control by the majority or the minority.

Mr. DORGAN. Mr. President, if I might respond to the Senator from Nebraska, I have no objection. But my understanding is that the 9 to 10:30 time period for this amendment would result in a vote at 10:30, and there are some leadership obligations that require that vote to occur at 10:30, and by unanimous consent we have limited debate to an hour and a half, 45 minutes to each side, on the amendment.

It might be the case that the Senator should give an opening presentation immediately after the vote at 10:30.

Mr. EXON. I thank the Senator. That does not happen to agree with the schedule of the Senator from Nebraska. But I will try again.

Thank you very much, Mr. President.

Mr. DORGAN. Mr. President, I might say that I have no objection. But my understanding is that the 10:30 vote must occur at 10:30 because of some leadership obligations by previous agreement.

PRIVILEGE OF THE FLOOR

Mr. DORGAN. Mr. President, I ask unanimous consent that Robert Russell, a fellow on detail from the Department of Energy, be allowed floor privileges during the debate of S. 1026.

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

AMENDMENT NO. 2087

(Purpose: To reduce the amount authorized to be appropriated under Title II for national missile defense)

Mr. DORGAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself, Mr. BRADLEY, Mr. LEAHY,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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Mr. BINGAMAN, Mr. FEINGOLD, and Mr. BUMPERS, proposes an amendment numbered 2087.

Mr. DORGAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 32, strike out line 14 and insert in lieu thereof the following' ''$9,233,148,000, of which—

''(A) not more than $357,900,000 is authorized to implement the national missile defense policy established in section 233(2);''.

Mr. DORGAN. Mr. President, we have by unanimous consent a time agreement on this amendment, I understand 45 minutes to each side. I yield myself such time as I may consume.

Mr. President, let me begin to describe this amendment. It is painfully simple. There was $300 million added to the defense authorization bill by the Armed Services Committee for something that this country does not need and that the Secretary of Defense says he does not want. The proposal that I lay before the Senate is to take the $300 million back out.

This, it seems to me, is a very symbolic issue. The $300 million is to build a national missile defense system with instructions it be done on a priority or accelerated basis so that the deployment begins in 1999. Some said yesterday, well, this has nothing to do with star wars. And, of course, that is not true at all. This is, in fact, national missile defense, which includes a star wars component. It is the building of missiles in order to create some sort of astrodome over our country to block incoming intercontinental ballistic missiles.

It is the revival of a proposal offered in the early 1980's by then President Ronald Reagan. Of course, times were different then. The Soviet Union existed. We had a cold war that was in full force. We had an active adversary and a real threat. Times have changed. Now we have the dismantling and destruction of intercontinental ballistic missiles in Russia. And, paradoxically, we are helping pay the bill to destroy those missiles.

It is an irony that does not escape me this morning that the same people who proposed $300 million in additional spending this year as part of what will eventually be a $48 billion new project are also saying they want to cut back on our contribution to help the Soviets dismantle and destroy their intercontinental ballistic missiles. If ever there is a disconnection, it seems to me it is in that logic.

To call this $300 million—or what eventually will be a $40 billion program—''pork'' is I think unfair to pigs. Hogs carry around a little meat. This in my judgment is pure, unadulterated lard.

I want to describe this proposal in the context of what the Secretary of Defense has said. I am reading from a letter from the Secretary to Senator NUNN:

This bill will direct the development for deployment by 2003 [incidentally, the early deployment by 1999] of a multiple site system for national missile defense that, if deployed, would be a clear violation of the ABM Treaty. The bill would severely strain U.S.-Russian relations and would threaten continued Russian implementation of the START I Treaty and further Russian consideration of the START II Treaty. These two treaties will eliminate strategic launchers carrying two-thirds of the nuclear warheads that confronted the Nation during the cold war.

That is a statement of current administration policy.

S. 1026 would authorize appropriations for defense programs that exceed by approximately $7 billion the administration's FY 1996 request.

A $7 billion increase, this from folks who say they are opposed to the Federal deficit.

Here is what the committee says:

The committee recognizes that deploying a multiple site NMD system by 2003 will require significant investments in the outyears.

And, incidentally, the Congressional Budget Office says anywhere from $30 to $40 billion. But the committee avoids the issue. The committee:

. . . directs the Secretary of Defense to budget accordingly.

This is very interesting. The Armed Services Committee says we are going to build this. Here is $300 million you do not want to build something we do not need, and it is going to cost $48 billion, and we say to you, Mr. Secretary of Defense, ''budget accordingly.''

It does not say where he should get the money. It does not say they are going to raise taxes to pay for it. It says to the Secretary of Defense, budget accordingly.

Well, we all understand what that means. That means that the warriors who fight so hard rhetorically to reduce the Federal budget deficit are now wallflowers who decide they want to use the taxpayers' credit card to go out and purchase a $48 billion national ballistic missile program that this country does not need and cannot afford.

It seems to me we ought to ask two questions about these kinds of proposals when they come to us. One is, do we need it? And the second is, can we afford it?

On the first question, do we need it, do we need the $300 million added to this budget, the Secretary of Defense says no.

Can we afford it? Even if we do not need it, can we afford it? Does anybody in this room, living in a country that is up to its neck in debt, with annual yearly deficits that are still alarming and a Federal debt approaching $5 trillion, believe we can afford something we do not need?

I am going to talk some about the system itself, but first I wish to talk about the irony of being here in the Chamber at a time when we are told repeatedly, week after week after week, that we do not have enough money. We are told we do not have enough money to fully fund the programs to be able to send kids to college. So we are going to budget in a way that is going to make it harder for families to send their kids to college because we have to tighten our belt. We are told that we cannot afford to provide an entitlement that a poor child should have a hot lunch at school in the middle of the day because we must tighten our belt. We are told health care is too expensive and so we must cut $270 billion from Medicare and a substantial amount from Medicaid because we must tighten our belt.

So for the American family, the message is tighten your belt on things like education, health care, nutrition. But when it comes to security, we are told it is not time to tighten our belt; let us get the wish lists out and let us get the American taxpayers' checkbook out—or the credit card more likely—and let us decide to build a project that the Secretary of Defense says he does not want money for at this point.

Let me talk about the project itself.

This bill provides research and development funds in order to accelerate the deployment of a national missile defense system. The administration requested $371 million for its ongoing research and development program. The Armed Services Committee says that is not good enough for us. The committee wants $300 million more added to the request because it wants to deploy the system in four years. The committee is telling the Defense Department to build it. They are saying that it does not matter to us what you think; it does not matter to us whether you think we need it. We insist you build it.

I come from a State where the only antiballistic missile system in the free world was built. It was built in the late 1960's and early 1970's. Less than 30 days after it was declared operational, it was mothballed. In other words, in the same month that it was declared fully operational it was also mothballed.

It is anticipated, because of our Nation's geography, that one of the sites in a multiple site national missile defense system would be in North Dakota. There would likely be one North Dakota site. And I suppose some would say, well, that means jobs in your State; you ought to support this.

I do not think it makes sense to support a defense initiative of this type especially at this time in our country's history if you measure it with the yardstick of a jobs program. Yes, this might include some jobs in North Dakota, but it also will include the commitment and the prospect of taking $40 billion from the American taxpayers to build a project we do not need, with money we do not have, at a time when we are telling a lot of Americans that we cannot make investments in human potential for the future of this country.

There is an ancient Chinese saying:

If you are planning for a year, plant rice; if you are planning for 10 years, plant trees; if you are planning for 100 years, plant men.

I take ''plant men'' to mean ''educate your children.''

In this Chamber, we appropriately say that we have big financial problems. We are choking on debt and must do something about it. We have a lot of folks who talk a lot about it, gnash their teeth, who wring their hands, and act like warriors on deficit reduction—until it comes time for a bill like this. And then they say to us, boy, we have threats; we have threats from North Korea; we have threats from Libya; we have threats from Iraq.

What do those threats suggest we should do? What we should do is, under the aegis of reform—which is the wrong ''re'' word; the real ''re'' word is not ''reform''; it is ''retread''—is resurrect and dust off a proposal coming from the early 1980's, a cold war relic to build a national missile defense system to put an umbrella over America to protect against incoming missiles from some renegade country. Far more important, in my judgment, is the threat from a suitcase bomb somewhere; you start worrying about a nuclear device hauled in the trunk of a car and parked at a dock in New York City; you start worrying about a canister 3 inches high of deadly biological weapons. That is far more likely a threat to this country than a terrorist getting ahold of an intercontinental ballistic missile and attempting to blackmail America.

Mr. President, I am most anxious to hear those who defend this kind of spending on projects that are, in my judgment, worthless. So let me at this point yield the floor and listen and then respond to some of what I hear. I hope maybe the Senate, voting on this today, will decide that it ought not spend $300 million we do not have on something the Secretary of Defense says we do not need. That would seem to me to send a powerful signal to the American people who in this body is serious about the issue of the Federal deficit.

Mr. President, I yield the floor and reserve my time.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise in strong opposition to the Dorgan amendment. The Armed Services Committee has taken a hard look at the ballistic missile defense programs and concluded that an increase of $300 million is warranted—indeed, badly needed. If the United States is to ever be defended against even the most limited ballistic missile threats, we must begin now.

The administration's program for national missile defense is simply inadequate. And in my view, the ballistic missile threat facing the United States is significant and growing. This threat clearly justifies an accelerated effort to develop and deploy highly effective theater and national missile defenses. In the bill now before the Senate we have done just this. The Missile Defense Act is a responsible and measured piece of legislation that responds to a growing threat to American national security.

There have been many arguments raised in opposition to the Missile Defense Act of 1995. These are either false or seriously exaggerated. Let me address three of the main objections that have been mentioned repeatedly.

First, the Missile Defense Act of 1995 does not signal a return to star wars. It advocates modest and affordable programs that are technically low risk.

Second, it does not violate or advocate violation of the ABM Treaty. The means to implement the policies and goals outlined in the Missile Defense Act of 1995 are contained in the ABM Treaty itself.

Finally, the policies and goals contained in the Missile Defense Act of 1995 will not undermine START II or other arms control agreements. Russia has repeatedly agreed in the past that deployment of a limited national missile defense system is not inconsistent with deterrence and stability. The United States must not allow critical national security programs to be held hostage to other issues when there is no substantive or logical linkage between them.

Mr. President, I therefore would conclude by urging my colleagues to oppose the amendment by the distinguished Senator from North Dakota. This amendment would undermine a critical defense requirement and further perpetuate the vulnerability of the American people.

Mr. President, I yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I, too, rise in opposition to the amendment. I would like to begin with a quote from Secretary Perry in this general area now, that we have entered the post-cold war time. Secretary Perry is quoted as saying:

> The bad news is that in this era deterrence may not provide even the cold comfort it did during the cold war. We may be facing terrorists or rogue regimes with ballistic missiles and nuclear weapons at the same time in the future. And they may not buy into our deterrence theory. Indeed, they may be madder than MAD.

MAD, mutually assured destruction.

Mr. President, I think it is unfortunate that there are those who seem to think that the American people should not be defended against the one military threat which holds them at risk in their homes on a daily basis. Simply stated, this amendment seeks to perpetuate what many believe is truly an American vulnerability.

Yesterday there were only five Senators who opposed a sense-of-the-Senate resolution that the American people should be defended against accidental, intentional, or limited ballistic missile attack. Today the Senator from North Dakota is attempting to cut $300 million from national missile defense to ensure that American cities will in effect remain undefended without this additional funding.

Senators yesterday voted in favor of defending the American people in this new era that we are in. So today all Senators will have an opportunity to demonstrate whether or not they are serious about a national defense. If you believe, as the Senator from North Dakota so honestly does, and has stated, that the United States should not be defended against this particular potential for ballistic missile attack, then support the amendment. But if you believe that the time has come to get on with national missile defense, you should oppose this amendment.

We have heard quite a bit about how there is no threat and how investment in national missile defense is a waste of money. Let us remember that more Americans died in the Persian Gulf war as a result of one missile than any other single cause. I do not imagine that the families of these victims would view missile defense investments as a waste.

The argument that there is no threat to justify the deployment of a national missile defense system I think is strategically shortsighted and technically incorrect. Even if we get started today, by the time we develop and deploy an NMD system we will almost certainly face new ballistic missile threats to the United States. Unfortunately, it will take almost 10 years to develop and deploy even a limited system.

Much has been made of the intelligence community's estimate that no new threat to the United States will develop for 10 years. But the intelligence community has confirmed that there are numerous ways for hostile countries to acquire intercontinental ballistic missiles in much less than 10 years by other than indigenous development. I would point out the same intelligence has also prepared a chart that has been displayed on the Senate floor showing the North Korean missile programs, including the Taepo Dong II ICBM, which DIA says could be operational in 5 years.

We see the size and the capability of destructive ability of these various missiles. You have got the Scud-B, the Scud-C, the No Dong, the Taepo Dong I and II. And these have not been tested. But it is very capable for them to do that, the North Koreans to do that. And it is estimated that they could go to this biggest one, which would be well over the 1,000 kilometers, in 5 years or maybe less. And in developing this system North Korea has demonstrated to the world that an ICBM capability can emerge rapidly and relatively with little notice.

Nobody knows with certainty what the range of this potential new missile would be. But we do know that it is approximately the size of the Minuteman ICBM.

Even if we knew with certainty that no new threat would materialize for 10 years there would still be a strong case for developing and deploying a national

defense system. Developing an NMD system would serve to deter countries that would seek to acquire otherwise ICBM capability. A vulnerable United States merely invites proliferation, blackmail, and even aggression.

It has also been argued that the administration's NMD program costs less than the one proposed in the defense authorization bill. Well, I guess that is right. It usually does cost more to actually do something about a problem than nothing, which is precisely what the administration's program will do, I fear—nothing at all. They request money. And they have requested almost $400 million this year. And yet it is not enough to actually get the job done. The administration's program has no deployment goal in sight. In effect, you know, it wastes almost $400 million per year on a program designed never to achieve a specific end. In my view, if we are not going to actually deploy something we ought to take the rest of the NMD money and spend it on something that will defend America.

The Senator from North Dakota has stated that the system we want to build will cost $40 billion. But by the administration's own charts, it states that it would cost less than $25 billion, including a full space-based sensor constellation. How does this compare to the cost of the F–22, the B–2 or other major new systems? I think it is a pretty good investment relative to virtually anything else that DOD is developing. What good does it do to be able to project power overseas with modern and sophisticated weapons if we cannot secure our families at home? Remember what we are talking about here.

It is not an insignificant amount, an additional $300 million approximately, but you are talking about the cost of three or four airplanes. You are talking about offensive weaponry, three or four airplanes. We can move toward the ability to develop and deploy this system.

One other chart I would like to refer to with regard to the national missile defense program. The Bottom-Up Review just, I guess, 2 years ago, projected the expenditures at this level for the national missile defense. The administration fiscal year 1995 request was as you see up to about, I believe it indicated about $500 million. And then in the fiscal year 1996 it dropped down, and what this bill actually does is basically a very small increase over what the administration's fiscal year 1995 request was. So, talking about just enough increase to move toward actual development and the ability to deploy within 10 years.

So this is a good-sense approach. It is one based on what the administration had projected in its Bottom-Up Review and what it asked for in 1995.

For those who argue that the Senate Armed Services Committee is throwing money at ballistic missile defense, I point out that the amount of this bill for the Ballistic Missile Defense Organization is $136 million lower than the Clinton administration's own Bottom-Up Review recommended for fiscal year 1996. It is also less than the administration's own budget forecast in last year's plan.

All four of the defense committees in Congress have increased funding for the national missile defense. In fact, the Senate Armed Services Committee and the Senate Defense Appropriations Subcommittee have recommended a smaller increase than the House committees have. The House has recommended an increase of $450 million.

In response to those who say the administration did not request this increase, I point out the Ballistic Missile Defense Organization has made it clear on many occasions and with the administration's, I think, tacit approval, that if more money was made available for ballistic missile programs that they would want to spend $400 million on the national missile defense program.

The bottom line is simple. If you think that the American people should not be defended against ballistic missiles, then go ahead and support this amendment. If you think that the time has come to do something about an ever-increasing threat in this post-cold-war era, then vote against this amendment.

I strongly urge my colleagues to put themselves on the side of defending the American people at a very reasonable cost.

I yield the floor, Mr. President.

Mr. INHOFE addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, I yield 5 minutes to the distinguished Senator.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I thank the Senator for the time.

I was listening intently to the Senator from Mississippi. I was glad he brought that up because the Senator from North Dakota has said over and over and over again that this is a $40 billion program for the future. I think it has to be clarified, and yet after we clarify it, I suggest the Senator from North Dakota will continue to use $40 billion. This is just not true.

The Senator from Mississippi talked about, according to the figures of the administration, it was $24.2 billion. But I suggest that includes the SMTS program, Brilliant Eyes, which is funded separately, which can be taken off. It is closer to $18 billion.

We do have an investment today in the program of $38 billion. Some people estimate it is more than that. Let us be conservative and say $38 billion in what we call the SDI program, which some people like to continue to use star wars to try to make the public of this country believe that this is some fantasy, that it is not real. It is not something we are handling today.

The SDI program, we feel, helped end the cold war by 5 years. What kind of a value can we put on that? In fact, the Russian Ambassador to the United States, Vladimir Lukin, stated that if it had not been for SDI, the cold war would have gone on for 5 additional years.

The SDI program and its research led to systems, not fantasies, but systems in place today, such as the Aegis system, cruisers and destroyers, kinetic energy programs, the hit-to-kill technologies which are used in the THAAD, the PAC–3, the Navy upper-tier defense systems. These are not star wars; these are technologies. They are on line today.

All we are trying to do is say that in 5 years from now, where many in the intelligence community say we are going to be threatened by perhaps North Korea or other technology that will reach the United States—and this is something that most of the intelligence community agrees with—we want to do something today that will be within the confines of the ABM Treaty. We talked about that before. This is as much as we can do to reach the point so that 5 years from today, we are going to be able to defend the United States against missile attacks.

The Senator from North Dakota refers over and over again to the suitcase bombs, to the ships and vans that deliver weapons. And on that case, I agree with the Senator from North Dakota, I think he is right. But we are already taking care of that. We are already working on that program.

The Senator from North Dakota talks about intelligence estimates. I asked yesterday on this floor, what if we are wrong, what if those intelligence estimates he is saying where the threat is not there for 10 more years, what if we are right and it is 5 more years? What if he is wrong? Look back to 1940 and Pearl Harbor. At that time our estimates were wrong; North Korea in 1950, or more recently, Iraq in 1990. Our intelligence was wrong at that time.

The Senator relies on the cold war mutually assured destruction program embodied in the triad of missile submarines, land-based missiles and bombers, but we had all these things 5 years ago, and that did not deter Saddam Hussein from using Scud missiles.

When the Senator points out that the administration says that $300 million to defend Americans from attack is not in our interest, he ignores the fact that just 3 months ago, the director of the Pentagon's Ballistic Missile Defense Organization, with the administration's blessing, said that they could spend $500 million more. That is $200 million more than the additional amount we are trying to put on that we did put on in the Senate Armed Services Committee and our counterparts in the other body to reach a system that would defend America.

The Senator from North Dakota is also citing the administration supposedly defended our interests last year by spending $2 billion. We are doing a lot of talking now about $300

million. What about the $2 billion that we spent for humanitarian missions that, by their own admission, in the Senate Armed Services Committee, by the Secretary of Defense were really not to our vital national security interests.

I am talking about Somalia and Haiti and Bosnia and Rwanda. We are spending all this money. We are sending our troops all the way around the world to defend violations of human rights. Certainly, I am not insensitive to the ethnic cleansing that is going on and all these human rights violations. But we are spending huge amounts for that. I disagree with the foreign policy of the administration, and I do not think we should be doing it. But if we are doing it, that is $2 billion, and we are talking $300 million right now to keep this on line to be able to defend this country 5 years from now.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. INHOFE. Mr. President, I ask unanimous consent for 2 additional minutes.

The PRESIDING OFFICER. Does the Senator from South Carolina yield 2 additional minutes?

Mr. THURMOND. Mr. President, I grant him 2 more minutes.

Mr. INHOFE. Finally, Mr. President, I must express my amazement with the priorities of the Senator from North Dakota. He wants to cut $300 million from the missile defense. He says we have higher domestic priorities. We heard about the nutrition programs, we heard about all these social programs that seem to, in his mind, have a higher priority.

I suggest to you that this $300 million is a relatively small amount of money. The one bomb in Oklahoma City that wiped out the Murrah Federal Building cost the taxpayers $500 million—one bomb.

I suggest if the Senator from North Dakota could have stood with me in Oklahoma City on April 19, April 20, April 21, when they are sending troops and volunteers into this building to pull out people who might be alive in there, the hope was there that more would be alive, then the fourth day came and the smell of death had enveloped the city, if you could have been there, and what was going through my mind was, this is just one building in one city, one missile could come in there and wipe out every building in the city of Oklahoma City, in the city of Sioux Falls, SD, in Bismarck, ND, in New York City, could wipe out the entire thing.

Multiply that one thing, the Murrah Federal Building in Oklahoma City by 100, by 1,000. That is the threat that is out there. That is the threat that can reach, according to many in the intelligence community, this country within 5 years. We have to be ready for that. This should be the highest priority. We are elected to defend America. That is exactly what this is about today.

So, Mr. President, in the strongest of terms, I say this is the minimum that we can do to keep on force, to have a national missile defense system in place in 5 years when the threat is very real.

Mr. STEVENS addressed the Chair.

Mr. THURMOND. Mr. President, I yield 3 minutes to the distinguished Senator from Alaska.

Mr. STEVENS. Mr. President, I thank the distinguished chairman of the Armed Services Committee.

The Ballistic Missile Defense Initiative, reported by the Armed Services Committee, puts our Nation on the right track to address the growing missile threat to our country.

In the defense appropriations bill, which was reported last week, we fully supported every element of that plan, and I congratulate Senators THURMOND, LOTT, and others who worked with them on this plan.

Every intelligence assessment available to the Congress indicates that the threat posed to U.S. military forces is growing from ballistic missiles, as is the threat to the United States itself.

There can be no greater imperative, as we allocate funding for research and development for future systems, than to develop and deploy an effective national missile defense system.

This matter has special significance to every citizen of my State of Alaska. Already, North Korea is developing missiles that could attack the military installations in Alaska.

Alaska-based F–15's, F–16's, and OA–10 aircraft will be the first to respond to any attack on South Korea. On that basis, we are a target for North Korea.

The distinguished Senator from North Dakota may be confident that his State will not face that threat in coming years, and I share that confidence. Our country was lucky in the gulf war. The ingenuity and technical creativeness ensured that we had some minimal capacity to respond to the Iraqi Scud missile threat.

We cannot, and must not, rely on luck to be ready to face the risk of missile launches against my State and against the United States in total. We must make the investment now to have ready a system to deploy, if that is the decision of the President and Congress.

The additional funds proposed for authorization and appropriation for national missile defense is a reasonable and affordable start for this program.

I am here to urge all Members to support this initiative. I do so as a Senator from a State that is seriously threatened today, and I believe the funding authorized by this bill, already included in the defense appropriations bill, is the proper way to start.

The PRESIDING OFFICER. Who yields time?

Mr. DORGAN. Mr. President, I yield such time as I may consume to myself.

Mr. President, statements have been made that my position is I do not want to defend America's cities against a very real threat—total nonsense; absolute nonsense.

My position is that we should not be spending money we do not have on something the Secretary of Defense says we do not need. Let me read from a letter from Secretary of Defense William Perry to Senator NUNN:

> The bill's provision would add nothing to DOD's ability to pursue our missile defense programs and would needlessly cause us to incur excess costs and serious security risks. The bill would require the United States to make a decision now on developing a specific national missile defense for deployment by 2003, with interim operational capability in 1999, despite the fact that a balanced strategic missile threat has not emerged. Our national missile defense program is designed to give us the capability for a deployment decision in 3 years, when we will be in a much better position to assess the threat and deploy the most technologically advanced system available, if they think it is needed.

This is not a case of somebody deciding we do not want to protect America's cities. It is a case of saying we do not want to spend $300 million that the Secretary of Defense says we do not need to spend.

Let me respond to a couple of other things that have been said. This is not about just $300 million. It is about $48 billion, according to the Congresional Budget Office. I ask all the Senators who spoke here, where are you going to get that money? You suggest that the Secretary of Defense budget for it. I ask you, are you going to charge it? And are you going to tax people for it? Where are you going to get the money? Do you want to advance a notion now that you want to build a $50 billion new system, which by the way does, indeed, include star wars, as page 59 of the bill says? I ask you, where are you going to get the money for it?

Let me say to you, as well, that when you talk about the threat from an intercontinental ballistic missile, as you have all talked about, you understand and I understand—I have some material that I will not read from on the floor, but it is material from Nobel laureates, from veterans of the Manhattan project and from physicists who are experts in this field, all of whom agree—and I think you would agree—that a threat from a renegade country is far more likely as a result of a cruise missile, which cannot be defended against by this system, than it is from an intercontinental ballistic missile. A cruise missile is easier to build and cheaper to build and more likely for them to get.

I ask you this question, if you are worried about protecting America's cities: If you finished spending $48 billion to defend against ballistic missiles, then tell me how that system defends America's cities against the far more likely threat of cruise missiles. The fact is that by building a national ballistic missile defense you have done nothing to defend against a cruise missile attack on American cities.

That is the point. The point here is that this is a weapons program with a constituency. Like all weapons programs, it does not matter what the climate is—it can be rain, snow, wind, or

sleet; you can have a Soviet Union or not, and it could be 1983 or 1995—this weapons program has legs. It has jobs and it has constituencies. This is out of step, makes no sense, and yet we see on the floor of the Senate folks who come here and say, well, let us, this year, stick $300 million more in this program than was asked for and than is needed. Why? Because we want to defend America's cities. Against what? Against a threat which the Secretary of Defense says does not exist, and Nobel laureates and veterans of the Manhattan project say does not exist.

If you are so all-fired worried about threats, let us focus on the threats that the Nation will really face.

One additional thing. I think the Senator from Oklahoma makes the point that I have been trying to make this morning when he talks about the tragic bombing of Oklahoma City. It is not an intercontinental ballistic missile with all of its sophisticated targeting that is the likely way to attack against America. It is far more likely to be a rental truck, a suitcase, a glass vial, a single-engine airplane. I think the Senator from Oklahoma made the point I was trying to make.

Mr. INHOFE. Will the Senator yield?

Mr. DORGAN. I will not yield on my time.

Mr. INHOFE. I would like to respond to the Senator.

Mr. DORGAN. If the Senator would give time, I am happy to answer questions. But we have 45 minutes equally divided.

I will at this time reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. DORGAN. Mr. President, I yield 5 minutes to the Senator from Minnesota, Senator WELLSTONE.

Mr. WELLSTONE. Mr. President, first of all, let me just say that 5 minutes is not a lot of time to make the case. But I am in strong support of the Dorgan amendment for a number of reasons. First of all, I will talk policy, and then I will talk budget. There is no significant long-range ballistic missile threat to the United States now or in the immediate future. The head of the DIA stated:

> We see no interest in or capability of any new country reaching the continental United States with a long-range missile for at least the next decade.

Mr. President, the national missile defense provides no defense against the most likely future attacks on the United States, which will not be delivered by missiles. We have seen that clearly in a tragic way at the World Trade Center, the Federal building in Oklahoma City, and the subway in Tokyo.

Mr. President, there are many arguments I could make about this impossible dream. But let me just put it in a slightly broader context. We have out here a bill that requests $7 billion more than the Pentagon says it needs. We have out here with star wars a request for $300 million more than the Pentagon says it wants to spend or needs to spend.

Mr. President, I think this amendment is about more than star wars. It is about priorities. And if you look at requests for Head Start, it is $3.9 billion, but the total cost of the next aircraft carrier, the CVN–78, is $4.6 billion.

If you look at requests for police officers, housing, childhood immunization, alongside star wars, the B–2, Pentagon budget, $7 billion more in this bill than requested by the Pentagon itself, of the kind of stories that are now coming out, Mr. President, about a variety of different pork projects, all across the country, we have to ask ourselves the question, what are we doing here?

I was on the floor of the Senate not too long ago, saying why are we eliminating low-income energy assistance? I was talking about the poor in the cold-weather State of Minnesota. We also could talk about cooling assistance. This was during the time where we read that 450 people died, many elderly and poor.

On the one hand, we cut low-income energy assistance, we cut education programs, we cut job programs, we cut all sorts of nutrition programs, we are not investing in our children, and we have here a bill that asks for $7 billion more than the Pentagon says it needs for our national defense.

Now we have—for this impossible dream, many independent people arguing it never will work anyway—a request for an additional $300 million.

Mr. President, the real national security for our country is not for star wars in space. It is to feed children and educate children and provide safety and security for people in communities, and job opportunities for people on Earth.

This is outrageous. At the very time we have some of our deficit hawks saying, ''Cut this nutrition program, cut low-income energy assistance, cut legal services, cut job training, cut summer youth programs, cut education programs, cut health care programs,'' we have here a budget that asks for $7 billion more than the Pentagon wants, and $300 million more for star wars—this impossible dream, this fantasy—than is requested by our own defense people.

This is really a test, I say to my colleague from North Dakota, this is a test case vote, as to whether or not we are serious about reducing the deficit and investing in people in our country, investing in people who live in the communities in our country. That is what this is about.

Senators, you cannot dance at two weddings at the same time. Maybe you are trying to dance at three weddings at the same time. You cannot keep saying you are for deficit reduction, you cannot keep saying you are for children and education, you cannot keep saying that you are for job opportunities, you cannot keep saying you are for veterans, you cannot keep saying we will not cut Medicare, and at the same time allocating more and more money for your pork military projects, and adding to a military budget that the Pentagon itself says it does not need. I yield the floor.

Mr. THURMOND. I yield 10 minutes to the distinguished Senator from Arizona.

Mr. KYL. I thank the distinguished chairman of the Armed Services Committee for yielding time to discuss this amendment.

Going back to basics, the amendment is to cut $300 million from the committee's request for funding for the Defense Department. The committee has a $300 million increase from what the administration had requested for this particular part of the budget. The House had increased it $400 million. The Senate increase is less than the House increase by $100 million. The Dorgan amendment is to cut $300 million from the committee's request.

The primary arguments against the committee's mark are categorized into two areas: First, the threat is not that great or that soon; second, the money could be spent on other things.

First, talking about the threat, there is a suggestion here that the threat is not imminent. The threat we are talking about is a threat to relatively soon be able to attack the continental United States, because this is the national missile defense part of the program we are talking about.

Now, we all understand that eventually we will have to have a defense against missiles that would either be accidentally or intentionally launched against U.S. territory. The question is, how soon do we need to begin preparing for that?

The Senator from North Dakota says we do not need to worry about it yet because it will be maybe 10 years before the threat emerges. There are two primary responses to it. First, it is wrong; and, second, we are not taking into account the fact that it takes a long time to develop the programs to respond to the offensive threat.

We have been working at this program for a long time. It has been 5 years yesterday, since the taking over of Kuwait by Iraq. Yet we are not very far down the road in terms of improving our ability to defend even against a missile like the Scud B that the Iraqis had. We are talking here about much longer range missiles than the Scud B. We are talking about missiles that could reach U.S. territory.

Now, at first we are talking about the State of Alaska or the Territory of Guam. I know it is of interest to the Senator from North Dakota.

In fact, we all would be very, very concerned about a threat to any U.S. citizen, whether it be in Guam or whether it be in Alaska. It does not have to be to the heartland of America.

What is the fact with regard to this threat? The person who last headed the CIA just prior to the new Director, John Deutch, the then Acting Director

of the Central Intelligence Agency, Admiral William Studeman, made this point just a few months ago. He said,

> Our understanding of North Korea's earlier Scud development leads us to believe that it is unlikely Pyongyang could deploy Taepo-Dong I or Taepo-Dong II missiles before 3 to 5 years. However, if Pyongyang has foreshortened its development program, we could see these missiles earlier.

What the acting CIA Director was saying is that they probably will not have this missile that could reach the United States for 3 to 5 years.

Well, we cannot develop this system within 3 to 5 years. The bill calls for some kind of a deployment, hopefully, by 1999. That is within the timeframe that the CIA Director acknowledges the Taepo-Dong II missile could be developed.

Now, what about the current CIA director? John Deutch said last year, ''If the North Koreans field that Taepo-Dong II missile, Guam, Alaska, and parts of Hawaii would potentially be at risk.''

The point here is that North Korea, a belligerent state over whom we have virtually no negotiating control, no diplomatic control, is developing a weapon which the CIA says could potentially reach United States territory in 3 to 5 years.

If the 3 years is correct, we cannot possibly have anything deployed in time to meet that threat. Even if it is just used to blackmail us, it is a tremendous threat. For those who say that there is no threat here, the facts do not bear them out. The intelligence estimates do not bear them out.

The other side of this argument is, well, there are other threats. There could be a suitcase bomb. There is a cruise missile threat, and of course the answer is yes, that is true. We are doing everything we can to meet those threats as well.

It is a fallacy of logic to suggest that because there is some other threat that, therefore, this is not a threat. That is the logic of the Senator from North Dakota. Well, somebody might bring a suitcase bomb over.

Well, we are working that problem very hard. The last three CIA Directors have said that their primary concern is the proliferation of these weapons of mass destruction and the missiles that can deliver them.

As a matter of fact, there has not been a suitcase nuclear bomb explode, but there have been missiles launched against U.S. forces. As a matter of fact, as I said yesterday, fully 20 percent of our casualties in the Persian Gulf were as a result of a Scud missile. We did not have an adequate protection against the Scud missile.

We at least had the Patriot over there. We have nothing to protect the people in the United States. I think the CIA Directors are a pretty good source for the proposition that there is a potential threat out there, and we will be lucky to be able to deploy a system in time to meet that threat, if their statistics are correct.

Now, just one quick final point on the threat. The Senator from North Dakota suggests that the triad is actually adequate here, but the same Secretary of Defense that he is so fond of relying on has made it clear that mutual assured destruction, the threat that we retaliate with nuclear weapons against Iraq or some other country, is just not credible.

As Secretary Perry said on March 8 of this year,

> The bad news is that in this era, deterrence may not provide even the cold comfort it did during the cold war. We may be facing terrorists or rogue regimes with ballistic missiles and nuclear weapons at the same time in the future, and they may not buy into our deterrence theory. Indeed, they may be madder than MAD.

And the M-A-D that he is referring to is the mutual assured destruction doctrine, which the Secretary is saying is madness today. That doctrine no longer works. We need a defense, not just the threat of massive retaliation to prevent countries from launching missiles against the United States.

Finally, let us talk about the amount here. First of all, as the Senator from Mississippi pointed out earlier, the amount that is in the Senate bill this year is less than the Clinton administration requested last year in their 5-year budget. So in the 5-year plan the administration sent up here last year, they were asking for more money for this program than the committee has asked for this year. It is a matter of timing, of when you spend the money. As I think I have pointed out, even with this amount of money we will be lucky to be able to field something that is effective by the time the threat is upon us.

Second, there is a suggestion here that the Secretary does not want this because he has not asked for it. Obviously, we are all aware of the politics within the Pentagon and the administration and not asking for it is not the same as not wanting it. You will note in the letter from the Secretary, nowhere does he say: Do not send us this $300 million, I do not want it and I will not spend it if you send it to me. As a matter of fact, his spokesman on this issue, Gen. Malcolm O'Neill, before the House committee just a few weeks ago, was asked if he could spend this money, and here is what he said:

> I have reviewed the BMD program, the impact of last year's budget reductions and the schedule of several key programs in order to recommend where additional resources could be best applied.

Remember, the House is talking about $400 million in additional resources. And he says:

> These funds could be effectively used in several key BMD programs to accelerate development efforts, preserve early development options for a national missile defense system, and to protect current theater missile defense system acquisition schedules.

In other words, the expert in this area, the head of the program, Gen. Mal O'Neill, made it clear to the House of Representatives if he had this extra money he could effectively use it. I understand the administration position is against this. We all understand that. But it is not common sense when you recognize the speed with which this threat could be upon us and the ability we have to develop a system that could defend us.

When I say it is not common sense, I do not mean to denigrate the Secretary of Defense. He is a fine public servant and is very concerned about the future of our country. But reasonable people can differ about the speed with which we ought to get on with this effort and the priority of spending this money. I submit the weight of evidence from the Central Intelligence Agency and from the other people who have spoken on the issue is, we better get about this task right away.

The final point with regard to the money is that while we could be spending this money on summer youth programs or Low Income Home Energy Assistance—of course we could. But what is more important, defending American lives or summer youth programs? We have to set priorities around here. I submit, if a missile were launched against the State of Hawaii or the State of Alaska, every one of us on this floor would be denouncing the act and would be asking why that was allowed to happen? Who sat by while this threat emerged? Who allowed this threat to evolve to the point we could not defend our own citizens from a missile attack? Those would be the questions asked on this floor.

Today that question can be answered because those people who seek to cut these funds out of the committee bill will be the people responsible for us not having a system at the time that the CIA believes we are going to need to have it. That is the question before the body. Do we go along with the leadership? Do we go along with the committee, which is the body of expertise on this? Do we go along with the Central Intelligence estimates, and do we go along to fund this program to at least get us on a path to develop and deploy a system in the time we need it? Or do we take the risk and roll the dice, spend the money on summer youth programs or Low Income Home Energy Assistance or the like?

I submit the decision today is that we should go along with the committee's request here, support the committee and vote down the DORGAN amendment which would cut the $300 million.

The PRESIDING OFFICER. Who yields time?

Mr. DORGAN. Mr. President, let me yield a minute to myself before I yield 5 minutes to the Senator from Arkansas.

I might say if ever there is an Olympic event called side stepping, I have seen this morning several candidates for gold medals.

Let us not be confused about what the Secretary of Defense has said. Here is a letter he sent last week. It says this:

The bill's provisions would add nothing to DOD's ability to pursue our missile defense programs and would needlessly cause us to incur excess costs and serious security risks.

That is not a letter from a Secretary who is undecided about whether this is good policy or not. The Senator from Arizona says he just has not asked us. The Senator says that of course, the Secretary would like to get it this additional money.

Mr. KYL. Will the Senator yield?

Mr. DORGAN. This letter says he does not want it. He thinks it adds excess costs and additional security risks to this country. So let us not be confused about the message from the Secretary of Defense. He is clear on this issue.

Mr. KYL. Will the Senator yield?

Mr. DORGAN. I yield 5 minutes to the Senator from Arkansas. I will be happy to yield momentarily for a question.

Mr. KYL. Briefly, can the Senator point anywhere in that letter where he is referring to this $300 million? He is referring generally to this bill, not to this $300 million.

Mr. DORGAN. In fact, he specifically refers to this $300 million in this program, I say to the Senator from Arizona, in the following part of this paragraph. I read it once before and I am not going to read it again for you.

The point is, he is talking about developing specific national missile defense for interim operational capability in 1999 and for full deployment in 2003. That is exactly and specifically the program we are now debating. If the Senator is asking, was the Secretary talking about this issue, the answer is clearly, unequivocally, yes, that is exactly what the Secretary was talking about in this letter.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, I yield 5 minutes to the distinguished Senator from New Hampshire.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from New Hampshire is recognized.

Mr. SMITH. I thank the Senator from South Carolina for yielding, and thank him for his leadership in support of the defense of the United States of America.

I am very pleased that this amendment has been offered. I oppose it, vehemently and strongly oppose it, but I am glad it has been offered because it gives the American people a chance once and for all to see just exactly what this debate is all about and who stands for what.

The Dorgan amendment would leave the American people completely vulnerable to ballistic missile threats, completely vulnerable. It says to our constituents, it is OK to protect Israel, protect France, protect Germany, protect Italy, protect our allies, but not our folks at home. Do not protect them.

The armed services bill, on the other hand, establishes a program to defend all Americans, regardless of where they live, against a limited ballistic missile attack. For the life of me, I do not understand how anyone could use the argument it is OK to protect somebody in one area of the country and not in another area of the country. How can one do that and keep a straight face?

The Clinton program and the Dorgan amendment leaves the United States hostage, completely, to the likes of Kim Jong Il and the Pyongyang Communists. The intelligence community has suggested that North Korea may well deploy an ICBM capable of striking Alaska and Hawaii within 5 years, and some talk maybe even as far as San Francisco in a very short period of time, but the Senator from North Dakota thinks it is wrong for us to defend these American citizens?

If the Senator disagrees with this assessment, let us look at the statement of the recently confirmed Director of the Central Intelligence Agency, John Deutch. Dr. Deutch stated,

If the North Koreans field the Taepo Dong II missile, Guam, Alaska, and parts of Hawaii would potentially be at risk.

This is a serious, serious problem. The issue really boils down to this. Twenty nations have acquired or are acquiring weapons of mass destruction and the capability to deliver them, Iran, Syria, North Korea, Libya, China, to name a few. That ought to put the fear of God in us—just that, just thinking about those nations. And at least 24, some of the same ones I just mentioned, have chemical weapons. And approximately 10 more are believed to have biological weapons. And at least 10 countries are reportedly interested in development of nuclear weapons.

The international export control regime is failing to prevent the spread of these technologies. They are being spread all over the world, this missile technology, biological, chemical, nuclear, and the capability to deliver them.

The Armed Services Committee, under the strong leadership of Senator Strom THURMOND, recognizes that fact. This is a far-reaching, farsighted, looking-ahead attempt to protect the United States of America and its citizens in the outyears. You have to be thinking about that today, not 50 years from now, because 50 years from now it will be too late. You think about it today, and that is what the Senator from South Carolina has done. Under his leadership we have provided, in the Armed Services Committee, the opportunity to protect our citizens.

The Dorgan amendment would say that the continental United States, Alaska, and Hawaii, are absolutely vulnerable to these threats. The reckless leaders of North Korea, Syria, Libya, and others basically have free access to our citizens. The choice is simple, really; really simple. If you believe the American people should be protected against limited accidental or intentional missile attacks—take your choice—you should support the Armed Services Committee bill.

That is why we are on the committee. That is why we delve into these matters in great detail. That is our specialty. That is what we are there for, to understand these things and to present options to the full Senate. But if you believe the American people should not be defended and should be completely vulnerable, then you vote for the Dorgan amendment.

It is ironic—and tragically ironic, frankly—that those who oppose defending the American people hide behind the fig leaf of the cold war. The cold war is over. And the technology and the philosophy that we use to defend against it is also over. We do not have mutual assured destruction anymore. We do not have a bipolar world anymore. These people are not rational. Does anybody think Saddam Hussein is rational? Would Saddam Hussein have used a nuclear missile in the Persian Gulf war if he had the opportunity? You bet he would. He just does not have it.

We do not have the capability to protect against this. It is very interesting that focus groups have been held where we call a few people into the room and interview them. We asked them, ''What would you do if somebody fired a missile at the United States?'' In this group, American citizens were put together in a room and they were asked, ''What would you do if someone fired a missile at the United States of America?'' And every single one of those people said, ''We would shoot it down.'' Guess what? We do not have the capability to shoot it down, Mr. President. This amendment will make sure we do not have the capability to shoot it down until it is too late.

So I urge my colleagues to defeat this very irresponsible amendment.

Mr. DORGAN. Mr. President, I yield 5 minutes to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, first of all, I want everyone to understand that the President's request already has $371 million in the bill for a national ballistic missile defense system. The committee added $300 million. So now we have $671 million, almost doubling what the Pentagon requested. The Senator from North Dakota very sensibly and wisely is trying to strike out the extra money. I hear people on that side of the aisle saying, ''We are not trying to abrogate the ABM Treaty. This does not abrogate the ABM Treaty.'' Really?

Here is what the ABM Treaty says:

Each party shall be limited at any one time to a single area out of the two provided in Article III of the treaty for deployment of antiballistic missile systems or their components. . . .

English is the mother tongue. If you speak English, you understand the word ''single.'' It means one. Our one site is now in North Dakota.

Here is what this bill says. Here is what the language of the bill clearly says if you speak the mother tongue.

It is the policy of the United States—to deploy a multiple-site national ballistic missile defense system . . . .

I want to emphasize that—''a multiple-site'' NBMD system.

And section 235 of the bill says:

The Secretary of Defense shall develop a national missile defense system, which will attain initial operational capability by the end of 2003 . . .

It shall include . . . ground-based interceptors deployed at multiple sites . . .

Remember, the ABM Treaty bans multiple-site systems. If that in itself is not compelling, there is more. This bill says we will decide what is a national missile defense system, and what is a theater missile defense system. We could not care less what the Russians think. Do you think people in Russia, the former Soviet Union, who crafted this treaty with us and that we ratified with, should have any say about what we are going to do in abrogating the treaty?

I read a very interesting article the other day in the Washington Post, an op-ed by someone named Sarah Roosevelt, who I do not know. She said, ''Do not tweak the bear.'' Russia is an economic basket case. They are a military basket case. They were a military basket case and an economic basket case when Hitler decided he could take them with one hand behind him. They did not have any choice but to allow millions of their people to be slaughtered until they could arm and beat Hitler.

If I had asked this body 10 years ago standing beside my desk, ''Senators, what would you give to see the Soviet Union disappear, and to see East Germany, Hungary, Poland, all of those nations free, how much would you be willing to cut the defense budget in exchange for that?''—10 years ago—I daresay a consensus in the body, the smallest number would have been 30 percent, and a lot of people would have said 50 percent.

So what are we doing with this bill, which is the most irresponsible defense bill I have seen in my 21 years in the U.S. Senate? We say we are going to give to the Pentagon $7 billion which it doesn't even want. What kind of insanity is sweeping over this body?

We spend already, without the additional $7 billion, twice as much as our eight most likely enemies including China, Russia, North Korea, Iraq, and Iran—twice as much; and, with NATO, twice as much as the rest of the world combined. And in this bill we are putting an additional $7 billion into defense.

If this bill goes to the President's desk in its present form and he does not veto it—I am going to say publicly he is a very good friend of mine, and I want him to be reelected—if he does not veto this bill, I am going to be terribly disappointed.

I yield the floor.

Mr. DORGAN. Mr. President, I yield 3 minutes to the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, there is an old song that says: ''You keep coming back like a song.''

Mr. President, in spite of the end of the cold war, in spite of the fact that the Russians are dismantling their nuclear weapons and we are buying the plutonium and the enriched uranium, in spite of the fact that there is no longer a threat from intercontinental ballistic missiles to the United States, no longer targeted at this country, this same issue, this military-industrial complex that the Defense Department does not want, keeps ''coming back like a song.''

Mr. President, I have had amendments on this I guess four or five times over the past few years; more than I think $25 billion ago. And we have won it sometimes on the floor only to see it reversed by one vote or by two votes. But, Mr. President, this really at this time in our history is madness.

The biggest threat to this country right now is not from Russian ICBM's and certainly not from Saddam Hussein, who is no conceivable threat to the continental United States. Rather, the real threat to the United States is from this kind of spending, which would start a new cold war, which would hurt the economy of the United States and weaken this country.

If you are really worried about nuclear weapons, I can tell you where the threat would come. It is from a terrorist nuclear weapon which could be easily brought into the United States in a suitcase.

Look, if they can smuggle bales of marijuana into this country easily, they can easily smuggle into this country a suitcase bomb which can be put into something the size of a briefcase. And so why are we spending billions of dollars, even going into space-based lasers? Do you know what it takes to drive a space-based laser? A nuclear bomb. That is what it takes; otherwise, they do not have enough power.

That is what we are spending all this money for? What is the threat, Mr. President? It is absolute madness. It is what President Eisenhower warned against—the military industrial complex—which gets this enthusiasm, gets it going; we have jobs out there in the economy. That is what this thing is about. It is not about defending the United States.

We really ought to go further than the Dorgan amendment. We ought to do away with any thought of deploying any ballistic missile defense in the continental United States. Do some research but do away with this deployment. It makes no sense today.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, I yield 4 minutes to the distinguished Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I wish to speak for a few minutes about our ballistic missile defense program and the ABM Treaty with an eye toward dismantling several myths about our missile defense program and the scope of the ABM treaty. Unfortunately, many of the opponents of a deployable national missile defense system, including the President, confuse the central issues at hand in this debate through the perpetuation of two central myths about national missile defense.

They maintain consistently that one, deploying a national missile defense system is a return to star wars and two, that such a deployment is an abrogation of the ABM Treaty. Neither of these claims has any grounding in fact.

First, the opponents of a deployable NMD system would have the Senate believe that in supporting NMD deployment we are committing ourselves to a long-term research program that would cost this Nation tens of billions of dollars.

In addition, they would have the Senate think that this system is a space-based system modeled along the lines of the star wars program of the 1980's. The deployed NMD system called for in this bill is neither a distant technological dream, a space-based system, nor an overly expensive investment for the American taxpayer. This legislation calls for a deployable, multiple site, ground-based interceptor system by the year 2003. Let me repeat—a ground-based interceptor system.

The current GBI configuration of a national missile defense system builds off our current advances in theater missile defense—advances that proceed from the concept of ground-based anti-ballistic missiles. Such a system builds upon existing ground-based interception technology—technology that is currently deployed or is being validated through successful flight tests.

The only current limitation on rapid EKV development and deployment is the funding strangulation placed on our NMD program by the current administration. The centerpiece of this system, the Exoatmospheric kill vehicle or EKV, has been in development for 5 years and has demonstrated outstanding technological progress and achievements. The EKV is a real piece of hardware designed to perform a mission that is well within our current intercept capabilities. As opposed to tens of billions dollars in outlays to develop and deploy a ground-based NMD system, a deployable system will require a scant percentage of the funding provided for space-based research in 1980's. In fact, this year's authorization and appropriations bill call for an increase of only $300 million for national missile defense—an amount that is roughly a third of the cost of one destroyer. The opponents of national missile defense also claim that the national missile defense provisions in

this authorization bill would violate the Anti-Ballistic Missile Treaty. While the ultimate goal of multiple site deployment of an NMD system will require modifications to the ABM Treaty, nothing in the range of the coming year's research and development efforts will in fact, violate the constraints of the treaty. Therefore, the committee has, wisely, asked only for a Senate study on the application and relevance of the ABM Treaty to the current missile defense needs of this country. The ABM Treaty is over two decades old. It is based upon a doctrine of deterrence commonly known as mutually assured destruction. While this doctrine was absolutely applicable to the realities of the cold war, it has little place in a nonbipolar world of rogue regimes and proliferating ballistic missile technology. Unfortunately, the current administration continues to adhere not only to a belief that the parameters of the treaty remain valid in today's world, but seem determined to apply unilateral interpretations to the treaty that limit not only our national missile defense program, but also our theater missile defense systems—limitations beyond those expressly contained in the treaty. Therefore, the committee has recommended a provision that would codify TMD speed and range standards for treaty compliance—standards derived from the administration's own November 1993 proposal. Make no mistake, Mr. President, the global political situation and the nature of the ballistic missile threat has changed dramatically from the time of the ABM Treaty's ratification. North Korea is nearing long-range ballistic missile capability. Just 2 months ago, the Chinese fired a truck-launched ICBM, demonstrating just how easy it will be for rogue states to develop and launch ICBM's on the cheap. Mr. President, the threat to the United States from long-range ballistic missiles from rogue regimes will exist by 2003, if such capabilities do not already exist.

It is absurd and irresponsible to continue to deny our citizens protections from a real threat, especially if that protection can be provided for limited cost and is based upon technology which is near fruition. I strongly urge my colleagues to see through the myths regarding national missile defense and resist any attempts to weaken the commitment of this act to deploying an NMD system.

Mr. DORGAN. Mr. President, I yield 3 minutes to the Senator from Ohio, Senator GLENN.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I rise to speak in favor of the amendment offered by my colleague from North Dakota, Mr. DORGAN, to strike the $300 million that was added to the bill by the majority of the Armed Services Committee for national missile defense [NMD].

The President had requested $371 million for NMD—and the committee is proposing virtually to double that amount.

I do not believe that sensitive national security and diplomatic issues should be allowed to sink into the unruly pit of partisan politics. There have been appropriate lines drawn over the many years of this Republic by the various political parties, and I think most of us would have to agree that politics should stop at the water's edge when it comes the most sensitive issues of our national defense and security.

The language on national missile defense in the bill and the committee report, however, vaults over this line in a manner that infringes upon the constitutional prerogatives of the Executive in foreign policy, drains our Treasury, makes our country less secure, and ultimately increases international strategic instability.

After having to listen to the litany of complaints by the current majority party about tax-and-spend members of my own party, I find it ironic to see the majority party has now embraced this same tax-and-spend doctrine as the Rosetta Stone of that party's entire approach to strategic defense.

This is all the more ironic given that the Secretary of Defense, Mr. Perry—whose words can surely be taken as nonpartisan on this issue—has stated quite clearly that, "* * * a valid strategic missile threat has not emerged." [Letter of Sen. Nunn, July 28, 1995] These words echo the sentiments of our intelligence community. Gen. James Clapper, the DIA Director, testified before the Armed Services Committee on January 17, 1995, that "* * * we see no interest in or capability, of any new country reaching the continental United States with a long range missile for at least the next decade."

The ABM Treaty authorizes its parties to have a limited national missile defense capability, but the terms of the treaty are quite clear about what is permissible and what is not permissible. The committee majority seems determined to plus-up those programs that will inevitably drive us out of that treaty—a result that they earnestly believe will serve the national security.

Yet will it truly serve our security to spend a fortune to erect high-tech Maginot line defenses of dubious reliability against nonexistent threats, while we continue to underfund efforts to address clear and present dangers? I am speaking particularly of the challenges we should be facing to prevent proliferation from occurring, as opposed to just trying to cope with it after it is a fact of life as the majority evidently prefers to do. Proponents of the current bill seem more eager to prevent Qadhafi from launching a blizzard of nuclear-tipped ICBM's at Chicago than in keeping Qadhafi from obtaining the nuclear materials he will need to manufacture such warheads in the first place. Let me say, it would be a much more efficient use of our resources to focus our efforts on the latter type of problem. By the way, if Qadhafi finally gets enough of that material, he will not need to—and probably will prefer not to—attach the United States using ballistic missiles. There are plenty of other ways to get the job done.

Will it serve our security to place in jeopardy the progress that has been made in recent years in the START process to cut the size of the United States and Russian nuclear arsenals? If we march forward blindly into the future and eventually abrogate the ABM Treaty, does anybody seriously believe that such an action will have no effect on Russia's readiness to proceed with such cuts in its nuclear stockpile?

Will it serve our security to drain some $48 billion out of our Treasury to build a national missile defense system? That is what the Congressional Budget Office has estimated it will cost to build a complex that covered Grand Forks, ND, and five other States. To this we must add billions more for theater missile defense—which these days is getting to look more and more like strategic missile defense. And the costs just keep adding up. We must not forget the long-term costs of operating and maintaining such facilities. The legacy we will leave to future generations from this investment will not be a more secure country, but a less secure world, and a towering pile of budgetary IOU's.

Will it serve our security, in deploying an extensive national strategic missile defense network, to drive China, Britain, and France out of international negotiations aimed at further nuclear reductions?

Will it serve our security to jeopardize the Nuclear Non-Proliferation Treaty, which was just extended indefinitely on the basis of solemn commitments by the nuclear-weapon states both to conclude an early comprehensive ban on all nuclear tests and new progress on nuclear arms control and disarmament?

These are just some of my reasons for supporting the Dorgan amendment today. We are standing on a slippery slope leading to the demise of the ABM Treaty. The Dorgan amendment merely seeks to remove one large banana peel from that slope. I urge all my colleagues in joining me in endorsing his responsible proposal.

In summary, Mr. President, the President requested $371 million for national missile defense. That was to do the basic research. And somehow we come along now and want to say we are going to double that amount; we are going to put another $300 million in here. And for what? I do not understand the rationale of this whole thing except it seems to me we have reversed parties here almost. Tax and spend, tax and spend, tax and spend, that is what we have heard leveled at the Democratic Party all these years. Now, here we are with something that is not even needed and we are going to tax and spend, and now it is the Republican tax

and spend. I think that is a valid charge back at the Republicans on this.

Tax and spend for what? The Secretary of Defense says that a balanced strategic missile threat has not emerged. General Clapper, DIA director, testified before the Armed Services Committee, and I quote him:

> We see no interest in or capability of any new country reaching the continental United States with a long-range missile for at least the next decade.

At the same time we are going to endanger the ABM Treaty, which authorizes its parties to have a limited national missile defense capability—limited. But the terms are quite clear about what is permissible and what is not permissible.

I do not know why the majority is determined to plus up these programs with something that will take a chance of eventually driving us out of that treaty. I think it is ridiculous. Will it really serve our security to place in jeopardy the progress that has been made in recent years in the START process to cut the size of the United States and Russian nuclear arsenals? If we march forward blindly into the future and eventually abrogate the ABM Treaty, does anybody seriously believe such an action will have no effect on Russia's readiness to proceed with such cuts in its nuclear stockpile?

I just do not see how it is going to serve our security to drain $48 billion—$48 billion—out of our Treasury to build a national missile defense system that is not needed. And that is not my figure. That is what the Congressional Budget Office estimated it will cost to build a complex that covers Grand Forks, ND, and five other States. That is $48 billion, and it does not even cover the whole country. That does not even cover the theater missile defense, which I support.

I think it moves in the wrong direction. I do not see that it serves our security in deploying an expensive national missile defense network to drive China, Britain, and France out of the international negotiations aimed at further nuclear reductions.

I am not sure either exactly what kind of system this is. Is this to be an SDI system? The President provided research, and yet we do not know what this system is. At best, it is going to be a $48 billion operation just to cover five States. It literally makes no sense whatsoever to take a chance of driving us out of the ABM Treaty when we have no international intercontinental missile defense necessity for this country at this time.

Let us do the research the President wanted. Let us continue on down the road with that research, which I favor, voted for it, support fully, and if we see a threat developing, we will have time to go to what this provides prematurely.

I know my time has expired. I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER (Mr. DEWINE). Who yields time?

Mr. THURMOND. Mr. President, I yield 2 minutes to the distinguished Senator from Virginia.

Mr. WARNER. Mr. President, three quick rebuttals. First, to my distinguished colleague from Ohio where he quotes General Clapper. There are two fallacies in that argument I say. One, it is predicated on a startup within a country to build it all the way up. But there are open bids on the free market in this world today from many countries, primarily Iran, Iraq, and others, that would buy a Chinese system which could hit the United States within that lesser period than 10 years. Also, it will take us 10 years to build the very system we are debating here at this point in time. So there is a convergence, Mr. President, in time and need for this system.

Shifting to another argument from the distinguished Senator from Louisiana, who said it is madness. Well, let me tell you, Mr. President, a little story of madness. The distinguished Senator from Georgia; myself; the distinguished Senator from Hawaii [Mr. INOUYE]; and the distinguished Senator from Alaska [Mr. STEVENS] were in Tel Aviv on February 18, 1991. I remember it very well. It happened, coincidentally, to have been my birthday. We were there in the Defense Ministry when a Scud alert was sounded and in a very calm way we participated with the others in putting on our gas masks. The Scud fell some 2 or 3 miles away. We were not in danger.

May I say to my colleagues, when we went out the next morning to visit the community that was struck and to talk to the people, that was madness. That was madness, to see in their faces the attack by Saddam Hussein for no military reason whatsoever, strictly to use that type of weapon as a terrorist weapon, a single strike. Coincidentally, it was the last to fall on Tel Aviv.

And I say, Mr. President, that same problem could happen, a single one as a terrorist weapon to fall on this country, and we have an obligation to the people of this country to invest this comparatively small, modest sum to ensure against that.

Mr. NUNN. Would the Senator yield for a brief observation?

I remember that evening very well. And I do not want to say this with much humor. There is not much humorous about anything regarding a Scud missile attack. The Senator said we were not in danger. If the Senator would amend that by saying we were not in danger because the target was where we were, the Ministry of Defense, and the Scud missiles are notoriously inaccurate. So we were probably in a safe place. But the target was the Ministry of Defense, we found out.

Mr. WARNER. Mr. President, I acknowledge that. I recall, if we want to close off on a note of humor, the distinguished Senator from Georgia said to me, ''Saddam Hussein just sent you a birthday present.''

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. How much time do I have left?

The PRESIDING OFFICER. Seven minutes, thirty seconds. The Senator from South Carolina has 2 minutes.

Mr. DORGAN. I yield 1 additional minute to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. I want to respond very briefly to my distinguished friend from Virginia. He is talking about theater missile defense. I am all for theater missile defense.

What we are talking about here is starting down a track that if we go this route and violate the ABM Treaty, we have got the Russians at that point of probably putting the coordinates back into their missiles or ICBM's. We have plenty of time, according to the people that do the estimates on these things, for Qadhafi and people like that before they develop true intercontinental capability. I am all for the theater missile defense that would have taken care of the situation that he is talking about that he was in. But I think when we go down this track of taking a chance of knocking out the ABM Treaty, which this does, if we go ahead with this whole process, then I think we just—the greatest likelihood is we are going to encourage the former Soviets, the Russians, to go back on the track of missile activation again. I see that as a real threat. That is an active threat. And I think this is folly to go down that course.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. THURMOND. Mr. President, I yield 1 minute to the distinguished Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. I will make this real quick.

After my remarks, the Senator from North Dakota made a couple of comments. Let me respond to him. First of all, he said we do not have any cruise missile defense in this bill. That is a greater threat. Let me suggest to you if you read page 119, we have $140 million in here for cruise missile defense. And I hope that no one believes that we think that the missile threat is the only threat to America. There are many other threats that are being addressed.

Now, the other thing is that the two Senators from Wisconsin and North Dakota know very well that the defense budget is not causing the deficit. We always hear about from the big spenders over there, ''Well, we've got to do something about defense.'' The last 11 years our defense budget has declined. And for that period of time for every $1 of defense cuts, we have had $2

of increase in domestic spending. To be specific, in using 1995 dollars, in fiscal year 1985 the defense budget was $402 billion. Today we are considering one that is $265 billion.

Thank you, Mr. President.

The PRESIDING OFFICER. the Senator's time has expired.

Who yields time?

Mr. NUNN. Will the Senator yield me 1 minute?

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, the way I see this, I do not intend to vote for this amendment. I believe the money that is added here, the $300 million, which puts this budget back on national missile defense, about where it was when President Bush left office, I think the money is consistent with a limited thin defense but an effective defense against limited attack against accidental launch or against third countries that may develop a limited capability against the United States. What is inconsistent with that is the language in this bill which will be the subject for the next amendment which puts us in a position of anticipatory breach of the ABM Treaty, will be read like that in Russia, with no reason to be in breach because we do not have any programs in the next fiscal year that would in any way contravene that treaty. So we are going to be paying a huge price for nothing because of the language in this bill. So I will not favor the money striking because the money is needed.

I will favor though the amendments that will try to correct this language. If this language goes forward as it is, we are going to pay a big price, probably not only in the failure of ratification of START II but also in the Russians not complying or continuing to comply with START I. So we are buying ourselves perhaps 6,000 or 8,000 warheads pointed at America by the language in this bill. And I hope people recognize that when we get to the next amendment. But I do not believe the answer is to strike the money which everybody agrees at some point we are going to need some kind of limited defense. The administration agrees with that.

The PRESIDING OFFICER. The time is expired.

Mr. NUNN. Could I get another minute?

The PRESIDING OFFICER. The Senator from South Carolina does not have any time.

Mr. NUNN. I thank the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. I yield 30 seconds to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator is recognized.

Mr. EXON. I thank the Senator from North Dakota.

Mr. President, I rise in support of Senator DORGAN's amendment to eliminate the Armed Services Committee add-on of $300 million for the national missile defense system. If I am not already listed, I ask unanimous consent that I be added as a cosponsor.

The committee funded increase of $300 million is an initial downpayment on what the committee majority advertises as a multisite, multilayered missile defense system designed to protect against a large and sophisticated missile attack. The missile defense language in the authorization bill makes clear that the system desired is one that will violate the ABM Treaty and intercept a Soviet-type missile attack. The $300 million plus-up in the bill is the first installment of a bill that could grow to a staggering $48 billion cost according to a March 1995, CBO report. This $48 billion is in addition to the $35 billion we have already spent on missile defense. Let no one misunderstand the significance of this vote. This is the first of many expensive installments to resurrect the Star Wars concept.

This vote is on a question of priorities. At a time when we are significantly slashing domestic spending and making tough, painful budgetary choices, it would be irresponsible to add $300 million into a system concept designed to defend against a threat that does not exist today and will not exist by the operational deployment date of 1999.

I believe we should send a powerful signal to the American public by approving the Dorgan amendment and putting the Senate on record that the domestic welfare of our citizens will not be sacrificed on the gold plated alter of star wars. This vote is on a question of priorities. We can ill-afford to shrug our shoulders and say ''what is $300 million'' at a time when we are asking all Americans to tighten their belts. As I said earlier, a vote for this $300 million installment is only part of a lengthy payment plan that will eventually drain our treasury by another $40 to $50 billion. To buy into such a payment plan would be the height of fiscal folly. I urge my colleagues to support the Dorgan amendment.

Mr. President, I yield the floor.

Mr. HEFLIN. Mr. President, I rise today in strong opposition to this amendment which would severely reduce the funding needed to develop missile defenses. In light of our experiences in the Persian Gulf war, and the advanced weapon development programs of hostile countries such as Korea, this amendment should be soundly rejected by the Senate.

The dangers of leaving our own country unprotected cannot be ignored. Perhaps some Senators have forgotten that we had a demonstration of the dangers of a ballistic missile attack just a few years ago. The picture of an unprotected Israel being hit by Scud missiles chilled the hearts of all Americans, but that incident would pale in comparison to the consequences of a nuclear missile strike. It was reported in the news a year ago that the North Koreans vowed to launch missiles at Tokyo should armed conflict occur with South Korea. While their capability to launch such an attack is questionable, the threat cannot be ignored.

It is my understanding that in reaction to this, Japan has approached the Department of Defense to discuss the purchase of our THAAD missile system. Unfortunately, THAAD will not be ready for deployment until the turn of the century. I am sure that if Japan could have anticipated the threat they now face, they would have invested in some type of missile defense system much sooner. As it is, Japan will be vulnerable to North Korean blackmail for years to come. They can only hope that North Korea never carries out its threat.

Mr. President, we cannot allow the United States to be put in such a vulnerable position. I firmly believe, however, that the present crisis with North Korea clearly demonstrates that need to continue the development of a national missile defense system. The cost of being unprepared to defend ourselves is too great to be ignored.

I encourage my colleagues to join me in defeating this unwise amendment.

Mr. DORGAN. I yield the remaining time to myself.

Mr. President, this has been a most unusual debate. I see a couple in this chamber who are parents who have no doubt read their children the Berenstain Bears books. One of the Berenstain Bear books talks about the ''give me's.'' Talks about ''give me, give me, give me, give me this, give me that, give me this.'' You know, it is interesting to me as I read to my children and describe the Berenstain Bears books about ''give me,'' it reminds me a bit of the folks who come to this floor with every conceivable project, every conceivable program in national defense that is proposed by someone and says—they say, ''We have got to build this. We have got to fund it. In fact, we cannot wait. We have got to do it right now.''

I asked the question an hour and a half ago, where are you going to get the money? Where is the money? The Congressional Budget Office says this will cost $48 billion. I ask, where is the money? Are you going to charge it? Are you going to tax people for it? Where are you going to get the money? I have not heard one response in an hour and a half. And I know why, because they do not have the foggiest notion where they are going to get the money. They just have an appetite to spend it and build this program.

Let me end where I began. This is $300 million the Secretary of Defense says he does not want, and we do not need, that folks who say they are opposed to the Federal deficit are now insisting we spend. To describe this as pork is to give hogs a bad name. At least hogs carry around a little meat. This is in my judgment pure lard to pay for a program this country does not need and cannot afford.

Now let me respond to a couple of the things that have been said. During this

debate it has been said that this national defense program does not violate the ABM Treaty. Supposedly, this does not violate the ABM Treaty. How can anyone possibly say that? Of course it violates the ABM Treaty. To understand that is only to be able to read. This bill calls for many sites. The ABM Treaty only allows one. This bill calls for more than 100 interceptors. The ABM Treaty limits this Nation to less than 100 interceptors. This bill on page 59 calls for weapons in space. The ABM Treaty forbids weapons in space. Of course this bill violates the ABM Treaty. Let us not debate this issue with that kind of representation.

This leaves us vulnerable, one speaker said. That what folks want to do is defend France and Israel and leave us vulnerable. There is $371 million in this bill for ballistic missile defense. I am not touching that.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Has the time expired on both sides?

The PRESIDING OFFICER. The Senator has no time left.

The Senator from North Dakota has 2 minutes, 45 seconds. The Senator from South Carolina has no time left.

The Senator from North Dakota.

Mr. DORGAN. Mr. President, we are told by some speakers that our intention is to leave American cities vulnerable while at the same time we defend Israel and France and Egypt and others.

Total nonsense. There is $371 million in this bill for a ballistic missile defense system. All we want to do is take out the extra $300 million that was added that the Secretary of Defense says he does not want and that we do not need. That is all we are trying to do.

I do not need to hear from folks about the threat to this country. North Dakota has been ground zero for 40 years. If we seceded from the Union, we would be the third most powerful country in the world—300 intercontinental ballistic missiles with Mark-12 warheads, a B–52 base, we had a B–1 base. We understand about ground zero. They built an ABM system in North Dakota, in fact, the only site in the free world. Spent billions. Within 30 days after it was declared operational, it was mothballed. Tell that to the taxpayers.

We understand about missiles and bombers and national defense, and we understand about ground zero. But we also understand about Government waste. We understand it when people say we cannot afford to send kids to school; we are going to make it harder for parents to send their kids to college; we cannot afford money for the elderly for health care; we simply cannot afford money for nutrition programs; we have to tighten our belts.

And then the same folks say that it is our priority to add money to a system that the administration does not need. The Senator from Louisiana said this is madness. He is absolutely correct. This makes no sense at all. We ought to decide as a Senate what our priorities are. The Senator from Ohio, a decorated combat veteran in service to this country, stood up and said it the way that it is. Let us build things that are necessary for the defense of this country.

I am for a strong defense, but I am not for wasting the taxpayers money on boondoggles that we do not need and boondoggles that will not work. Let us decide for a change that we mean what we say when we talk about reducing the Federal budget deficit. Let us decide we cannot at this point embark on a new venture, to spend $48 billion on a ballistic missile program, a national defense missile system—yes, Star Wars, because part of it will be based in space—at a time when we are up to our neck in $5 trillion of debt, and when this year we will run a $170 billion deficit.

If we have some courage and common sense in this body, we will, in this case, say, ''You can't add $300 million for something this country doesn't need and for something the Secretary of Defense doesn't want. To do so makes no sense.''

That is the ultimate threat to this country: That debt, this deficit, this kind of mindless spending. That is the threat to America, and let us decide to stand up and finally stop it.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired. All time has now expired.

Mr. THURMOND. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table amendment No. 2087. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Colorado [Mr. CAMPBELL], is necessarily absent.

The PRESIDING OFFICER (Mr. THOMAS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 48, as follows:

[Rollcall Vote No. 354 Leg.]

YEAS—51

Abraham	Faircloth	Lugar
Ashcroft	Frist	Mack
Bennett	Gorton	McCain
Bond	Gramm	McConnell
Brown	Grams	Murkowski
Burns	Hatch	Nickles
Coats	Heflin	Nunn
Cochran	Helms	Packwood
Cohen	Hollings	Pressler
Coverdell	Hutchison	Roth
Craig	Inhofe	Santorum
D'Amato	Kempthorne	Shelby
DeWine	Kyl	Simpson
Dole	Lieberman	Smith
Domenici	Lott	Snowe
Specter	Thomas	Thurmond
Stevens	Thompson	Warner

NAYS—48

Akaka	Feingold	Kohl
Baucus	Feinstein	Lautenberg
Biden	Ford	Leahy
Bingaman	Glenn	Levin
Boxer	Graham	Mikulski
Bradley	Grassley	Moseley-Braun
Breaux	Gregg	Moynihan
Bryan	Harkin	Murray
Bumpers	Hatfield	Pell
Byrd	Inouye	Pryor
Chafee	Jeffords	Reid
Conrad	Johnston	Robb
Daschle	Kassebaum	Rockefeller
Dodd	Kennedy	Sarbanes
Dorgan	Kerrey	Simon
Exon	Kerry	Wellstone

NOT VOTING—1

Campbell

So the motion to lay on the table the amendment (No. 2087) was agreed to.

Mr. THURMOND. Mr. President, I move to reconsider the vote.

Mr. SMITH. I move to table the motion.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, in a moment I will send an amendment to the desk which would strike language from the bill which violates the ABM Treaty, which establishes unilateral interpretation of the ABM Treaty, and which also would tie the President's hands in even discussing the ABM Treaty with the Russians.

Mr. President, I ask unanimous consent, however, that I now be allowed to yield the floor to Senator EXON for 10 minutes, and then to Senator BAUCUS for 5 minutes, without losing my right to the floor.

Mr. MCCAIN. Reserving the right to object, and I will not object, may I ask the Senator from Michigan, as part of that, will he agree to a time agreement on his amendment?

Mr. LEVIN. We are trying to see how much time will be required by various speakers. We are trying to put that together right now. We are working on that.

Mr. MCCAIN. Also, reserving the right to object, following your amendment, there will be no more amendments on this issue?

Mr. LEVIN. I cannot say that; I do not know that.

Mr. MCCAIN. Again, reserving the right to object, I remind the Senator from Michigan, we have now been on this single issue for all intents and purposes for 2 days.

At this point, we will have thoroughly ventilated the ballistic missile defense issue, and at some point we should acquire a list of proposed amendments and be prepared to move forward. I hope it is possible we could start reaching some time agreements.

The issue is a very important issue. I understand. It is critical. At some point, I think we should move on to other issues. There are other Members who plan on proposing amendments. I hope we can move forward.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Mr. President, I want to make an objection. Reserving the

right to object, can I inquire of the Senator whether or not, given the somewhat unusual procedure of asking two Senators be allowed to speak—you now holding the floor—would the Senator include in his request that those desiring to speak will not offer amendments?

Mr. LEVIN. I will be happy to do that. It is not my understanding they want to offer amendments.

I will modify my amendment. But I also will modify my UC in another way.

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

Mr. LEVIN. Mr. President, is it in order for a quorum to be called at this point?

The PRESIDING OFFICER. I am sorry, I did not hear you.

Mr. LEVIN. Is it in order for a quorum call?

The PRESIDING OFFICER. No, it is not. The Senator from Michigan has the floor.

Mr. MCCAIN. I object to the unanimous-consent request of the Senator.

The PRESIDING OFFICER. The Senator from Michigan has the floor.

Mr. LEVIN. Mr. President, the most dangerous portion of this bill, in my view, is its head-on assault on the Anti-Ballistic Missile Treaty. This is not a subtle issue. This is not an issue of interpretation. That is a frontal, head-on assault which says that it is now going to be the policy of the United States——

Mr. KENNEDY. Mr. President, could we have order in the Senate? The Senator is making a very important speech. He is entitled to be heard.

I make the point of order the Senate is not in order.

The PRESIDING OFFICER. The Senator is correct. The Senate is not in order. Will we remove the conversations, please, from the floor? Will we remove the conversation over here on my left from the floor, please? The Senator may proceed.

Mr. LEVIN. Mr. President, the language we are going to analyze, that is in this bill, directly confronts the ABM Treaty and says it is the policy of the United States—and these are the words of the bill—no longer to abide by the ABM Treaty.

It does it in a number of ways throughout this bill, but the way in which it does it first is by simply stating, in section 233, that ''It is the policy of the United States to deploy a multiple site national missile defense system.'' It goes on beyond that in section 233, but that is a very clear statement of what the intention and what the effect is, of this bill.

Mr. MCCAIN. Will the Senator from Michigan yield for one second?

Mr. LEVIN. I will be happy to.

Mr. MCCAIN. I will be glad to withdraw my objection to the unanimous-consent request of the Senator from Nebraska to speak for 10 minutes.

Mr. LEVIN. I thank my friend from Arizona. While we were going back to the unanimous consent, I would like to modify my UC in another way. This relates to the question of how many amendments will there be on this subject.

It was my intention originally to offer three different amendments striking the bill in three different places. I believe there has been some discussion between the ranking member and the chairman on this subject. I am not positive. But my amendment strikes language in three separate places and, rather than having three amendments striking three different places, since the issue is generally the same, I would modify my unanimous-consent request to make it in order that the amendment that I send to the desk strike three different provisions.

Mr. MCCAIN. Will the Senator work on a time agreement for that amendment?

Mr. LEVIN. We are working.

Mr. THURMOND. As I understand it, the Senator has one amendment; is that correct?

Mr. LEVIN. I have one amendment touching the bill in three different places rather than having three amendments. This is the only amendment on ABM that this Senator has. But there are other Senators who may have other amendments.

Mr. MCCAIN. I thank the Senator from Michigan.

If he wants to proceed with his unanimous-consent request, I will not object.

Mr. LEVIN. As modified?

Mr. MCCAIN. As modified.

The PRESIDING OFFICER. Is there objection?

Mr. BUMPERS. Mr. President, parliamentary inquiry. Is it necessary, when a unanimous-consent request is made, is it necessary for a Senator to reserve the right to object to get the floor?

The PRESIDING OFFICER. When a unanimous-consent request is made, the Senator making the request retains the floor. Others may ask for a right to reserve the right to object at the sufferance of the Senator having the floor.

Mr. BUMPERS. But is it necessary for a Senator to be recognized? When a request is made for a unanimous-consent agreement, is it necessary for the Senator to say ''I reserve the right to object'' in order to state whatever he wishes to state or she wishes to state?

The PRESIDING OFFICER. That is the appropriate process to proceed.

Mr. BUMPERS. Mr. President, my question is, is it necessary?

The PRESIDING OFFICER. It is appropriate.

Mr. BUMPERS. But it is not necessary, is it?

The PRESIDING OFFICER. The Chair says it is an appropriate process.

Is there objection now to the UC?

If there is confusion here, will the Senator restate his unanimous-consent request, please?

Mr. LEVIN. I am not sure the confusion relates to my unanimous-consent request. I will be happy to restate my unanimous-consent request.

The PRESIDING OFFICER. If you would.

Mr. LEVIN. That is, I now be allowed to yield the floor for 10 minutes to the Senator from Nebraska. Following his 10-minute remarks, without offering an amendment, that the Senator from Montana be recognized for 5 minutes, and that he is not intending to offer an amendment. And that, then, I retain my right to the floor.

It is now part of the modified UC that it be in order in the amendment, which I will send to the desk, that it touch the bill in three places.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The Senator from Nebraska is recognized for 10 minutes.

Mr. EXON. Mr. President, I thank the Chair and I thank my friend from Michigan, Senator LOTT, and others for their cooperation. I would simply say, we have just gone through an exercise in futility, although finally successful. Had the Senator allowed me to proceed, I would have been almost through with my statement at this time. But at least I appreciate the consideration that has been offered by both sides.

There has been some criticism about the possibility of redundancy with regard to this authorization bill, particularly with regard to ballistic missile defenses. I simply say, this is the time to pause, this is the time to reflect, this is the time, if you will, to take some time. Because what we are about, in this authorization bill, is going to have long-range, possibly serious implications, in the view of this Senator, who has worked on these matters for a long, long time.

Later in the day, I believe, probably my colleague from Arkansas, Senator BUMPERS, will be addressing some of the issues that I will be addressing now, and he will probably be referencing a statement that came out of Moscow today with regard to what the Russians are doing and not doing and thinking as we proceed in this area.

Certainly, the policies regarding the national security interests of the United States should not be dictated by Moscow. But certainly, since we are talking about the possible violation if not the outright violation of treaties that we are a party to and a part of, we are talking about serious business here. And whatever redundancy is necessary to get that message across should be the order of the day.

Mr. President, I rise to offer my thoughts on the fiscal year 1996 National Defense Authorization Act. Rarely in my 17 years in the U.S. Senate have I come to the floor to take issue with a Defense authorization bill reported out of the Senate Armed Services Committee. As a member of the committee, I have usually been satisfied that the reported bill was the product of a bipartisan effort to further advance our national security objectives.

To my dismay, the content and philosophy embodied in this year's bill is a significant departure from those of previous years. Crafted with little bipartisan consultation, the bill reported out of the committee represents a regrettable and potentially harmful U-turn in our national security policy that will, unless corrected, return the United States to the confrontational cold war policies of the 1980's that predated the fall of the Soviet Empire.

While much in the committee bill is laudable and will greatly enhance the readiness and capabilities of our Armed Services, I am fearful that these constructive elements of the authorization bill will be offset by misguided efforts to defend against threats that do not exist and hostile attempts to scuttle international agreements intended to enhance our security through peaceful means. As originally drafted—I emphasize ''originally drafted''—in the Armed Services Committee, this bill attempted to: abolish the Department of Energy; gut the cooperative threat reduction program responsible for the removal of thousands of Russian nuclear warheads from their missiles; prevent the administration from carrying out a number of important nuclear non-proliferation agreements relative to North Korea and the former Soviet Union, and purchase unwanted B–2 bombers at a potential cost totaling tens of billions of dollars.

While the majority of the Armed Services Committee was successful in overturning these and other astonishing hardline recommendations, many provisions remain in the reported bill that will return us to the cold war mentality of yesteryear. Among the most objectionable of these reversals are bill provisions that: advocate violation of the antiballistic missile treaty; as has been briefly addressed and will be addressed more so by the Senator from Michigan on an amendment that I am a cosponsor of.

Add over $500 million in star wars missile defense funding; endanger ratification of the Start II Treaty, and resurrect at least two battleships.

Let me repeat that because this is an old battle that this Senator has carried on against unneeded, unwanted, and useless battleships.

It resurrects at least two battleships at a cost of nearly a $0.5 million a year with untold future modernization and operations costs; and, mandates the resumption of nuclear weapons testing.

These are just a few of the things that I think are terribly wrong with this bill.

The defense authorization bill is rife with legislative initiatives and reshuffled spending priorities intent on rekindling an arms bazaar that will have both domestic and international repercussions. The bill includes $7 billion—let more repeat that this bill includes $7 billion—in additional spending above the administration's request, a large majority of which has been siphoned off for the purchase of ships, planes, trucks, and other weapons not requested by the Pentagon. The so-called readiness debate we used to hear so much about is dead after only a year. The real winners in the committee reported bill are the defense contractors who stand to receive billions of dollars in unexpected weapons buys.

While our domestic spending accounts are being squeezed tighter and tighter—and while the polls are showing very clearly that with all the hoopla the standing in the public with the newly created Congress is going down and down. The people are catching on.

So I emphasize again, Mr. President, while our domestic accounts are being squeezed tighter and tighter, this bill contains a Christmas list or unexpected gifts for home State contractors that carry staggering price tags: $770 million more for missile defense contracts; a $650 million downpayment for two more DDG–51 destroyers; $1.3 billion for the unrequested LHD–7 assault ship; 12 more F–18's than asked for and the list goes on. Add in to this mix a committee initiative establishing a loan guarantee program for defense contractors to export their weapons overseas and you can understand why defense contractors throughout the country are popping champagne corks: Christmas has indeed come early.

But the bill to the taxpayer is not complete at the committee passed authorization of $264.7 billion. There is a built-in cost overrun. In the rush to fund these and other unrequested multibillion dollar weapons, the committee majority did not fund the anticipated expenses for ongoing Department of Defense operations in Iraq and Bosnia. This outstanding bill, the cost of which will in the mean time come out of Pentagon operation accounts, will come due next year and I warn my colleagues to not be surprised when this $1.2 billion expense is funded in part by more domestic spending cuts. Ironically, this built-in cost overrun is nearly identical to the cost of the LHD–7 add-on. I would hope that the Senate will reconsider this issue during floor debate and decide to place the operations funding of our troops in the field overseas above the cost of building an unneeded naval vessel.

While the funding priorities in this bill are questionable to say the least, there should be no doubt as to the design and effect of the bill on arms control and international relations. The defense authorization bill before the Senate takes aim at scuttling the ABM Treaty by requiring that the United States break out of the treaty and deploy a multiple site national missile defense system by 2003. Caught in the cross hairs of the committee's aim is the START II Treaty as well. Although this arms control agreement is a good deal for the United States as well as global security, the defense authorization bill does its best to see that it is killed in the cradle. That is precisely what will happen if the bill provision to break out of the ABM Treaty is approved. Ratification of START II will be blocked by the Russian Duma and the new alliance between our two countries will, in turn, be irreparably damaged, thrown into a resumption of the cold war, and still higher defense budgets. The bill is filled with jabs at Moscow designed to create distrust toward the United States and harm our new alliance. As if breaking out of the ABM Treaty and derailing START II Treaty ratification is not enough, the bill adds $30 million for a new antisatellite weapons program, it attacks and limits the Nunn-Lugar program that has been responsible for the safe and accountable disarming of over 2,500 former Soviet nuclear warheads, it cuts Energy Department nonproliferation, arms control, and verification funding, it recommends reconstituting our nuclear weapons manufacturing complex at untold billions of dollars while at the same time advocating the resumption of U.S. nuclear weapons testing. This last committee initiative is contrary to U.S. policy and is designed to scuttle ongoing comprehensive test ban negotiations and any prospect of reaching a treaty agreement. I will have a great deal more to say about the issue of nuclear testing later on during the consideration of this bill.

In summary, I am concerned with the tone and substance of the bill. The level of micromanagement placed on the Pentagon and the Department of Energy is unprecedented and harmful to our Nation's standing in the international community. Many of the committee initiatives are driven by a desire to defend against a superpower threat to U.S. security that simply does not exist. At a time when our one-time enemies are now allies and the world community is committed more than ever before to the peaceful resolution of conflicts, the committee bill is at odds with reality and in strong need of amendment before it can properly serve our Nation's security interests.

At a time when American leadership in the world community is strongly needed, we cannot be viewed as a nation living in the past, jousting with imaginary dragons in order to lay claim to the mantle of being ''strong on defense.'' We are a strong country, the preeminent military power in the world by far. But we must also be forward looking and recognize that it is in our national interest as well as in the interest of other nations to encourage arms control and alliances based on collective security. It is unfortunate that some feel more comfortable in an adversarial environment than in one based on cooperation and a lowering of superpower antagonism.

Like a beehive, the world in 1995 has the capacity to be both dangerous and peaceful. If handled properly, the hive can be benign and capable of producing sweet honey. If agitated, however, it can become hostile and threatening. The defense authorization bill in its present form is a sharp stick ready to be jabbed into the hive. The design and

intent of the bill is to agitate the world community to the ultimate detriment of ourselves. This is not the time in history to rekindle the rhetoric of the cold war. I urge my colleagues to support amendments that will correct these and other self-defeating elements of this flawed legislation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana has 5 minutes.

Mr. BAUCUS. Thank you, Mr. President.

VIETNAM MOVING WALL OPENING CEREMONY

Mr. President, this morning, the Vietnam Moving Wall—the portable replica of the Vietnam War Memorial—came to Bozeman, MT. I would like to offer my thanks and congratulations to retired Col. Ron Glock and Jim Caird for their hard work in making it all happen, and say a few words in honor of this solemn occasion.

Walls generally divide people. But this wall unites us. It unites us, as Montanans and Americans, in reverence and gratitude to the Americans who gave their lives in Vietnam.

The Vietnam War Memorial allows people to touch the names of their friends and their relatives, and remember those individuals who touched our lives so deeply. And the Moving Wall, as it travels our country, allows each of us to honor their lives and their gifts, and remember the lessons of history.

The young people who were born after the war—many of them now entering adulthood—have a chance to experience and understand the magnitude of a war where we lost over 50,000 Americans.

The families and comrades in arms see their brothers, fathers, and friends given the honor which is their due.

And we all learn again the lesson of the cost of war.

So today we come together to honor and remember all those we lost in Vietnam, and in particular those who went off to war from Bozeman and Montana State and whose names we can read on the Wall today:

David Jay Allison, Jack Herbert Anderson, Alan Frederick Ashall, Richard DeWyatt Clark, Air Force Capt. Charles Glendon Dudley, whose mother is present at the opening ceremony this morning, Glenn Charles Fish, James Francis Fuhrman, Raymond LeRoy Gallagher, Edward Joseph Hagl, Hal Kent Henderson, James D. Hunt, Lyle Albert Johnson, Ronald George Jordet, Patrick Joseph Magee, Ronald John Moe, Stephen Stanford Oviatt, Duane Kenneth Peterson, Jimmy Dee Pickle, Dean Andrew Pogreba, Alexander Pomeroy, Roger Paul Richardson, Anton John Schonbrich, Donald William Seidel, Larry Max Smith, Jerry Wayne Snyder, Arthur Lee Stockberger, Johnnie Bowen West- ervelt, Robert Vincent Willett, Jr., and Alvy Eugene Wood.

May the Lord bless them and grant them eternal peace.

The PRESIDING OFFICER. Who yields time?

The Senator from Michigan retains the floor.

Mr. LEVIN. I thank the Chair.

Mr. President, this bill is a head-on assault on the ABM Treaty. There is nothing subtle about it. Unlike our existing policy which permits us to consider whether or not we wish to withdraw from the treaty at the appropriate time, if and when there is a threat and after we have done the research and development to see how much it would cost to put up a national defense and after we have gathered together the information that we need and the impacts that we need in order to make that decision on a reasonable basis, this bill decides now that it is the policy of the United States to pull out of the ABM Treaty. It makes no bones about it. The language of section 233 says:

> It is the policy of the United States to deploy a multiple-site national missile defense system.

That is a clear breach of the ABM Treaty. Article III of the ABM Treaty says:

> Each party undertakes not to deploy ABM systems at more than one site.

The ABM Treaty has permitted us to do a number of things. First, it is permitting arms reduction in offensive weapons. Without the ABM Treaty, the Russians are not going to be reducing their offensive weapons, as they have agreed to in START I and we hope they will ratify in START II. That process is going to be ended because if they are going to be facing missile defenses, they are going to be increasing the number of offensive weapons rather than decreasing the number of offensive weapons.

They have told us that. So the ABM Treaty has allowed us to do the most important single thing we are probably doing right now in the nuclear strategic world, which is to reduce the number of offensive nuclear weapons.

The ABM Treaty has also allowed us to avoid a defensive arms race, where a defense is installed and there is a countermeasure to the defense, and then there is a counter-countermeasure to the defense, and then there is a counter-counter-counter, and on and on ad infinitum.

But first and foremost, what is going on right now is the dramatic reduction of offensive arms, and we have been told by the Russians—and I am going to read from General Shalikashvili's letter in just a moment about how seriously he takes this issue—they are going to stop the reduction of offensive arms and forget the ratification of START II.

That is what the stakes are in this discussion. This is not some theoretical discussion about defenses. This is a premature decision to destroy a treaty which is allowing us now as we speak to reduce the number of offensive weapons that threaten us, that face us, that are aimed at us now.

The bill also States in section 235 that to implement the policy that I just read in section 233:

> The Secretary of Defense shall develop an . . . operationally effective national missile defense system which will attain initial operating capability by the end of the year 2003.
>
> It shall be developed in a way which includes ground-based interceptors deployed at multiple sites.

There we go again with the multiple-site breach of the ABM Treaty. Section 235 also provides for an interim operational capability. It is all laid out very specifically as to the deployment schedule for the ABM system.

Now, this is a head-on collision. This again is not like our current law provides, that we are going to continue to do research and development on nationwide defenses, on strategic missile defenses. This bill decides now that it is the policy to deploy such a system before we have done the research and development and before we have concluded our negotiations with the Russians in an effort to make such a nationwide defense system permissible under an amended treaty.

This is not a question of interpretation. This is the head-on clash, this is the trashing of the ABM Treaty. This is the establishing of a policy now to pull out of the ABM Treaty. I cannot think of anything much more shortsighted than this. It is a provocative move to commit ourselves now to deploy an illegal national defense system, the ABM Treaty be damned. This is going to wreck the START treaty which was a landmark arms reduction treaty which was achieved by President Bush, and it is going to spark a buildup of offensive weapons instead of the reduction of offensive weapons which we have been trying to achieve.

Now, General Shalikashvili, the Chairman of our Joint Chiefs of Staff, wrote me the following on June 28:

> While we believe that START II is in both countries' interests regardless of other events, we must assume such unilateral U.S. legislation could harm prospects for START II ratification by the Duma and probably impact our broader security relationship with Russia as well.

The Secretary of Defense has weighed in in strong opposition to these missile defense provisions saying, in a letter to Senator NUNN dated July 28:

> These provisions would put us on a pathway to abrogate the ABM Treaty. The bill's provisions would add nothing to the DOD's ability to pursue our missile defense programs and would needlessly cause us to incur excess costs and serious security risks.

Secretary Perry's letter continues as follows:

> . . . certain provisions related to the ABM Treaty would be very damaging to U.S. security interests. By mandating actions that would lead us to violate or disregard U.S. Treaty obligations—such as establishing a deployment date of a multiple-site NMD system [national missile defense system]—the bill would jeopardize Russian implementation of the Start I and Start II Treaties, which involve the elimination of many thousands of strategic nuclear weapons.

And Secretary Perry's letter went on to say the following:

The bill's unwarranted imposition, through funding restrictions, of a unilateral ABM/TMD demarcation interpretation would similarly jeopardize these reductions, and would raise significant international legal issues as well as fundamental constitutional issues regarding the President's authority over the conduct of foreign affairs.

And he concluded as follows in his recent letter to Senator NUNN:

Unless these provisions are eliminated or significantly modified, they threaten to undermine fundamental national security interests of the United States.

That is pretty strong language. Here is the Secretary of Defense, telling us this language, unless it is eliminated or significantly modified, will ''* * * threaten to undermine fundamental national security interests of the United States.''

Not only would this committee decision to deploy missile defenses destroy a treaty which has been a cornerstone of global nuclear arms control for over 20 years, it would increase the threat to the United States by leaving more nuclear weapons pointed at us and it would, in addition, poison our relationship with Russia, a relationship which is improving and beginning to stabilize. Now, why do we want to risk that? Why do we want to hand the hard-liners in the Russian Duma an excuse to block the ratification of the Start II Treaty and resume an offensive arms race, instead of continuing and accelerating the dismantlement of nuclear strategic weapons? There is no new threat of massive nuclear missile attack on the continental United States requiring a decision now to pull out of the ABM Treaty.

The Director of the Defense Intelligence Agency, General Clapper, said:

We see no interest in or capability of any new country reaching the continental United States with a long range missile for at least the next decade.

For several years, we have had a bipartisan consensus in Congress for continuing research on national missile defense that is consistent with the ABM Treaty. We have had a consensus that we should preserve the option to decide later to deploy a national missile defense system if the threat increases or if it proves financially feasible, or both. At the same time, we have had a national or bipartisan consensus that we should seek ABM Treaty understandings or changes that are mutually agreeable between the United States and Russia, and we should be doing these things simultaneously. We should be doing research and development of national missile defenses. We should be seeking understandings and modifications of the ABM Treaty while these research activities are continuing, and we should keep the option open when the time comes to withdraw from the ABM Treaty.

This bill before us breaks that bipartisan consensus, and instead decides now that it is the policy of the United States to trash the ABM Treaty and to withdraw from it. This bill commits us to meet a deployment program that is simply reckless because it is so intentionally provocative to the Russians without any military benefit to us because our present program is unconstrained by the ABM Treaty. What we are doing now in missile defense research is unconstrained by the treaty.

We do not need to make this decision now to trash a treaty which is allowing us to reduce the number of offensive weapons that threaten us. That is what is so reckless about this language. It prematurely commits us to a course of action which we need not take now and maybe never need to take. We do not know that.

We have had a bipartisan consensus to keep an option open. This wipes out that bipartisan consensus. Now, there is another provision in this bill which is threatening to our security in the eyes of Secretary Perry, and that is the one that sets a demarcation line between short-range and long-range missiles. Defenses against the former are permitted. Defenses against the long-range missiles are not.

What is the demarcation line? What is the range? We have been trying to negotiate that with the Russians as to what is the precise line between a short-range missile and a long-range missile. We put a proposal down on the table which we hope is going to be adopted. This bill incorporates our proposal as U.S. law.

We, in this bill, unilaterally adopt the proposal that the administration is making at a negotiating session and saying they cannot deviate from their proposal. Now, that is a rather unusual way to negotiate: You are sitting down with the other side, trying to reach an agreement, and your Congress back there unilaterally puts into domestic law what your first proposal is. Now, what would we think if the Duma did the same thing? We say we would like a range of 3,500 kilometers and the Duma says, unilaterally, the ABM Treaty means a range of 3,000 kilometers. Now, what would our reaction be? We are sitting at a negotiating table with the Russians, trying to figure out a demarcation line, and the Russians unilaterally make their own interpretation and make it their law, and tell their President he cannot deviate from that law. He cannot even sit down with the Americans to talk about it. He cannot even listen.

Under this bill, the President's people are not even allowed to listen to a Russian proposal because that would involve the expenditure of funds; that is, travel funds. So you can kiss goodbye those negotiations. And, by the way, the language in this bill says it is the sense of the Senate that the President cease all negotiations for a year. That is just sense-of-the-Senate language. But there is the power of the purse that is used here to prevent the President or the President's people from implementing any Presidential policy relative to the ABM Treaty. Negotiations to set a demarcation line are over.

Now, this is a country that has thousands of nuclear weapons that we have been in a cold war with, that we are trying to improve our relationship with, and we have had some real successes. And now we put one stick, two sticks, three sticks right in their eyes. For what? A new threat? Has our research carried us to the point where we now can even make a decision as to whether we can effectively and cost-efficiently deploy such a system? We are not at that point now.

The ABM Treaty does not constrain our research and development. That is why Secretary Perry said that the bill's unwarranted imposition through funding restrictions of a unilateral demarcation interpretation would jeopardize these reductions and would raise significant international legal issues, as well as fundamental constitutional issues regarding the President's authority over the conduct of foreign affairs.

Mr. President, I ask unanimous consent that the letters from General Shalikashvili and Secretary Perry be printed in the RECORD.

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

CHAIRMAN, JOINT CHIEFS OF STAFF,
Washington, DC, June 28, 1995.

Hon. CARL LEVIN,
U.S. Senate, Washington, DC.

DEAR SENATOR LEVIN. Thank you for your letter and the opportunity to express my views concerning the impact of Senator Warner's proposed language for the FY 1996 Defense Authorization Bill on current theater missile defense (TMD) programs.

Because the Russians have repeatedly linked the ABM Treaty with other arms control issues—particularly ratification of START II now before the Duma—we cannot assume they would deal in isolation with unilateral US legislation detailing technical parameters for ABM Treaty interpretation. While we believe that START II is in both countries' interests regardless of other events, we must assume such unilateral US legislation could harm prospect for START II ratification by the Duma and probably impact our broader security relationship with Russia as well.

We are continuing to work on TMD systems. The ongoing testing of THAAD through the demonstration/validation program has been certified ABM Treaty complaint as has the Navy Upper Tier program. Thus, progress on these programs is not restricted by the lack of a demarcation agreement. We have no plans and do not desire to test THAAD or other TMD systems in an ABM mode.

Even though testing and development of TMD systems is underway now, we believe it is useful to continue discussions with the Russians to seek resolution of the ABM/TMD issue in a way which preserves our security equities. Were such dialogue to be prohibited, we might eventually find ourselves forced to choose between giving up elements of our TMD development programs or proceeding unilaterally in a manner which could undermine the ABM Treaty and our broader security relationship with Russia. Either alternative would impose security

costs and risks which we are seeking to avoid.

Sincerely,

JOHN M. SHALIKASHVILI,
Chairman of the Joint Chiefs of Staff.

THE SECRETARY OF DEFENSE,
Washington, DC, July 28, 1995.

Hon. SAM NUNN,
Ranking Member, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR SENATOR NUNN: I write to register my strong opposition to the missile defense provisions of the SASC's Defense Authorization bill, which would institute Congressional micromanagement of the Administration's missile defense program and put us on a pathway to abrogate the ABM Treaty. The Administration is committed to respond to ballistic missile threats to our forces, allies, and territory. We will not permit the capability of the defenses we field to meet those threats to be compromised.

The bill's provisions would add nothing to DoD's ability to pursue our missile defense programs, and would needlessly cause us to incur excess costs and serious security risks. The bill would require the U.S. to make a decision now on developing a specific national missile defense for deployment by 2003, with interim operational capability in 1999, despite the fact that a valid strategic missile threat has not emerged. Our NMD program is designed to give us the capability for a deployment decision in three years, when we will be in a much better position to assess the threat and deploy the most technologically advanced systems available. The bill would also terminate valuable elements of our TMD program, the Boost Phase Intercept and MEADS/Corps SAM systems. MEADS is not only a valuable defense system but is an important test of future trans-Atlantic defense cooperation.

In addition, certain provisions related to the ABM Treaty would be very damaging to U.S. security interests. By mandating actions that would lead us to violate or disregard U.S. Treaty obligations—such as establishing a deployment date of a multiple-site NMD system—the bill would jeopardize Russian implementation of the START I and START II Treaties, which involve the elimination of many thousands of strategic nuclear weapons. The bill's unwarranted imposition, through funding restrictions, of a unilateral ABM/TMD demarcation interpretation would similarly jeopardize these reductions, and would raise significant international legal issues as well as fundamental constitutional issues regarding the President's authority over the conduct of foreign affairs. These serious consequences argue for conducting the proposed Senate review of the ABM Treaty before considering such drastic and far-reaching measures.

Unless these provisions are eliminated or significantly modified, they threaten to undermine fundamental national security interests of the United States. I will continue to do everything possible to work with the Senate to see that these priorities are not compromised.

Sincerely,

WILLIAM J. PERRY.

Mr. LEVIN. Mr. President, the bill does not stop there.

Mr. KENNEDY. I wonder if the Senator will yield for a question, or does he prefer to finish.

Mr. LEVIN. I will be happy to yield for a question.

Mr. KENNEDY. Mr. President, I have been listening with great interest to the Senator's comments, and I find them enormously persuasive.

Does the Senator agree with me that these negotiations on SALT I and SALT II have been worked out in a very comprehensive way by Republican Presidents, Democratic Congresses, Joint Chiefs of Staffs, Secretaries of Defense? They were all negotiated not just as a way of trying to ease some pressure on the Soviet Union, but were negotiated because they were considered to be in the United States national security interest. It was Republicans and Democrats alike, after debate and discussion in the course of the hearings with the Foreign Relations Committee and the Armed Services Committee, and over a very difficult and complex period of time, as to the nature of the relationship between the United States and the Soviet Union, and that these were put into place because the leaders of the Joint Chiefs of Staff, the leaders of our military establishment, the Secretaries of Defense, the Secretaries of State, Presidents of the United States—Republican in these instances in terms of the SALT agreements—believed that they were in our national security interest.

As I understand from the Senator's excellent presentation, just by reviewing the particular words and phrases that are included in the defense authorization bill, the provisions that are included in the legislation, that this is effectively saying that a majority, in this case probably in terms of the vote, are expressing a counterview; that somehow they have better knowledge of the security interests and the nature of the nuclear threat to the American people than that long-term negotiating process that took place by those who were very sensitive to the security interests, the role of the United States and the relationship between the United States and the Soviet Union.

Can the Senator comment briefly on the historic context? I found very persuasive the particular details.

Second, does the Senator from Michigan, if he assumes that all of this was done in our security interest, believe that this is an extraordinary action on the floor of the U.S. Senate, when we are having our challenge in our relationship between China and the United States—we recently have heard about two military officers who were actually arrested in China; we have the tragic circumstances around Mr. Wu who has been apprehended, and the human rights violations—a range of different challenges that we are having with one of the other great world powers, China?

Our Secretary of State is involved in trying to work out at least some kind of modus operandi with the Chinese. As a student of history and as one of the leaders in the U.S. Senate on the whole issue of arms control policy, does the Senator from Michigan feel that we should be unilaterally abrogating the solemn treaty of the United States with the Soviet Union on nuclear weapons that will certainly, in a very significant way, put in serious threat our relations with the Soviet Union? Does this make any sense?

Mr. LEVIN. The Senator is right. The Secretary of State has written a letter to Senator NUNN dated August 2, which I also want to print in the RECORD, which addresses the questions which the Senator from Massachusetts has raised.

These arms reduction treaties, starting with the ABM Treaty, which is limiting arms, and then going to START I and START II—START II is before us now, supported by the chairman of the Foreign Relations Committee—these have been negotiated by Democratic and Republican administrations alike. These are not partisan treaties.

President Nixon is the one who negotiated the ABM Treaty. This is a Republican President who strongly believed that the ABM Treaty was in our security interest, and I believe every single President since has supported keeping the ABM Treaty, modifying it at times. We have had protocols to it, we have had interpretations to it, but it has allowed us to reduce offensive arms. So it has had broad bipartisan support in administration after administration.

The Secretary of State points that out when he says in his letter to Senator NUNN that ''successive administrations have supported the continued viability of the ABM Treaty as the best way to preserve and enhance our national security.'' And the Secretary of State points out that these unilateral interpretations ''would immediately call into question the commitment to the treaty and have a negative impact on United States-Russian relations and on Russian implementation of the START I Treaty and Russian ratification of the START II Treaty.''

The START II Treaty is going to come to the floor of the Senate one of these days, I understand with the support of the chairman of the Foreign Relations Committee, negotiated by a Republican President. It allows us to significantly reduce, dramatically reduce, the number of offensive nuclear weapons which we face.

We are told by General Shalikashvili and Secretary Perry that for us to trash the ABM Treaty will threaten the ratification of the START II Treaty. It makes absolutely no sense in terms of the bipartisan consensus which has been put together for these treaties over the years and in terms of reducing the number of offensive weapons. So I agree with the Senator from Massachusetts.

Mr. KENNEDY. Will the Senator's conclusion be that should the violation of the ABM Treaty—and I think the Senator has made that case both with regard to the multiple-site issue and also for the unilateral declaration on the theater and strategic systems, which are in the process of being negotiated, and the unilateral action or statement or sense-of-the-Senate resolution, that as far as our chairman of our Joint Chiefs of Staff, according to

the President of the United States as well as the Secretary of State—those who have responsibility in the nature of both defense policy in this area and diplomacy—that the counteraction will be an action by the Soviet Union which will result in more nuclear missiles being pointed toward the United States, there will be more nuclear missiles pointed to the cities in my State, there will be more nuclear missiles pointed to cities in the Senator's State, and that there will be less security in terms of the citizens of our Nation from the dangers of nuclear war?

Finally, let me just ask the Senator, how does the whole Nunn-Lugar effort fit into this whole process? We have been involved in the very recent times with a bipartisan effort to try and help and assist the dismantling of Soviet weapons systems. For the obvious reason, as the Senator and others have pointed out, we believe that kind of reduction is in our security interest.

There have been difficulties in terms of the expenditure of funds and other factors which I know that the Armed Services Committee and DOD are interested in. The Congress has been reviewing that effort in terms of trying to see further action in the dismantling of nuclear weapons.

Does he think that this kind of unilateral action will enhance that whole kind of effort for further dismantlement, or does the Senator believe that whole effort will be undermined in a significant way as well?

Mr. LEVIN. I think the Nunn-Lugar effort is totally undermined, because instead of being willing to dismantle weapons, which Nunn-Lugar helps them achieve, our best experts in the State Department, the Defense Department say they are going to go the other way, they are going to stop the dismantlement and stop the ratification of START II, because now they are going to be told by the U.S. Senate that it is the American policy to put up defenses to their weapons, and that means in order for whatever they have left after START II to be effective, they are going to have to have more, not less, in order to overcome whatever defense.

This is a very threatening thing, we have to understand, to us. This is a threat to our security, what is going on in this bill language, because instead of seeing offensive weapons aimed at our States continuing to be reduced, the numbers of those weapons are suddenly going to go up instead of down. At a minimum, we are going to see the termination of these dramatic reductions which we have been able to achieve under START I and START II.

Mr. KENNEDY. I know the Senator has further comments to make, but I want to ask him, as I understand the situation we are facing in the Soviet Union—we are facing local elections that are going to be taking place in the next year. It is also a commitment in terms of the Presidential election which is to take place next year—there is movement in terms of the Soviet Union and, as I understand it, in terms of the political process and activity of increasing involvement and intensity and increasing United States investments.

Obviously, there are the creaking problems of a new nation finding itself in terms of trying to develop democratic institutions in that nation. Does the Senator, as someone who is a student both of the Soviet Union and the recent history of this time, does he think that this will help to stabilize the nature of the political discussion in the Soviet Union? As he has pointed out, the reduction of these nuclear arms was done because we believed they were in the security interests of the United States. As the Senator pointed out, if we take this action, that will be threatened.

Does he believe, as well, that if the Soviet Union did this action to the United States, there could be a counteracting reaction here in the Senate and among the American people? Does he anticipate that this may very well have some factor and force in terms of the domestic politics and defense politics of the Soviet Union?

Mr. LEVIN. This unilateral action in setting the dividing line between short-range and long-range missiles, which has been subject of the negotiations, suddenly is yanked out from those negotiations, the U.S. Senate usurps this and puts into American law what it believes the demarcation line is and prohibits the President from negotiating any other demarcation line. At the same time, we establish the policy of the United States to deploy a system which clearly violates the ABM Treaty.

Doing those things will play into the hands of the most rabid, anti-Western political forces in Russia. We are going to pay a terrible price, not just in having more weapons face our States, we are also going to pay a terrible price in terms of lending unwitting support to the very anti-Western forces in Russia which are creating so much difficulty already, not just for Russia, but for the rest of the world.

Mr. KENNEDY. Finally, the Senator spent a great deal of time in recent years, along with others, in terms of the meaning of the ABM Treaty. I am a member of the Armed Services Committee. All of us were enormously impressed during the 1980's and 1990's when the ABM Treaty issue and related issues were being reviewed as to the meaning. I think all of us who followed this whole issue in terms of arms control and the ABM Treaty are very mindful of the expertise which the Senator from Michigan has.

I hope at some time during the debate that at least included in this record, there will be some references to that review and that study, so that those that may be newer Members of this body can have some appreciation for the extensiveness and the depth of the hearings that were held on the meaning and significance of the ABM Treaty, which was challenged and reviewed and reviewed. So that the presentation will be given the weight that it should have. I think some reference or incorporation of some past discussion of that history is important for the understanding of the Senators.

I thank the Senator. I hope that our colleagues listen carefully to the excellent presentation. I find it absolutely persuasive. We have not gotten into if the Soviet Union takes corresponding action, what will be the corresponding action here in the United States. I think anybody who has followed the arms issue with the Soviet Union can predict that very easily and with certainty, not only with the cost but the instability that will be brought about.

So I thank the Senator. I think it has been a very important presentation. I think, in many respects, this may very well be either the first or second most important vote that we will have this year. I hope our colleagues give it attention.

Mr. LEVIN. I thank the Senator from Massachusetts. He reminds us that we had a debate here, and there was an effort made by Senator NUNN and myself, and many others, to avoid a unilateral reinterpretation of the ABM Treaty during the 1980's. This Senate has had a long history in not undermining treaties or not undermining chief executives who are aimed at negotiating treaties. We have an advise-and-consent function that is very different from putting into American law unilateral interpretations and prohibiting Presidents from even negotiating relative to treaties.

Senator NUNN's leadership during the 1980's on the whole ABM issue—and the Senator from Massachusetts was correct, he was deeply involved in it, as well—was part of a long-time bipartisan effort, generally, on the part of the Senate to avoid this kind of unilateral interpretation of treaties being put into American law and undermining the executive branch in their negotiating function, as well.

Now, Mr. President, the language in this bill, by saying that ''appropriated funds may not be obligated or expended by any official for the purpose of implementing any executive policy that would apply the ABM Treaty to the research, development, or deployment of a missile defense,'' means the President and the President's representatives cannot even listen at a negotiation. They cannot even use travel money. ''Appropriated funds are prohibited here from being obligated or expended by any official for the purpose of implementing an executive policy that would apply the ABM Treaty to the deployment of a missile defense.''

That is section 238(b). In another subsection: ''Or from taking any other action to provide for the ABM Treaty to be applied to the deployment of the missile defense.''

That is what the ABM Treaty is all about.

So this language does three things. First, it unilaterally says what the demarcation is between short-range and long-range, and makes that the law of the United States. It prohibits the President of the United States from negotiating anything other than that. He cannot even listen to anything other than that.

It does one other thing. This is some of the most, I think, extreme language I have read in any bill, almost on any subject that has come to the floor because, under this language, if there were a test that violated this definition of a long-range system, nobody could act to stop it, because it says here that ''appropriated funds may not be expended by any official to implement any policy that applies the U.N. treaty to the deployment of a missile defense.''

What happens if you have a test here of an ABM system against a missile with a range of 4,000 kilometers, clearly in violation of the demarcation line, by this new demarcation line. Under this language, until the test is completed, the prohibition on the use of any funds to stop that test stands.

This language says that ''unless and until there is an ABM qualifying flight test of a system, this prohibition stands.''

This language goes so far as to say that even if there is going to be a flight test of an ABM system against a missile, with a range that clearly violates this unilateral declaration, that nobody can stop that illegal action on our part, which is admittedly illegal under this unilateral definition because the flight test has not occurred. Unless and until the flight test is completed, this restriction stands.

The ABM Treaty cannot be used to stop a test, even if it is illegal, by the definition in this bill.

Now, if we want to talk about language which is so excessive, this fits the test. That is what it says, what I guess is the frosting on the cake. What the bill provides is that we will have a commission to look at this whole thing. On page 61 of this bill, section 237, it says that the Senate should undertake

> . . . a comprehensive review of the continuing value and validity of the ABM Treaty, with the intent of providing additional policy guidance on the future of the ABM Treaty during the second session of the 104th Congress.

Now, in addition to undertaking a comprehensive review of the ABM Treaty, we were are also told in subsection B we should consider establishing a select committee to carry out the review, and to recommend such additional policy guidance on future application of the ABM Treaty, as the select committee considers appropriate.

Now, that is a little bit like having the hanging first, and then the trial. This bill says it is our policy to trash the ABM Treaty; this is the dividing line unilaterally; the President cannot negotiate anything else. But it is our policy now under this bill to withdraw from the ABM Treaty. That is what this bill says.

Then the same bill that says that says: But we are going to have a study; we are going to have a comprehensive review of the continuing validity of the ABM Treaty.

We ought to have the study before we trash the treaty. Looking at the committee report on page 119, it says:

> The committee believes that Congress should undertake a comprehensive review of the continuing value and validity of the ABM Treaty, with the intent of making a well-informed and carefully considered recommendation on how to proceed by the end of the 104th Congress.

That is supposed to be the purpose of this comprehensive review.

On page 120, the majority says it is prudent—prudent—to dedicate a year to studying all ABM Treaty-related issues and alternatives, and recommends the review of the continuing value and validity—a careful 1-year review, the report says—of the continuing value and validity of the ABM Treaty. Why not do the ''careful'' study before we decide to trash the treaty?

If it is prudent to have a 1-year study of the ABM Treaty's value, is it not prudent to have the review prior to saying it is the policy of the U.S. Government to trash the ABM Treaty? Does not prudence dictate that you withhold your conclusion until after the study?

If the purpose of our ''comprehensive careful 1-year review'' is to make a study of the value of the ABM Treaty, for heaven's sake, we should withhold the conclusions until after the study. That is not what this bill does. This bill says it is the policy of the United States to deploy a multiple-site system. That is an illegal system under the ABM Treaty. That is why Secretary Perry says that these serious consequences argue for conducting the proposed Senate review of the ABM Treaty before considering such a drastic and far-reaching measure. He underlines the word ''before.''

It seems to me it is just absolute common sense that we do not reach conclusions and implement those conclusions the way this bill does, with initial operating capability, with a date set, 2003. There is an IOC of 2003 for a national missile test, an interim capability mandated by the bill for this system.

We are mandating violations of a treaty when at the same time in another part of the bill we say we are studying the continued validity of that treaty. That makes no sense at all.

Mr. President, I will be sending an amendment to the desk which addresses these three issues that I have just outlined. It will strike the words that it is the policy of the United States to deploy a multiple-site system, since that is directly violative of the ABM Treaty; we will also strike the language which sets forth in permanent law what the demarcation line is between long-range and short-range missiles, since that is the subject of negotiations; and we will also strike the language which prevents the President from even discussing any matters relative to the ABM Treaty with the Russians.

AMENDMENT NO. 2088

(Purposes: (1) To strike section 233(2); (2) To strike section 237(a)(2), which states that the President should cease all efforts to clarify ABM Treaty obligations; (3) To strike Section 238, which establishes a unilateral interpretation of the ABM Treaty and prohibits treaty-compliance efforts)

Mr. LEVIN. Mr. President, at this point, I send the amendment to the desk.

The PRESIDING OFFICER (Mr. KYL). The clerk will report.

The legislative clerk read as follows:

> The Senator from Michigan [Mr. LEVIN], for himself, Mr. EXON, Mr. BINGAMAN, Mr. GLENN, Mr. BRADLEY, Mr. KENNEDY, Mr. FEINGOLD, Mr. DORGAN, Mr. WELLSTONE, Mr. BIDEN, Mr. MOYNIHAN, Mr. HARKIN, Mr. JEFFORDS, and Mr. PELL, proposes an amendment numbered 2088.

The amendment is as follows:

> On page 52, strike out lines 20 through 25.
> On page 62, strike out lines 8 through 11.
> Beginning on page 63, strike out line 11 and all that follows through page 65, line 24.

Mr. WARNER. Mr. President, the distinguished manager of the bill on the majority side, Senator THURMOND, is anxious to get a time agreement.

I wonder if I might inquire of the distinguished ranking member as to the progress we are making on that. Many Senators are working on their schedules. Many Senators are anxious to engage in the debate on this particular amendment, I think at the convenience of the Senate. And this means to keep this momentum that we have this morning going forward, I wonder if I might inquire as to this.

Mr. NUNN. I say to my friend from Virginia, I think we ought to inquire of the Senator from Michigan as to his intentions.

We talked about a time agreement. The Senator from Michigan informed me he would prefer to come to the floor and determine how many people wanted to speak on this amendment.

I welcome a time agreement. I hope we can reach one. Perhaps the Senator from Michigan could give an indication of his feeling at this point.

Mr. LEVIN. I do not have the final figure yet, but it is approximately—and there are a couple more Senators we must consult with—2½ hours on this side that will be needed so far. We think that is fairly close to the total, but we are not quite there yet.

Mr. WARNER. Mr. President, that is a period of time considerably longer than I had hoped. That would mean if this side were to require an equal amount, we would be 5 hours.

Credit, perhaps, is being given on the 2½ hours for this time, so we are beginning as of this moment.

Mr. LEVIN. That would be 2½ additional hours, but that is not quite yet the total. There are two other Senators

we have yet to hear from that we believe want to speak, and we have not heard how much time.

Mr. NUNN. If I may say to my friend from Virginia, the Senator from Michigan made such a powerful speech on this subject, with the intervention of the Senator from Massachusetts, and I plan to make a speech on it, and I know the Senator from Nebraska plans to speak, perhaps by the time our colleagues hear these speeches, they will not feel the need to speak as long on this subject. That remains to be seen.

I hope we can cut that time down. I will work with the Senator from Michigan. This is an important amendment. This is the heart of the bill in terms of the opposition to the bill. This is the heart of it.

While I would like to accelerate this process and will work hard to do that, I do think that once this matter is settled one way or the other on this amendment, and perhaps on another amendment that may follow if this one fails, I think once we do that, we will begin to make a lot more progress on the bill.

So, I say to my friend from Virginia and my friend from South Carolina, I know they want to move this bill, I will continue to work with them to see if we cannot reach some time agreement.

Mr. President, I would like to be recognized.

Mr. WARNER. Mr. President, if I might say, I thank my distinguished colleague. It is very reassuring to hear him say we can try to reduce the amount of time. Because the majority leader is very anxious to have this bill completed, as you know, on the timetable this week. I hope we can reduce the amount of time.

I see the Senator from Michigan indicating——

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. NUNN. Mr. President, if Senator EXON has a question?

Mr. EXON. No, I was going to follow up on some of the remarks that had been made by the other Senators on this matter. The Senator from Georgia probably wishes to do the same.

Mr. NUNN. Has the Senator from Nebraska had a chance to make a statement this morning?

Mr. EXON. Yes, I got that statement made.

Mr. NUNN. Mr. President, I am going to make some remarks on the Levin amendment and I am going to try to cut my remarks down. I think this is a very important amendment. I support the amendment. I would like to lay out what I consider to be the defects in the bill as it now exists and why I think this amendment is important and why I will support the amendment.

If this amendment fails I anticipate another amendment in this area.

Mr. President, the defects in the majority's Missile Defense Act of 1995 are simple and straightforward. First, the Missile Defense Act constitutes what, in law, I would call—reflecting back years ago on my law school courses—I would call this an anticipatory breach of the ABM Treaty. Only in this case, it is not a contract, as in law school. The bill before us proposes to breach an international treaty, the treaty between the United States of America and the Union of Soviet Socialist Republics, now succeeded by Russia, on the limitation of the antiballistic missile systems known as the ABM Treaty. Thus the Missile Defense Act if we pass it, if it became law, puts this body on record as directing the United States to knowingly violate an existing international treaty without first seeking amendments to the treaty and without reference to the provisions in the treaty which permit either party to withdraw upon 6 months' notice.

The ABM Treaty was entered into, not as a sacred document to be adhered to forever, but rather as a document that reflected the security interests of both the Soviet Union and the United States at that time. I am not wedded to every word in the ABM Treaty, as I will review in a moment. I do believe amendments are in order. But why not negotiate the amendments? Why act as if there is no treaty? That is what this bill does.

If we cannot negotiate the amendments, if the Russians will not budge after a good-faith effort, why not then consider whether to withdraw from the treaty under the provisions of the treaty? That is the way you get out of a treaty if you do not feel it is in your national security interests.

The second problem with the Missile Defense Act is that this breach is wholly unnecessary to the conducting of the near-term missile defense program run by the ballistic missile defense organization. In other words, we are basically serving notice that the treaty is going to be breached and it is not getting us anything in the next fiscal year—nothing. There is no program in this bill that would violate the ABM Treaty in the next fiscal year.

Enactment of the Missile Defense Act authorizes no activity by the ballistic missile defense office during fiscal year 1996 that would otherwise be proscribed by the ABM Treaty.

So, what we have is we are asked to take a gratuitous poke at the eye of the Russians, while helping to persuade them that the United States Congress is bent on resurrecting what some have called star wars.

In my view the Russians do not have the resources to compete in this arena in the near term. So they will certainly be frustrated, in the sense that they see us moving to breach the ABM Treaty when they do not have the resources to compete. They just simply do not have the finances to compete.

But, what they do have is thousands of missiles. Not a few hundred, but thousands of missiles that they are supposed to dismantle under START I, and they already are doing that under START I, and thousands more missiles they are supposed to dismantle under START II, which has been negotiated, and signed by President Bush but is now pending ratification both in the Duma and here in the Senate.

What they can do very easily is they can simply continue to target those thousands of missiles at the United States. That is likely to be their response to what they see as a breach of the ABM Treaty.

Do we really, on the floor of the U.S. Senate, after going through the Reagan administration, the Bush administration, basically negotiating carefully arms control agreements and trying to carry them out, getting thousands of nuclear warheads dismantled, do we want to turn around and do something in this bill that is going to say to the Russians, in effect: We are going to break out of the ABM Treaty. Now whatever you do is up to you?

I know what they are going to do. I believe I know what they are going to do. They do not have billions of dollars to conduct defenses now. They may in the future. In the future I think it is in their interests also to have some defenses. I think both countries ought to have some limited defenses against accidental launch, against any kind of unauthorized launch or against a Third World country that emerges as a threat. I think we ought to have those kind of defenses. I think the Russians ought to, too.

But if we strike out unilaterally they are going to do what we would do if we were in their circumstances. What is that? We would not dismantle our strategic offensive forces. We would find a way to proliferate the offensive forces because those offensive forces are going to have defenses that they have to contend with. And, what the Russians would fear, as we would fear, is that the combination of going to a lower START level, dismantling warheads, going down to START II, doing that, limiting the number of warheads; then having the United States embarked on a breach of the ABM Treaty, saying we are clearly going to deploy defenses without regard to negotiation, without regard to amendments, without regard to the provisions of the treaty—the combination of those two things says to them: Limited warheads, defenses by the United States, possible preemptive attack. We would never do that. We know that. But they do not know that just like we do not know that about them. That is the basis of our deterrence policy. We do not know that and we are not going to bank on it.

But the combination limiting the number of warheads, defenses in this country that basically breach the ABM Treaty, plus a preemptive attack, means that they would lose the ability to retaliate.

That is paranoia. But the whole equation of deterrence for years has

been based on both sides being somewhat paranoid. And not irrationally so, based on the former confrontation all over the globe.

This breach of the ABM Treaty is wholly unnecessary. This poke in the eye to Russia leads to a third problem. That problem is one with serious, perhaps even tragic consequences. While enactment of the Missile Defense Act permits nothing within our own missile defense programs that we cannot already do in the next fiscal year, it may very well persuade the Russians that we have abandoned our obligations under the ABM Treaty.

Perhaps the majority does not really want to do that. If so, we have room to work out wording that would change that impression in this bill. The Russians have repeatedly told us, those in the executive branch as well as those of us in the Senate who have met with them on many occasions, they have told us of the importance they attach to continued compliance with the ABM Treaty by both parties. And they have suggested if they conclude we are abandoning the ABM Treaty unilaterally, this would call into question Russia's continued compliance with their international agreements.

Thus we may be jeopardizing START I and START II, thousands of warheads that would continue to be pointed at the United States, it will take us 10 or 12 years at best to build the defenses, yet we have a chance of dismantling thousands of warheads that are aimed at us.

Which is more cost effective? Embarking on a unilateral course without regard to the people we entered into the treaty with? Or negotiating with them, and determining what we would do if negotiations fail?

Why do we want to get thousands more warheads pointed at the United States? I do not. I do not think anybody in this body does. I do not think the American people do. That is the result of where we are heading, unless this bill is changed.

Mr. President, it is not only the two START agreements, it is also the Conventional Forces in Europe Treaty. That is the treaty where the Russians dismantled and continue to dismantle literally thousands—they are moving at least thousands and thousands of tanks and other threatening equipment, artillery tubes under the CFE Treaty in Europe.

They already are frustrated by that treaty. They already are making signs that this treaty causes them big problems. It is going to be a problem whether we pass this amendment or not. But, if we pass this amendment, it is going to be a bigger problem very quickly.

The two START treaties, if fully entered into force, will reduce by three-fourths the number of Russian ballistic missile warheads in their arsenal—a far greater reduction of nuclear warheads potentially threatening the United States than any defensive system could possibly offer or that we have any capability of developing and paying for in the next 10 years. Three-fourths of the warheads are coming off under START I and START II.

Do we really want to jeopardize that? The Russians have complained frequently about the enormous cost to them of compliance with these two START treaties and the CFE. But so far they are complying. We may reach a point where they do not. But they are so far complying. How much more will it cost us in our own defense budget if the START treaties go by the boards? Also, many Members are aware the Russians have been seeking relief from the limitations imposed under the CFE Treaty on the level of conventional forces and equipment they are permitted to station on their volatile southern flank. If the full Senate adopts the Missile Defense Act, this will give them a plausible excuse to ignore the CFE limits on stationing forces and equipment. To repeat, Mr. President, all of these serious consequences and costs may be brought upon us by adoption of the Senate Armed Services Committee majority's Missile Defense Act, which itself allows us to do no more than we already planned to do in the short run, unless the bill is changed.

The fourth problem with the Missile Defense Act is that it tries legislatively to have it both ways: the Senate Armed Services Committee majority wants the ABM Treaty to go away, and legislates as though it had already gone away; yet they do not take the straightforward approach of using legal remedy. Mr. President, if the Senate believes adherence to the ABM Treaty is no longer in our national interest, then we should have availed ourselves of a straightforward and honorable resolution. Under article XV, paragraph 2, of the ABM Treaty, the United States can withdraw from the ABM Treaty, after giving 6 months notice to Russia. Is the Senate ready to take that step? Or will we adopt the language of the Missile Defense Act to squeeze past, a direct confrontation with the ABM Treaty, by pretending that it is not there.

It seems to me that is the course we are on, pretending it is not there.

This unwillingness to confront the ABM Treaty head-on, Mr. President, leads to the fifth problem with the Missile Defense Act. By ignoring the ABM Treaty, rather than proposing U.S. withdrawal from it, the Senate Armed Services Committee majority are forced to try to negate its effect by the following legislative device: They restrict the use of appropriated funds to enforce our obligations under the ABM Treaty. In attempting to negate the treaty in this way, Mr. President, the Senate Armed Services Committee majority sets up a direct constitutional conflict between the executive and the legislative branches regarding responsibility for the conduct of foreign policy and the enforcement of this Nation's international obligations.

Mr. President, consider what is at stake here. Should the Missile Defense Act approved by the Senate Armed Services Committee majority be enacted in the next couple of years, we stand to gain nothing, but we stand to lose a great deal: we could lose the agreed drawdowns of nuclear arsenals under START I and II; we could lose the CFE Treaty's constraints on Russian conventional force deployments near troubled areas.

Now, some in the Senate Armed Service Committee majority will argue that the Missile Defense Act does not really breach the ABM Treaty, because only some subsequent testing or deployment action would technically place us in violation of the treaty.

They will argue this by saying that only some subsequent testing or deployment would technically place us in violation of the treaty.

Mr. President, this is too clever by one-half. If the Russian Republic were to announce tomorrow that it no longer intended to meet the timetable for reduction of nuclear systems under the START I Treaty, that it was not going to renegotiate them, that it simply was going to move forward as if START I did not exist, and that there was nothing we could do about it, would the Senate Armed Services Committee come to the Senate floor to calmly inform us that this is not a breach of their obligations under the treaty? Would they argue that the START I Treaty can only be breached once the deadline for implementing reductions is past? Or would they say instead, as I think would be the case, breach is inevitable, and based on what the Russians have told us, we should now move to prepare for this breach and take the necessary security precautions?

I think that the majority—and I would be in that majority—would say let us assume that they are going to do what they say they are going to do; they are going to breach the treaty, and we had better start recognizing that.

To recap, Mr. President, the Senate Armed Services Committee's Missile Defense Act provision has major problems: First, it abandons United States adherence to the ABM Treaty; second, abandoning adherence now is unnecessary—we can conduct an effective missile defense program in the near-term while continuing adherence; third, abandoning adherence now is likely to impose huge costs on us, if Russia declines to carry out some of its legal obligations in response to our breach; fourth, the Senate Armed Services Committee bill abandons adherence by stealth, rather directing the administration to use the legal withdrawal procedures contained in the treaty; and fifth, by failing to use the legal option, the Senate is forced to try to compel the executive branch to abandon adherence by usurping certain powers of the

executive branch over the conduct of foreign policy, a move that raises serious constitutional issues, and could lead to this act never becoming law even if it passed as is.

Mr. President, I do not want any Senator to misconstrue my message regarding the ABM Treaty, and I am sure there will be people on this side who will not listen to the latter part of this message. I am not a diehard supporter of the ABM Treaty as some sacred document that cannot be changed. I think that would be a mistake in view of this treaty. Circumstances change. The circumstances surrounding the treaty's establishment have changed significantly since it was entered into in the early 1970's. Therefore, either the treaty itself must be changed to reflect the new realities, or the Congress and the President must at some point make the decision that the treaty's usefulness has ended and exercise our legal right to withdraw from the treaty.

The ABM Treaty condition contains provisions for renegotiation; indeed, that is precisely what the Clinton administration has been trying to do at Geneva, and they really need the backing of Congress to do that. Thus, it is not a foregone conclusion that the treaty cannot be amended by mutual agreement to allow us to deploy the missile defenses we consider necessary to meet our national security requirements. But Russia must understand that these negotiations must make progress and that the time period available for negotiations is not infinite. It is finite.

I think that message needs to go forth to the Russians clearly. It would be useful if it went forth in a united way from both the administration and from the Congress. But we will not have any united message because we are going to be too busy deciding whether there is an anticipatory breach by ignoring any negotiations and by ignoring the treaty itself.

Mr. President, I intend to vote in favor of the amendment by the Senator from Michigan; I hope it is successful. If it fails to pass, I believe the Senate then will face a major dilemma. I believe that, unless the problems I have outlined above are dealt with, this bill faces a bleak future. The administration is already on record that the House version of the Missile Defense Act is unacceptable, as is the provision in this bill as passed by the committee.

Thus, the prospects for an outcome in conference that will become law are indeed bleak unless we make some fundamental changes.

The Senator from Michigan seeks to correct the flaws by striking whole sections. If this approach is shown to be unacceptable to a majority of Senators present and voting, then the only remaining possibility will be to try to modify the language. And I will certainly have an amendment to do that after we decide what happens on this amendment.

Mr. President, I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I have worked for many years with my distinguished colleague from Georgia, and more often than not we have had a joinder of views and positions. But on this we are strong opponents.

I was the author of a number of provisions in this bill which are the subject of the strike of my good friend, the Senator from Michigan.

I vigorously oppose the Senator's amendment.

Mr. President, it is my understanding the administration is orchestrating a full court press to defeat the Missile Defense Act of 1995 and in particular section 238 of that act which was known as the Warner amendment during our markup.

I was the author of the previous Missile Defense Act, and the Missile Defense Act of 1995 builds on the act that was put in in I believe 1991.

Therefore, it seems to me that it is a logical sequence of legislative steps by the Congress to build on the foundation that we laid in 1991.

I have tried for many years together with a number of my colleagues through many, many legislative initiatives to ensure that the men and women of the Armed Forces are not once again sent into harm's way unless they are provided with the most effective defenses that not only we can buy with the dollars but that we can devise with the brains. I wish to emphasize that—devise with the brains.

My basic premise is that successive administrations have used the ABM Treaty as a means to limit the use of the intellectual capacity of the United States to develop the most efficient, the most cost-effective and the most technically sound and reliable systems for the defense against short-range ballistic missiles.

We failed in many respects during the gulf war. The crude Scud missile was utilized by the Iraqi military forces not only against the coalition of allied military forces but against the innocent people, the defenseless people of Tel Aviv.

Israel was not a combatant in the gulf war, yet Saddam Hussein rained down upon those innocent people the Scud missile, not for military purposes but solely for terrorist purposes.

Here we are some several years later still wrestling with the fundamental question: Are we going to unleash the full magnitude of the brains of this Nation, working with other nations, and in particular Israel, to devise the finest and most technically capable system to defend against the short-range missile?

That is what this is all about—that is that section of the strike that goes to the Missile Defense Act of 1995.

Over 30 nations now have short-range ballistic missiles—30 nations. Talk about the ABM Treaty. The ABM Treaty is between the United States of America and the former Soviet Union. And at that time in 1972 there was not even on a drawing board, so far as anybody can recall, an idea about a short-range system. Today, there are 30 nations with some measure of capability, and yet we are sitting here dealing with this archaic act, treaty, whatever you wish to call it, saying that it should stand there as a guardian against the ability of this country to devise our best systems.

Seventy-seven nations have cruise missiles, the flat trajectory. Many of the systems that we are looking at now to deter the ballistic missile also have a technical capability of being adapted to defend against the cruise missile.

As the gulf war demonstrated, the threat such missiles pose to the men and women of the Armed Forces is real, immediate, and growing. At this very moment and while we are debating this issue, all across the world are men and women of the U.S. Armed Forces on watch as a means to deter against attack, many of them within the range of the short-range ballistic systems posed as a threat by these 30 nations.

How many recall the incident in the gulf war which resulted in the largest number of American casualties? It was a single Scud missile that landed on a barracks killing and wounding the greatest number of Americans during that war.

Are we to say to the American people, particularly the mothers and fathers, the uncles and aunts, the loved ones of those on duty in places throughout the world today that this could happen once again because the United States will not unleash its full brain power to devise the best system to defend against that type of weapon?

If you look at the balance between the launch pad of a short-range system, that is fairly elementary. You can cobble that together. We know that from the crude Scud missile system. You can put it together. But the defense, the interceptor, the electronics needed to bring that missile into the bore sight of some weapon, that is many times more costly than the launch system. But we are going to stand here, if I listened correctly to the proponents of this amendment and once again go back to a treaty of 1972 and allow it to stand, stand there and block the full resources, mental and dollarwise of this great Nation to prevent another incident like we experienced in the gulf.

In the judgment of this Senator, we must accelerate the development and deployment of highly effective land- and sea-based theater missile systems to protect our troops, defenses that are not artificially or wrongfully limited, constrained by this ABM Treaty.

Therefore, Mr. President, it was in April of this year that I introduced an amendment along with dozens of cosponsors to clearly establish a policy for the United States of America which states that the ABM Treaty does not apply to short-range theater ballistic systems.

In effect, this legislation is intended to prevent the Clinton administration from making the ABM Treaty in effect a TMD treaty. That is what is underway and has been underway for some several years, to take this 1972 treaty and somehow wrap it around the short-range system. Despite administration claims that this provision is unconstitutional, I carefully chose the congressional power of the purse as the vehicle to get congressional views on the issue of ABM-TMD demarcation, to take those into consideration.

Contrary to the assertion of its critics, this provision does not prohibit negotiations with the Russians. I listened to this this morning. I cannot believe it. That is a weak reed to walk out on, I say to the proponents of the Levin amendment, a very weak reed to walk out on.

Instead, the provision would in effect prohibit the implementation of any resulting agreement which would have the effect of making the ABM Treaty a TMD treaty. That was the purpose of my legislation. I have tried in the past, and many others have tried, but to no avail to ensure that the Senate of the United States would be involved in decisions the administration might make in the demarcation negotiations.

Last year, I sponsored legislation requiring that any international agreement entered into by the President that would substantially modify the ABM Treaty be submitted to the Senate for advice and consent pursuant to our constitutional authority on treaties.

Despite that legal requirement, it became clear to me during the administration briefings on the demarcation issue—and I will say to their credit, particularly to a former Senate Armed Services staff assistant, Robert Bell, there has been considerable consultation on this demarcation series of negotiations, but we have not been able to present what I regard as a convincing argument.

I repeat, despite that legal requirement of last year, it became clear to many of us here in the Senate during these briefings on the demarcation that the administration had no intention of submitting any demarcation to the U.S. Senate, no intention, despite the fact that the administration's negotiating position would result in an international agreement that would impose major new limitations on the United States.

Therefore, many of us saw the need to act, and act we did. And as a consequence, we have before us today a bill that will give this country needed protections. Regrettably, one of our colleagues, joined by others, is wishing to strike that provision.

Mr. President, the ABM Treaty was never intended to limit or restrict theater missile defense systems. That is clear. The administration, in a sense, concedes the point. In addition, I had the opportunity to discuss this issue with two individuals who were intimately involved in the ABM Treaty negotiations at that period of time, 1972. I was privileged to be the Secretary of the U.S. Navy and was in Moscow primarily for the purpose of the Incidents of the Sea Agreement with the delegation that signed the ABM Treaty. These were persons that I had worked with for some several years prior thereto in the Department of Defense. The ABM Treaty was not a matter primarily in any respect under the jurisdiction of the military departments. But nevertheless, the military departments, including, of course, the Navy Department, had access to the negotiations, the papers, and were asked from time to time for views on this issue.

So I do have a contemporary recollection firsthand of this period of time in history. And I went back and talked with my former colleague, Dr. John Foster, who at that time was the head of the research and development section in the Department of Defense, an eminent scholar, mathematician, physicist. And he reassured me that the issue of short-range systems was not a product in any respect of the treaty. I likewise talked to former Secretary of State Henry Kissinger, who was the National Security Adviser during that period of time. And he also reaffirmed just a short time ago that theater missiles were never contemplated during the ABM Treaty negotiations.

Specifically, according to Dr. Kissinger, the focus of the negotiation was on defenses against intercontinental ballistic missiles because they were the only systems that were then in existence. Unfortunately, the administration appears intent on concluding an agreement with the Russians that would severely limit the technological development and deployment of United States theater missile defense systems, an agreement that would transform the ABM Treaty, in my judgment, into a TMD treaty.

These are examples of what the administration has been doing, is table proposals; that is, put on the table for discussion with the Russians, proposals that would accept performance limitations on the TMD systems. The ABM Treaty does not even impose performance limitations on the strategic systems.

Second, the administration initially accepted a Russian proposal to prohibit deployment of the Navy upper-tier system, a system that was subsequently deemed to be treaty compliant by the administration. Initially they put that on the table as a proposal.

The negotiations clearly then and indeed now are headed in the wrong direction. In my view, it is time for the Congress to act to pave the way for the development of the most capable, most cost-effective theater missile defense system to protect the lives of the men and women of our Armed Forces. My legislation does just that. It would prohibit the obligation or expenditure of any funds by any official of the Federal Government for the purposes of prescribing, enforcing or implementing any Executive order, regulation or policy that would apply the ABM Treaty or any limitation or obligation under such treaty to research, development, testing or deployment of a theater missile defense system, upgrade or component. The standard which I have used in this legislation to define the demarcation line between antiballistic missile defenses are limited by the ABM Treaty.

Let me repeat that. The standard which was used in this legislation and adopted by the Senate Armed Services Committee to define the demarcation line between antiballistic missile defenses which are limited by the ABM Treaty and theater missile defenses which are not so limited by the treaty, is the one, the very one used by the administration at the beginning of the demarcation negotiations in November 1993. That is, a missile defense system which is covered by the ABM Treaty is defined as a missile defense system that has been field tested against a ballistic missile with, one, a range of more than 3,500 kilometers, or, two, a maximum velocity of more than 5 kilometers per second.

Put simply, if a missile defense system does not have a demonstrated field-tested capability to counter intercontinental ballistic systems, it should not be limited in any way by the ABM Treaty. Without this legislation, Mr. President—I acknowledge that the current occupant of the chair was a most valuable participant in drawing up this legislation—without this legislation, Mr. President, the Senate will have no role to play in an international agreement which will impose major new obligations and restrictions on the military capabilities of the United States. This is an issue which is vital to our national security and which can be ignored no longer.

Mr. NUNN. Mr. President, will the Senator yield for a brief question?

Mr. WARNER. Yes. Two sentences, and then I will be happy to yield. We will no doubt debate this issue at length, as we are doing right now. And I welcome the debate, and I urge all to support those who seek to defeat the amendment by our distinguished colleague from Michigan.

I yield the floor.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. I cannot speak for the Senator from Michigan. Of course, he is on the floor to speak for himself.

What I hear the Senator from Virginia say is his main purpose is to protect the theater missile defense systems and to have a demarcation point of definition between those systems and the strategic systems that would be affected by the ABM Treaty. Assuming that is the Senator's main objective, it seems to me we can reach some agreement on this because that is not the language that gives me the problem. I do not think it is the language

that gives the Senator from Michigan the problem. It is all language that basically states we are going to deploy national missile defenses with multiple sites without any negotiation and without any regard to the ABM Treaty, which has nothing to do with theater missiles. That is all strategic and it is all clearly involved with the ABM Treaty.

But if the Senator's main goal is to protect the theater missile defense system and have a demarcation more than a definition, as long as there is some flexibility for the administration so that there is not an absolute ruling out of any administration efforts—because somebody has got to negotiate this demarcation point no matter what we say—if that is the Senator's goal, I agree with him on the demarcation point. I think that is a very sensible point. If that is the Senator's goal, then there is no reason we cannot find a way, whatever happens on the Levin amendment, to deal with this language, because that is not the language we are trying to take out of this bill.

Mr. WARNER. Mr. President, in reply, that is encouraging to hear the views from my distinguished colleague. The Levin amendment, nevertheless, strikes the Missile Defense Act of 1995, which in turn incorporated in the committee markup the Warner provision, which I have just addressed.

Do I understand that there is some thought about amending the Levin amendment to——

Mr. LEVIN. No.

Mr. NUNN. I think the Senator from Michigan stated——

Mr. LEVIN. I want to go through the language of the amendment.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. I thank the Chair and apologize for jumping in without being recognized.

My amendment strikes the language in the bill which commits us to deploy a system which clearly violates the ABM Treaty. It leaves the language about deploying as soon as possible highly effective theater missile defenses. That is in the bill. It is left in the bill. I was surprised to hear the Senator from Virginia say the issue here is whether we want to deploy theater missile defenses. Boy, that is not the language we are after. We left that language in there.

Section 233 says:

> It is the policy of the United States—
>
> (1) deploy as soon as possible highly effective theater missile defenses capable of countering existing and emerging theater ballistic missiles;

We did not touch that. It is the next paragraph we touched. The next paragraph says it is the policy of the United States:

> (2) deploy a multiple-site national missile defense system. . .

Which I am absolutely confident my friend from Virginia will agree that a multiple-site national missile defense system is inconsistent with the ABM Treaty, just as I concede that the ABM Treaty does not prohibit theater missile defenses. It does not and we should proceed to deploy those, and we are.

By the way, General Shalikashvili says the ABM Treaty does not constrain our development of theater missile defenses. He said in his letter to me ''the progress on these programs''—referring to theater missile defenses—''is not restricted by a lack of a demarcation agreement.''

Just as I would be the first to concede, indeed proclaim, that the ABM Treaty does not restrict theater missile defenses, I hope my friend from Virginia will agree that his language in section 233(2) that it is a policy to deploy a multiple-site national defense system that would violate the treaty unless the treaty were amended. We are seeking to try to amend this treaty. Yes, theater missile defenses are not constrained by the ABM Treaty, nor should they be, nor are they. But it is the language in subparagraph (2) that makes it the policy to deploy a multiple-site national defense system which clearly violates the ABM Treaty, which is the first target of the amendment.

So we leave in the theater defense language in subparagraph (1). We do not touch that.

Mr. WARNER. Mr. President, will the Senator address section 238?

Mr. LEVIN. I will be happy to.

Mr. WARNER. That is the provision of the Senator from Virginia, and that is subject to the strike.

Mr. LEVIN. It is the bill that I am addressing in three different places. In section 238——

Mr. WARNER. Mr. President, that is the subject of the amendment of the Senator from Virginia and the subject I just covered in my floor remarks. Looking at the Senator's amendment at the desk, in section 3, it says ''to strike section 238 which establishes a unilateral interpretation of the ABM Treaty and prohibits treaty compliance efforts.''

Mr. LEVIN. Section 238 does establish the dividing line between long-range and short-range missiles. It does it unilaterally, it does it in law. The reason that that is inappropriate is these are the subject of negotiations now, should be the subject of negotiations. If the Duma established a range of 4,000 kilometers for a short-range missile, I think the Senator from Virginia would be on his feet saying, ''What, the Russian legislative body is unilaterally determining what is a short-range system and they said 4,000 kilometers? What is going on? We thought this was the subject of negotiations, this is bad faith. You have a Russian legislative body unilaterally saying 4,000 kilometers?''

Yes, we should not be establishing in law—in law—the demarcation line between the two when two things are true: One is the subject of ongoing negotiations and two, and this is critically important, is that General Shalikashvili told us that the absence of a demarcation line, having been agreed to, is not a constraint on the research and development of the theater missiles that we all support. In other words, it is not constraining us. So for us to prematurely, unilaterally have the Congress say this is the demarcation line between long-range and short-range does great mischief in terms of reaching an agreement with the Russians on a bilateral basis and militarily does not achieve anything for us because the absence of a demarcation line is not constraining the research and development of theater missiles.

Mr. NUNN. Mr. President, will the Senator yield for a brief question and observation?

Mr. LEVIN. I will be happy to.

Mr. NUNN. Mr. President, I think it is important, and I state this only for my own view and the Senator from Michigan can respond. There is a difference in making a finding and saying that this is where the Congress thinks the demarcation line ought to be and passing a line saying this is the way it is. Passing a law knocks out the executive branch of Government, if they sign the law and if it is constitutional, in any kind of negotiation. So you do not even have the ability under this bill, the way I read it now, for the President to say to the Russians or his Ambassador to say to the Russians, this is what the Senate passed. I believe the bill is so sweeping in its denial of executive authority to have any negotiations on this point that I do not think they would be able to inform the Russian Duma or the Russian leadership, Yeltsin and others, as to what the Senate did.

If the Senator wants to say this is where we think the line ought to be, and this is what we believe the administration ought to negotiate with the Russians, and this is what we think the Russians ought to accept, or these are the sensible findings we make, that would be a totally different matter. It is when you put it in law so it knocks out not only the Russians from having any say whatsoever in it, no negotiations, no say, no response, it knocks out even the President and the executive branch.

First of all, I do not think this will become law, but if it does, you will have almost an absurd situation. In fact, there is some language in here that is so broad that it might be interpreted if this became law to preclude the U.S. Senate from even debating it again. It says no Federal official. We are Federal officials, last time I got my paycheck. We are included in that, too. We cannot even talk about it once it is passed.

I think the Senator's language goes much further than the Senator's intent. That is what I think we need to work on, and if we can make findings on demarcation and urge the President forward and urge him to take this position, then I believe we can reach some

consensus. It is the law part of it that bothers me.

Mr. WARNER. Mr. President, if I may reply——

Mr. NUNN. I believe I was to ask a question. That is a question mark at the end.

The PRESIDING OFFICER (Mr. INHOFE). The Chair observes the Senator from Michigan has the floor.

Mr. LEVIN. I will be happy to yield to the Senator from Virginia to answer the question without losing my right to the floor.

Mr. WARNER. The three of us who are now engaged in debate and, indeed, the occupant of the chair and others have been in the briefings on the negotiations of this demarcation issue.

As I said in my remarks, it was the fear that the administration would not come back to the U.S. Senate for ''advise and consent'' that has required this Senator and others to take this action. We cannot sit here knowingly, allowing the administration to go forth with a demarcation which would, in our collective judgment, not be in the best interest of this country, and the only way we would have a means to express that would be through the advice-and-consent procedure. And the administration, very forthrightly, said they would not bring it back. And that is the reason we acted.

Mr. KYL. Will the Senator yield to me for 1 minute?

Mr. LEVIN. Yes.

Mr. KYL. I want to add to the comments of the Senator from Virginia that at least some of us on this side have sent no fewer than five letters to the President on this subject asking to be consulted and advised, suggesting that the administration, frankly, was going too far in these discussions with the Russians and asked him not to do so.

As the Senator from Virginia just noted, one of the reasons for finally putting the language in the bill is that our entreaties have gone unheeded, the administration has gone forward. This is apparently the only way we can get their attention. We had 50 Senators, all Republicans, urging the administration not to go forward, and they did so anyway. That is the reason for finally acting in a legislative way.

I thank the Senator.

Mr. LEVIN. As the Senator from Georgia said, it is very different to give a recommendation to the President, which is one thing. To put into law what we believe the demarcation line is unilaterally, saying that the President cannot deviate from it, and he cannot negotiate even an improvement from our perspective. By the way, this language even goes beyond that. This language literally, when you read it, would prevent an official of the United States from stopping a test which violates this demarcation line by its own terms. In other words, let us assume that we were testing an ABM system against a missile that had a range of 4,000 kilometers. This language says that until it is flight tested, this prohibition is in place. That is what the language says. The Senator from Virginia and I have worked a long time on lots of bills together. But this language violates common sense because you could not even stop a test from occurring, which, by the terms of this bill, violates the ABM Treaty. That is how extreme this language is.

I yield the floor at this point.

Mr. WARNER. I will be very brief. The Senator from Michigan put in a letter of the Chairman of the Joint Chiefs, General Shalikashvili. I wish to put in the RECORD at this point in our colloquy my reply to General Shalikashvili and in the spirit of total fairness, again his reply back to my letter. Clearly, we disagree.

I would like to read one paragraph to the Senator. I said to the general:

> Unfortunately, that is exactly what is happening. Our ongoing TMD efforts—in particular THAAD and Navy Upper Tier—have been artificially limited by ABM Treaty considerations. For example, neither system has been allowed to incorporate space-based sensors because of concerns that the use of such sensors would not be ABM Treaty-compliant. This despite the fact that all of the military experts with whom I have consulted have assured me that we could develop and deploy more cost-effective and technically capable TMD systems if such systems incorporated space-based elements.

Mr. President, that is it, clear and simple. It is right there.

I ask unanimous consent to have those letters printed in the RECORD.

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

U.S. SENATE,
Washington, DC, July 18, 1995.

Gen. JOHN M. SHALIKASHVILI, USA,
Chairman, Joint Chiefs of Staff, Washington, DC.

DEAR MR. CHAIRMAN: This is in response to your June 28 letter to Senator LEVIN concerning the impact of the ''Warner Amendment,'' which prohibits the application of the ABM Treaty to U.S. theater missile defense systems.

I introduced this amendment in April with only one goal in mind—to rapidly provide the brave men and women of the Armed Forces with the most technically advanced, cost-effective theater missile defense systems which the United States is capable of producing. As you well know, over 30 nations currently possess short-range ballistic missiles. The Gulf War demonstrated that such missiles pose a threat to our troops which is real, immediate and growing.

In my view, work on defenses against these missiles should not in any way be constrained by restrictive and erroneous interpretations of the ABM Treaty—a Treaty which was never intended to limit or restrict theater missile defenses.

I was there, General, in Moscow in May 1972 when this Treaty was signed. Further, as Secretary of the Navy, I knew and had access to the people conducting the negotiations and preparing the working papers for those negotiations. I have since—recently—spoken with some of thee people to confirm that short-range systems were not the subject of their work. The ABM Treaty was intended only to apply to strategic, long-range systems. It should not now be stretched to cover the short-range, or theater, systems.

Unfortunately, that is exactly what is happening. Our on-going TMD efforts—in particular THAAD and Navy Upper Tier—have been artificially limited by ABM Treaty considerations. For example, neither system has been allowed to incorporate space-based sensors because of concerns that the use of such sensors would not be Treaty-compliant. This despite the fact that all of the military experts with whom I have consulted have assured me that we could develop and deploy more cost-effective and technically capable TMD systems if such systems incorporated space-based elements. And I might add that this is not a new problem. This course was followed by previous administrations as well as the current one.

My amendment establishes a clear demarcation line between anti-ballistic missile defenses which are limited by the ABM Treaty, and theater missile defenses which are not. The demarcation standard which I selected for my amendment is the one used by the Clinton Administration at the beginning of the demarcation talks in November 1993, and one that was accepted by the Russians at that time. It is a standard which, to my knowledge, has not been disputed by either party to the negotiations.

Contrary to the assertion in your letter, my amendment does not prohibit the Administration from conducting demarcation negotiations with the Russians. Instead, the amendment would, in effect, prohibit the implementation of any agreement which might result from those negotiations which would have the effect of making the ABM Treaty a TMD Treaty. To remain on solid Constitutional grounds, I carefully chose the Congress' power of the purse as the vehicle to ensure that Congressional views on this issue are taken into consideration.

I, and many of my colleagues, have grave reservations about the direction the Administration has been pursuing in the demarcation talks with Russia. It appears that the Administration is intent on concluding an agreement with the Russians that would severely limit the technological development and deployment of a U.S. theater missile defense system. For example, reportedly over the objections of senior military officers, the Administration earlier this year tabled a proposal which would impose performance limitations on our theater missile defense systems, and accepted a Russian proposal to prohibit the deployment of the Navy Upper Tier system—a system that was subsequently deemed to be Treaty-compliant by the DoD. The negotiations are clearly headed in the wrong direction. A change of course is in order.

Your letter mentioned the potential impact my amendment might have on Russian ratification of START II. I might point out that START II Treaty ratification by the Russian Duma is in doubt for reasons having nothing to do with the ABM Treaty or U.S. theater missile defense efforts. Put simply, many Russians do not want to give up their multiple warhead ICBMs, as called for under START II. We must not hold our TMD efforts hostage to Russian threats concerning START II ratification, or any other issue.

While I share your desire to maintain a good security relationship with the Russians, I am not willing to sacrifice vital and legitimate U.S. defense efforts in the interest of that security relationship.

I think you would agree with me that our goal should be to provide our troops with the best defenses that our technical experts are capable of producing. I believe that my amendment advances that goal.

Thank you for your attention.

Sincerely,

JOHN WARNER.

THE CHAIRMAN,
JOINT CHIEFS OF STAFF,
Washington, DC, August 2, 1995.

Hon. JOHN WARNER,
U.S. Senate,
Washington, DC.

DEAR SENATOR WARNER: Thank you for your letter and strong support of efforts to protect US troops from the theater missile threat. The explanation and clarification of the intent and effect of your amendment are sincerely appreciated.

Since the beginning of the demarcation discussions, the first priority of the Joint Chiefs of Staff has been protecting US troops. I share the view that the ABM Treaty was never intended to limit theater missile defenses, and agreed to an initial demarcation approach to the Russians based on the standard specified in your amendment. As you note, the Russians appeared to accept the limiting parameters of 3500 km and 5 km/sec for testing against theater ballistic missiles, but pushed for interceptor performance limits as well.

In June 1994, in an effort to each early, acceptable demarcation agreement, some limits on interceptor velocity were proposed by the United States. As negotiations progressed, a subsequent proposal for an interim agreement which would have deferred some unresolved issues—such as deployment of Navy Upper Tier—was also proposed. The Russians rejected both US approaches.

The May 1995 Joint Summit Statement was an effort to move the negotiations away from technical parameters back to a set of principles which would preserve both the ABM Treaty and our ability to test and deploy needed theater missile defenses. The latest US negotiating position was based on that joint statement and was intended as just the sort of ''change of course'' you suggest.

The Chiefs and I have been fully involved in developing US positions and have never lost sight of our first responsibility to protect US forces. We are unanimous in our commitment to develop and field highly capable theater missile defense systems. While cueing from space-based sensors has yet to be incorporated into those systems, this is currently in our plans.

With regard to broader security issues, the linkage between the ABM Treaty and START II has been stressed repeatedly by the Russians with US military representatives in many fora, including discussions with members of the Duma. While there are, of course, other factors at play in the Duma considerations, one must assume that unilateral US legislation could harm prospects for START II ratification and probably impact our broader security relationship as well.

In closing, the priority goal has been to provide the US Armed Forces with best defenses technical experts are capable of producing. But we also seek to reconcile requirements for protection from theater ballistic missiles with further strengthening of the framework of strategic stability, including strategic arms reduction and the ABM Treaty. We are working to achieve both these goals.

Sincerely,

JOHN M. SHALIKASHVILI,
Chairman of the Joint Chiefs of Staff.

Mr. GLENN. Mr. President, I rise in support of the amendment to strike the missile defense provisions in the bill, because, if passed as is, I think this language will greatly complicate the work of our military and of our diplomats in the years ahead. I have been interested to hear that one of the reasons we have this in the bill, apparently, is because we have sent a number of letters, or some Members have sent a number of letters to the President, and did not get a response. They either got no response or one they did not like, so they decided to put it in legislation.

I can only say that I think taking that kind of action, when the leadership, in negotiating treaties and in seeing they are adhered to, is a function of the executive branch, does not ring very strongly with me, because I can remember—I could probably go back to the files and bring out a dozen or more letters I wrote during the Reagan administration, during those 8 years and during the 4 years of the Bush administration, and I may have gotten responses to some of those but certainly not to all of them. That did not mean to me that I took over what the constitutional powers of the President are and put into law things that would have tried to put my view into law, as opposed to what treaty requirements were or what treaties had been negotiated.

I say further that I think we are, obviously, talking a lot here about the demarcation between theater missile defense and national missile defense. That is a legitimate thing to try and work out. But to take over and unilaterally on the part of the Congress define language that would change the ABM Treaty or have that potential, I think, is wrong. I think we have to tread very carefully when we do that.

I think this could possibly harm our efforts to proceed with nuclear arms reduction, not just with Russia, when we try and negotiate these things with China, Britain, and France. It will raise new threats to the global nuclear nonproliferation regime, especially its cornerstone, the Nuclear Nonproliferation Treaty, NPT. It could establish an extremely undesirable new method for unilaterally reinterpreting treaties, thus setting up a precedent that will obviously be used against us in the years ahead.

I think it could establish programs that would cost us a fortune. It could divert money from military needs that are, in my opinion, much more vital to the country and ultimately leave America substantially no safer as a result. It tramples on the President's constitutional responsibilities as Commander in Chief and as the individual in charge of American foreign policy. In short, I think this would be a very bad mistake for this country.

I would like to begin with a few comments about the general level of partisanship that we have seen from the proponents of these provisions on the ABM Treaty. I hasten to add that I think missile defense should not be a partisan affair. All Americans understand that (a), the national interest may require the deployment of U.S. forces in unstable areas around the world. This bill contains some very undesirable features, I feel, that, if enacted, could greatly complicate the work of our military and our diplomats in the years ahead.

Let me talk about ballistic missile defense. So (a), the national interest may require deployment of U.S. forces in unstable regions around the world; and (b), these forces may be the targets of missile attacks, including missiles delivering weapons of mass destruction; and (c), such forces must be protected. That is something I am sure we can all agree on.

Now, though the committee has approved many of the administration's requested theater missile defense projects, the majority's refusal to yield on several controversial proposals dealing with key missile defense issues gives these proposals the quality of partisan ultimata rather than a sound foundation for policy. In other words, it is either or else.

Similarly, the bill's heavy emphasis on investing in expensive hardware for missile defense detracts from an equally, if not more important, goal: Pursuing means to reduce the numbers and performance characteristics of offensive missiles that may be fired against us in theater conflicts. This goal typically requires significant improvements in export controls, intelligence capabilities, analytic capabilities for the conduct of arms control and nonproliferation verification activities, better coordination between our military and our diplomats and other such means.

The committee, however, is placing inordinate reliance upon technical fixes to counter missile attacks, rather than strengthening efforts to slow our halt of the proliferation of such missiles in the first place. This position is unfortunate, since the latter will ultimately prove to be a better investment of scarce taxpayers' dollars.

With respect to the missile defense provisions the bill does support, many of these would considerably erode the stable consensus that exists to support ballistic missile defense efforts, would jeopardize both antiballistic missile, ABM and START II treaties, usurp the President's constitutional powers with respect to the conduct of foreign relations and the performance of the role of Commander in Chief, or otherwise erode, rather than enhance, U.S. national security.

These conclusions, to me, follow from an examination of the following provisions of the bill: First, the bill mandates, as a statutory policy objective, an action that would violate the ABM Treaty. It establishes a policy of deploying a multiple-site national missile defense network by the year 2003. That is in violation.

Second, the majority places into U.S. law a formal definition of an ABM-permissible ballistic missile defense system. We can justifiably assume, as the Chairman of the Joint Chiefs of Staff, Gen. John Shalikashvili, has warned, any such statutory definition could jeopardize prospects for early ratification of the START II Treaty in the

Russian Parliament and negatively impact our broader security relationship with Russia.

It seems only prudent that before the Congress ventures off with a unilateral interpretation of a major bilateral arms control accord, we should consider very carefully several implications of such an action.

They would include: Is this the type of precedent we wish to establish as a basis for treaty interpretation? Do we want to set an example that can lead the Duma to legislate its own preferred definitions of vital terms of Russia's arms control and disarmament treaties?

In other words, what if the Russian Duma, what if we had word coming through or had pictures on TV this evening on the news that the Russian Duma is unilaterally deciding to put a new interpretation into the ABM Treaty. What would we do? I know what we would do. We would think the whole thing is null and void if they went ahead and legislated preferred definitions of vital terms of Russia's arms control and disarmament treaties.

If Russia deployed enough ballistic missile defense sites containing missiles just falling below the dictated threshold, could they collectively acquire an ability to counter United States strategic nuclear forces? What will be the reactions of China and other powers if the United States moves away from its ballistic missile defense restraints?

I point out that these agreements are hammered out word by word by word over agonizingly long negotiations. The ABM Treaty was no exception to that. To change some of that wording, or to change an interpretation of it unilaterally, means that our word in any other treaty that we might have with any other place around the world—whether China, Russia, wherever—is not going to be looked at as being worth very much.

While the committee majority has raised the specter of structural nuclear disarmament—a term that is supposed to describe our alleged inability to expand our nuclear arsenal in the event of future threats—it ironically ignores completely the effects on our deterrent force of releasing Russia from the treaty obligations that prevent it from acquiring a national missile defense capability.

The Russians are not going to just stand by and see us reinterpret that treaty without feeling free to go their own way. They will no longer be bound by that agreement that was hammered out over a long period of time.

So, if the opponents in the ongoing missile defense debate have their way, and that ''fearsome beast,'' the ABM Treaty, is finally slain, the credibility of America's strategic missile forces would almost immediately be called into question as Russia begins to deploy its own large-scale national missile defense force.

What would prevent them from doing it? Certainly not the treaty that we would have violated at the time. It seems to me, if the majority is truly interested in avoiding this structural nuclear disarmament, as it is called, it should do all it can to ensure that U.S. nuclear deterrent retains its credibility. This is exactly what the ABM Treaty helps to achieve, by barring Russia from creating its own national strategic missile defense system.

The treaty accomplishes this, moreover, without the need for a diplomatically and financially costly expansion of our offensive nuclear capabilities. So-called deficit hawks in Congress today should, therefore, love the ABM Treaty, not revile it. It works to preserve our deterrent and saves plenty of money at the same time. One of the estimates by CBO has indicated that even a partial national missile defense system would cost about $48 billion, at a time when we really do not need it, as testimony and as the letters from the Secretary of Defense and Chairman of the Joint Chiefs of Staff have indicated.

I am afraid our colleagues in the majority, however, have turned a collective blind eye to these considerations. They appear to believe that unilateral United States actions to ensure against our own national missile vulnerability will instantly translate into a safer America and not lead Russia to reduce its vulnerability to our own strategic missile attacks.

In its enthusiasm not to miss an opportunity to bash the ABM Treaty, the majority is urging a course of action that can weaken our nuclear deterrent capability, can stimulate an offensive nuclear arms race, and eventually funnel tens or hundreds of billions of dollars into elaborate strategic national missile defense schemes, none of which, of course, will ever free American citizens from risk of nuclear attack.

The bill seems to enshrine into law what is known as the fallacy of the last move, which holds that any increment in our own security will take place without any detrimental side effects. I lose a lot more sleep over the side effects than I do over the slogan of ''structural nuclear disarmament.''

The Oklahoma City and World Trade Center bombings, coupled with the Tokyo gas attacks should serve as a sobering reminder that weapons of mass destruction can be delivered by a variety of means other than missiles. It does not mean we are not concerned about missiles. We are. Furthermore, our intelligence officials have repeatedly testified the United States will not face a new missile threat until sometime in the next century.

The Director of the Defense Intelligence Agency, Lt. Gen. James Clapper, testified before the Select Committee on Intelligence last January: ''We see no interest in or capability of any new country reaching the continental United States with a long-range missile for at least the next decade.''

We should not permit a fixation with delivery systems to distract our attention from the important goal of halting the proliferation of nuclear, biological, and chemical weapons.

Third, the majority voted down on a straight party vote a proposal by Senator LEVIN to ensure that America's theater missile defense systems will not be given strategic antiballistic missile capabilities, a proposal that was essentially a restatement of existing law, existing law under the ABM Treaty.

Fourth, the majority insisted on almost doubling the size of the administration's request for national missile defense projects, despite the majority's complete inability to identify any new foreign threat against which such a defense would be directed.

I do not believe that a highly conjectural North Korean missile threat to the Aleutian Islands sometime in the 21st century is sufficient grounds for America to abandon the ABM Treaty. I doubt North Korea will even manage to survive as a country by that time. It may not, anyway.

Furthermore, there is a fundamental contradiction in the majority's willingness to write a blank check on behalf of national missile defense and yet apply the sternest possible accounting standards for the more modest sums that we authorized elsewhere in this bill to such programs as humanitarian assistance and foreign disaster relief.

I would add, the systems we are talking about have yet to be invented. We made some progress in setting up systems, or doing some research in years past, but to mandate at this point we will have any of these systems by the year 2003, which is what is in the systems we are proposing here, is wishful thinking. Some of the claims under star wars were made back some years ago. I talked to the people at the Pentagon who were working in these areas, who had some confidence in those systems, or said they did. I thought some of the claims were so preposterous I went out to some of the laboratories where work was going on on the so-called star wars system. The scientists who were working on the systems out there almost laughed about some of the claims being made on star wars at that time. It was not just a matter of having the money to deploy, to cut the hardware and deploy it. We had not yet invented the systems. Yet we are talking about now we can set up a national missile defense system, just a partial one, for $48 billion, with equipment that has yet to be invented and certainly should not be deployed on a timetable between now and the year 2003. Within 8 years, we are supposed to now have this and it has to be deployed. And that is ridiculous.

Star wars before was talking about deformable laser mirrors, 12 feet across, that could take lasers of a power not yet invented, and focus it on a spot out there several hundred miles in space the size of a golf ball. At least

the first step would be to focus it on a mirror in space that could be deformed, then focus it in turn on a spot the size of a golf ball several hundred miles away on a missile coming up at a changing rate of speed, and keep it focused on that area. We do not have the computer capacity nor the technology yet developed to enable us to do some of those things that were claimed years ago.

Now we are saying we have some different systems. But those systems are anything but proven and are anything but systems that should be set up on a time schedule that would have to be in place by law by the year 2003.

What do we think the Soviets would be doing all this same time? I know what the Duma would probably do, our counterpart over there in Russia. The Duma probably is going to say, OK, if all bets are off on the ABM Treaty, then the very first thing we are going to do is put all the coordinates back in on American targets we just took out of our missiles in agreement with the Americans, back just a few months ago. To me, that would be very silly if we did anything that might lead them into that kind of activity.

Yet, if the Russians were doing the same thing we are debating here today, I can guarantee the first thing I would be doing on the floor would be demanding we put their coordinates back in our missiles if they were advocating abrogating the ABM Treaty and deploying a missile defense system that neither side thought we needed to deploy.

Much has been written about the dangers of new isolationism as a foreign policy doctrine. Its companion in defense policy I guess would be called a fortress America. Nothing is more reflective of this doctrine than the current bill's fundamentally misguided policy approaches on nuclear testing and the ABM Treaty.

So I am still hopeful a new bipartisanship will emerge in the years ahead, however, behind policies that reflect a greater awareness of the costs of a modern national defense, a greater sensitivity to international reactions to U.S. defense actions, greater appreciation of the unexploited potential that lies in creative international solutions to security problems, and a greater emphasis on preventing proliferation rather than trying to manage it. If we abrogate the ABM Treaty or put language in here, in this legislation, or permit language to stay in that allows the Duma, in its own right, to start reinterpreting the ABM Treaty, then I do not see any option but what we are into an arms race again. Just as we spent probably most of the past decade taking some of those dangers down, reducing our arms, taking the targeting out of our missiles and the Soviets took it out—the Russians took it out of their missiles, I think we are in danger of reversing this whole direction, this trend that has been set in place over the past 10 years, and to cope with a threat that is not out there, by the best testimony we have from the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, and spend a lot of money in the whole process, $48 billion for a very limited defense system that will not be a full national missile defense. It would be, basically, a missile defense that covers five States.

So I support the change proposed by the Senator from Michigan. I hope our colleagues will look at this very, very carefully. If we are to put into law something that encourages the ABM Treaty to be questioned and the Soviets to have less confidence in the American willingness to abide by that treaty, I think we will have made a drastic mistake in the Senate of the United States.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

ORDER OF PROCEDURE

Mr. DOLE. I will just take a minute. I want to see if we cannot get agreement on time here. We have been on this amendment since 11 o'clock. I have been listening to people ask for time agreements. We are not even close to a time agreement.

This bill is dying on the floor. This may be a very important amendment, but we intend to complete action on this bill by tomorrow night or I do not see when it comes up again. Because Friday—Saturday we will do appropriations bills, maybe one or two appropriations bills. Maybe late Saturday afternoon we can start on welfare reform, and then late in the week take up the defense appropriations bill.

If we want to pass the DOD bill we have to have cooperation. If we do not want to pass it, I assume we can take 6 or 7 hours on this amendment. It has been 2½ hours.

Is there any indication, any willingness to enter into a time agreement at this point? The Senator from Michigan——

Mr. LEVIN. If that is addressed to me, we are very willing to enter into a time agreement. Two Senators who wanted to speak have already spoken. There is one now who says he is willing to give up his time. I am adding it up and I will come up with a figure in about 2 minutes, now.

Mr. DOLE. I will just wait until the Senator adds it up. If we do not get it now, it may be another hour.

TITLE 31

Mr. KYL. Will the majority leader yield so I may make an announcement on behalf of Senator THURMOND? This is a very important announcement for all Members of the Senate. Senator THURMOND and Senator DOMENICI propose to offer a substitute amendment to title 31 of Senate bill 1026. This amendment contains numerous changes. In order to allow all Senators an opportunity to review it, copies of the amendment will be available in the Senate Armed Services Committee.

I thank the majority leader for yielding.

Mr. NUNN. I believe, if I may just add to the statement of my colleague from Arizona, that is the energy section of the bill that has been worked on for 2 or 3 days.

Mr. KYL. That is correct.

UNANIMOUS-CONSENT AGREEMENT

Mr. DOLE. Mr. President, when the Senator from Michigan adds the time there, we may want some time on the other side of the amendment. Hopefully not as much. I do not think it would take as much.

Mr. LEVIN. We need 1 hour and 50 minutes on this side.

Mr. DOLE. Say 2 hours on that side, and 1 hour on this side? So we could vote, then, by maybe 4:30, depending on how much time we use? I do not think we need 2 hours on this side. I just want to get the time agreement.

If there is no objection, let me propose this consent agreement.

I ask unanimous consent that there be 3 hours on the Levin amendment prior to a motion to table, to be divided 2 hours for Senator LEVIN or his designee, 1 hour for Senator THURMOND or his designee, no second-degree amendments or amendments to the language proposed to be stricken be in order prior to a failed motion to table, and any second-degree amendment or amendment to the language proposed to be stricken be relevant to the first-degree amendment, and that following the conclusion or yielding back of time, Senator THURMOND or his designee be recognized to table the Levin amendment.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Mr. President, reserving the right to object, and I do not intend to object, did the unanimous consent preclude second-degree amendments?

Mr. DOLE. No, not until after a motion to table, if it is not tabled.

Mr. LEVIN. It would be open to second-degree amendments which are relevant.

Mr. DOLE. That is correct.

The PRESIDING OFFICER. Is there objection?

Mr. EXON. Reserving the right to object, I would hope we are about to be in a place where we could agree to this. I heard the leader say that there would be no second-degree amendments. Now I understand. I was not clear.

If I understand correctly, the amendment offered under the unanimous consent agreement by the majority leader, if we agree to this time agreement, as he has just spelled out, there would be no allowable second-degree amendment to the Levin amendment until after a tabling motion.

Mr. DOLE. That is correct.

Mr. EXON. After a tabling motion, then a second-degree amendment would be in order.

Mr. DOLE. That is what we have done here the last several times.

Mr. EXON. I have no objection.

Mr. LEVIN. Reserving the right to object for one more moment, in the

event that it is not tabled, then in the event more second-degree amendments are offered, there is not in this unanimous consent any time limit on those second-degree amendments.

Mr. DOLE. That is true. This only refers to this amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, under this time agreement I would like to yield myself 20 minutes, and I ask to be notified when that 20 minutes has expired.

The PRESIDING OFFICER. The Senator is recognized.

Mr. KYL. Mr. President, since the Senator from Ohio just spoke in favor of the amendment, I thought I would take some of our time to speak in opposition to the amendment.

It seems to me that the arguments in favor of the amendment boil down to three: First of all, variations of the theme of the ABM Treaty is relatively sacrosanct; second, we have to do everything possible to avoid riling the Russians, doing something they may not like; and, third, that we should not limit the power of the President.

Let me discuss each of those arguments in turn. First of all, regarding the 1972 ABM Treaty, I think it is important to recognize that the ABM Treaty has, since its inception in 1972, been under the process of negotiation. There have been discussions going on between our two countries almost throughout that period of time. So the fact that we may be talking about making changes in it is nothing new, and it has never been interpreted as a breach or an anticipatory breach of treaty for the United States to be stating that we want to change a particular part of the agreement. As a matter of fact, the original ABM Treaty called for two national ballistic missile sites, not one. That was amended to one site. And one of the things that is being called for in the underlying legislation here is multiple sites.

I think almost all of us would agree that it does not make sense for us to deploy an ABM system in this country if we cannot have multiple sites. It just will not be effective. So that is our stated policy in the legislation. That is nothing new. It is nothing that the Russians should get excited about. As a matter of fact, I am not even sure what their position would be. I would not be surprised at all if they would agree that multiple sites are appropriate. So I do not think that is a big problem with the policy stated in the bill for multiple sites.

The second point under this first argument is that demarcation, as called for in legislation here, does not violate the ABM Treaty. As a matter of fact, the administration has already been demarking what is appropriate testing for a theater ballistic missile system, and has already been discussing that with the Russians.

Bob Bell, former staff member of the committee, a prominent specialist at the National Security Council, told the National Defense University that, ''We have already reached an agreement with the Russians that you can shoot at a target that goes 5 kilometers per second and not have it captured as an ABM.'' The problem here is, of course, that the negotiations that the administration has been engaging in went further than that, and accepted, at least temporarily, Russian demands that the proposed demarcation also include a speed limit on the United States' interceptor of 3 kilometers per second, which would in effect dumb down our system to the point where it would not be as robust as we would want it to be.

The point here is that you cannot argue demarcation per se is a violation of the ABM Treaty. The administration has done it. That has been policy. The question before us is whether or not we will in legislation demark that limit at which we can test our theater ballistic missile system since it has never been a part of the ABM Treaty. I think that is an important point for us to make. Again, the ABM Treaty only limits strategic systems. It does not limit theater systems.

All the demarcation in the Warner language does is to define the level of testing that can be engaged in for theater systems. There should not be anything wrong with that. The administration has already engaged in demarcation. As a matter of fact, in a speech before the National Defense University, again referring to Bob Bell, he ably explained that this question of identifying the demarcation between ABM and TMD has been an issue for as long as the treaty has been around, and, as a matter of fact, it has changed. One of the things he said is, what is a TMD and what is not a TMD goes back to the ratification hearings and the negotiations themselves.

During the Senate hearings on the ABM Treaty in 1972, then-Director of Defense Research and Engineering, Johnny Foster, was asked by Senator Proxmire, ''Where is the line? Where is the distinction between the two?'' He said, ''If you shoot a missile interceptor at a target that goes faster than 2 kilometers per second, that is an ABM.''

Of course we all know that demarcation is unacceptable today. That is the point. Technology changes. It has been 23 years since the ABM Treaty was adopted.

What we are trying to do in this legislation is to keep up with the times. As a matter of fact, our own Defense Department has made the point that the treaty has not kept up with the times, and the gentleman who is now the CIA Director, John Deutch, has made the point that the treaty, the ABM Treaty, constrains us in ways that technology should not anymore. And, as a result, it seems to the committee—and it seems to me—that it is important for the United States to draw this demarcation so that we can test the systems that we could ultimately deploy against theater threats.

Why is it important to have the language in the bill? Because the administration in effect proposes to dumb down our TMD. And that is the problem. In both the Patriot system and the THAAD system earlier, we dumbed them down. The reason the Patriot could not be any more successful in the gulf war was because of decisions made right after the ABM Treaty that in effect preclude the use of certain sensors to enable it to be more robust.

We have done the same thing with the THAAD system in taking out certain software and making certain hardware changes that precluded it from being as robust as it otherwise would be in meeting these threats. We cannot do this anymore. And we should not dumb down our TMD system.

Our demarcation language in the bill merely proscribes tests against strategic missiles, as I said, and that enables us then to continue to test the theater system in a way that would make it effective against future threats.

Let me quote, as a matter of fact, from General Shalikashvili. He has been quoted before. Let me first of all quote a January 3 memo to Deputy Secretary of Defense John Deutch. Here is what he said General Shalikashvili said:

> The United States should make no further concessions and even start thinking about rolling back the U.S. negotiating position.

The reason that General Shalikashvili, I believe, made that statement is because he understood that the position that Bob Bell had negotiated with the Russians that I referred to earlier was as far as this country should go; that if we went any further, we would arbitrarily be putting limits on our theater systems in ways that we should not do. That would make them less capable of meeting future threats. That is why he said at that time that we should make no further concessions and even start thinking about rolling back the U.S. negotiating position.

That is the real position of General Shalikashvili. That is the position which is embodied in this legislation, to make no further concessions with regard to this demarcation.

Finally, with respect to this argument that the ABM Treaty is sort of sacrosanct, I want to make this point. There is no anticipatory breach in the bill at all because, of course, there are two specific conditions. No. 1, there can be amendments to the ABM Treaty. That is all we are suggesting should eventually occur here. But it is suggested that maybe the Russians will not agree with the policies stated in the bill, and they will not agree to those negotiations or to our position.

The United States can always withdraw from the ABM Treaty after having given 6 months' notice if that is

deemed to be in the interest of the United States. So should we deem it to be in the interest of the United States to act in ways that the Russians would deem inimical to continuation with the ABM Treaty, they can either negotiate or the United States can step out of the treaty. The bill itself does not violate the treaty.

I want to make that point crystal clear.

There is some notion that has been seeping into this debate that somehow there is still a cold war going on here.

The cold war is over. The Soviet Union, with whom we negotiated the ABM Treaty, is no longer even in existence. The threats that the theater ballistic missiles are designed to thwart are not necessarily threats emanating from the Soviet Union or now Russia but, rather, are threats coming from countries like North Korea and Iraq and Iran, and countries of that sort.

Therefore, we cannot be proscribed from acting against those threats because of an ABM Treaty with the Russians. We need to proceed to develop theater missiles that can protect the United States, protect our forces deployed abroad, and protect our allies against these theater threats, whether they come from Iran, Iraq, North Korea, or whatever. So the ABM Treaty really ought not to stop us from doing it.

The second point is that it would cause the Russians to react negatively. It would not be a reason for the United States to forego actions which are clearly in our national interest. The argument that is being made here is the same argument that was used against the Reagan initiatives that in fact today are credited with ending the cold war. Maybe the Russians will react badly to this. Well, as it turned out, by taking bold action, we were able to win peace through strength. The cold war is over because of the initiatives we took and because we did not listen to those who said the Russians might react badly to this if we do it. So I do not necessarily think that is a good argument.

I again refer to the now CIA Director, John Deutch, on the ABM Treaty. In some respects, the technology has exceeded the limits of the ABM Treaty, and we have to go forward with the technology to protect ourselves not just from Russian threats but from threats around the rest of the world. And the problem of waiting for the Russians to agree is that this is no longer a bipolar world and we have these other threats to be concerned about.

It is also, I think, an important point to make that the Russian Duma is not likely to ratify the START II Treaty in any event, and this is clear from a variety of things that come out of Russia. So to suggest that the action we take here is going to prevent Russia from ratifying the START II Treaty is not relevant.

Chairman of the Duma's Foreign Relations Committee, Vladimir Lukin said:

> We need big money to carry out these reductions [in START II], and we don't have it. We do not want to ratify this treaty and then not be able to comply with its terms. We will have to wait until we see how to pay for our promises.

That is the reason—or at least that is one of the reasons—nothing to do with what we are talking about today.

Others suggest that ratification should be tied to other international issues.

The Speaker of the Federation Council, their upper chamber, Vladimir Shumeyko, said:

> We closely link [START II] ratification with the overall situation existing between Russia and NATO. . . We consider the perseverance of NATO as a stumbling block to our cooperation in the era of disarmament and advancement on the road to peace.

And still others see START II as inimical to Russian interests. Viktor Ilyukhin, chairman of the State Duma Security Committee, said:

> If this treaty [START II] is fully implemented, the United States will almost double its superiority, while the damage to Russia's national security will be unrecoverable.

There are many more quotations that I could cite.

The point is there are a lot of reasons why a lot of Russians do not want to ratify the START II Treaty. It is not because of what we are doing in this legislation here today.

Finally, let me just refer to this notion of anticipatory breach. If we are going to use that legal doctrine here, we also ought to refer to the equitable doctrine of clean hands.

I will not take the time here to recite the numerous instances of Soviet and Russian violations of treaties that we have negotiated, but they are numerous. And in some respects we have chosen to ignore those violations because we believe that it is important to continue the dialog and to keep the process moving. But the fact is it would be anomalous for the Russians to consider that a policy we state today that in no way involves a violation of the treaty is some kind of a big deal when they are in violation of a variety of treaties, and should my colleagues desire we can put that information in the RECORD.

The final argument that is given as a reason to support the amendment of the Senator from Michigan is that the language of the bill ties the President's hands. What we do here is two things. We call for a study to determine what the administration should negotiate relative to the ABM Treaty. We are not saying what the administration has to negotiate. We are saying let us have a study and pick those areas where we want to make a change. One of them I think is going to be clear. We should not go forward in this country to deploy a national defense missile system at one site. That would not make sense. So one of the items clearly is going to be let us ask the Russians to negotiate this multiple site. That is the only way we should deploy a national system. And I do not see what the problem with that is.

In the meantime, we are saying let us not use defense funds to continue, the administration should not use the 050 account to continue to make concessions to the Russians on matters that ought to be either the subject of further negotiation or at least the administration ought to come to the Senate to discuss them with us.

That is the final point I wish to make here. We have been trying for months to get the administration to work with us. That is what advice and consent is all about. And it is true that there are prerogatives of the administration that are important to be protected, and I do not want to step on those. But it is also true that the Senate has prerogatives. We have the right of advice and consent, and thus far the administration has generally ignored the position that at least those of us on this side have taken. What we are asking in this legislation is that you not go any further—in fact, we are demanding that the administration go no further in the direction of making further concessions to the Russians in ways that would limit our ability to develop our theater systems which can be used not just against Russians but against other potential threats; that they do not do that; that they not use defense funds for that purpose. That is why we are saying it is important for us to be talking to the administration.

If the administration wants to get together with us and talk about what they can do, if they want to submit the changes to the Senate, then well and good. So far that has not been the administration's position.

So with regard to the argument that we are stepping on the administration's prerogative, I would just note that the administration has been ignoring the Senate and its advice and consent prerogatives, and it is time for us to be giving a little advice and asking for the ability to consent to what the administration is doing.

Mr. President, the bottom line here is that the Armed Services Committee came up with a very good bill, and I wish to commend the chairman of the committee, Senator THURMOND, who is here; Senator LOTT is a member of the committee; Senator WARNER made an excellent statement here this morning in opposition to the amendment of the Senator from Michigan, and I believe that it would be in the best interests of the United States for this body to agree with the Armed Services Committee to vote down the amendment of the Senator from Michigan.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. I will be happy to yield 20 minutes to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I have been listening and waiting very patiently for my turn to make some remarks on this matter. I had hesitation about the unanimous-consent agreement because this is one of the most important matters, if not the most important matter in my view that I have been a part of in my 17 years in the Senate.

Notwithstanding the desire to move on briskly, I simply say that I hope, regardless of political affiliation, we will all take a very close look at what we may be about to do unless the Levin, et al, amendment, of which I am proud to be an original cosponsor, is passed.

I have been listening to the Senator from Arizona and his rather interesting remarks, and during those remarks the Senator from Arizona mentioned the names of several very prominent administration officials, including Bob Bell at the White House, National Security Council. He mentioned the present CIA Director, the former second man at the Department of Defense. He mentioned the Chairman of the Joint Chiefs of Staff, General Shalikashvili.

I simply want to say that I am not indicating the Senator from Arizona has misrepresented any of the statements that those individuals have made, but I have checked, while the Senator from Arizona was addressing the Senate, with Bob Bell at the White House. Bob Bell tells me that, notwithstanding the name dropping, all of the individuals mentioned by the Senator from Arizona to substantiate his position of being against the Levin amendment is not shared by anyone in the administration including each and every one of the officials mentioned in support of his argument by the Senator from Arizona.

This is a tremendously important matter. My judgment is that this should not come down to a party-line vote.

I am afraid it is going to be a party-line vote. Maybe if we can just reach a few Republicans. I would guess at this time that we would not lose more than one or two Democratic votes, two at the most, on this side of the aisle, maybe none, which means that we Democrats are talking to five, six or seven of our Republican friends asking that they look very closely at this before they vote against the Levin amendment.

I thought it was rather ironic a couple hours ago while I was on the floor at that particular time there were four Senators on the floor. There was Senator NUNN, for whom I have great respect and with whom I have worked closely for 17 years; there was the chairman of the Armed Services Committee, my dear friend, and no one has more respect in this body, in the view of this Senator, than my friend STROM THURMOND from South Carolina; there was JOHN WARNER, who came to the Senate the same time as this Senator. And the four of us happened to be here on the floor.

There have been many very important statements made and, I thought, well thought out by Members on both sides of this issue. It is an issue that may not be clear-cut in some people's minds. For 17 years, I believe, on national defense matters I have stood hand in hand with the Senator from South Carolina, the Senator from Virginia and others. I do not know that we have been very far apart, if far at all, on many issues. I can include Senator LOTT, a Member of the Senate that I work very closely with; Senator LEVIN; and others.

I simply say that we are at a point where I do not feel it is fair to indicate people are in bad faith on that side of the aisle on the matter. I just hope they will listen to the pleas that we are making on this side. Maybe a good way to put it is, I think they know not what they do. They are not badly intentioned. I think they know not what they do.

To put this in perspective, I would like to ask a question of the Senator from Michigan on this matter that may put this in some kind of perspective as far as this Senator sees it. Notwithstanding the protestations to the contrary, if the Levin amendment is not adopted, I feel that we have gone a long way down the road to disrupt some of the advances that have taken place over the last few years with regard to downplaying the role of dependence on nuclear devices. It is this Senator's feeling—and I am wondering to what degree this is shared by my friend and colleague from the State of Michigan. Senator LEVIN and I came here at the same time. We have sat side by side on the Armed Services Committee. We have generally agreed. And I would generally include him in that group of bipartisan Senators, Democrats and Republicans, that have worked hand in hand on critical defense matters.

Without losing my right to the floor, I want to ask Senator LEVIN this question: If your amendment striking basically the references to the ABM Treaty fails, it is the opinion of this Senator that such action, if your amendment fails, will probably end any chance of finally completing in a successful fashion the implementation of the START I treaty. In all likelihood, further, it will scuttle any chances of cooperation to obtain ratification of the START II treaty and then further eliminations of the number of nuclear warheads that were planned to follow on beyond that. I think it drives a stake through the heart of the Nuclear Test Ban Treaty. I think it certainly would do great harm to any chances that we have with regard to the nonproliferation treaties that we are interested in. And last and certainly not least, I would think this action very likely would go a long way to maintain a conventional forces understanding in Europe meaningful from the standpoint of seeking some form of stability in the world. All of these things, I think, have a very grave threat of extinction if we proceed in the fashion that the ABM Treaty language that the Senator from Michigan is trying to strike as it came out of the committee remains.

Mr. LEVIN. The Senator is right. In my view and, even more important by far, in General Shalikashvili's view when he says in his letter to Senator WARNER, the following:

> With regard to broader security issues, the linkage between the ABM Treaty and the START II has been stressed repeatedly by the Russians and U.S. military representatives in many forums, including discussions with many Members of the Duma. While there are, of course, other factors that play in the Duma consideration, one must assume that unilateral U.S. legislation could harm prospects for START II ratification and probably impact our broader security relationship as well.

And it is that broader security relationship that I think my good friend from Nebraska is referring to. And I do agree with his assessment of the impact. But again, our top military officer agrees, our Secretary of Defense agrees, our Secretary of State agrees with that assessment.

Mr. EXON. I thank my friend from Michigan. Let me summarize, if I can, some of the overall problems that I see with this measure that I partially addressed in remarks this morning.

The way this came out of the committee it attacks the limits of the Nunn-Lugar proposal that has been responsible for the safe and accountable disarming of over 2,500 former Soviet Union warheads. It cuts the Energy Department nonproliferation arms control and verification funding. It recommends reconstituting our nuclear weapons manufacturing complex at untold billions of dollars, while at the same time advocating the resumption of U.S. nuclear weapons testing. This last committee initiative is contrary to U.S. policy, and it is designed to scuttle ongoing comprehensive test ban negotiations and any prospect of reaching a treaty agreement.

I will have some more to say about this later on as we go into other particular issues under consideration in this bill. Let me simply say, though, I am concerned with the tone and the substance of the bill and the level of micromanagement placed on the Pentagon and the Department of Energy is unprecedented and harmful to our Nation's standing in the international community. Many of the committee initiatives are driven by a desire to defend against a superpower threat to U.S. security that simply does not exist. At the same time, when one-time enemies are now allies and the world community is committed more than ever before to the peaceful resolution of conflicts, the committee bill is at odds with the reality and the strong

need of amendment before it can properly serve our Nation's security interests. At a time when American leadership in the world community is strongly needed, we cannot be viewed as a nation living in the past, jousting with our imaginary dragons in order to lay claim to the mantle of being strong on defense. We are a strong country, the preeminent military power of the world by far. But we must also be forward looking and recognize that it is in our national interest as well as the interest of other nations to encourage arms control and alliances based on collective security. It is unfortunate that some feel more comfortable in an adversarial environment than in one based on cooperation and lowering of superpower antagonism.

Like a beehive, the world in 1995 has the capacity to be both dangerous and peaceful. And handled properly, the hive can be benign and capable of producing sweet honey. If agitated, however, it can become hostile and threatening. The defense authorization bill in its present form is a sharp stick ready to be jabbed into the hive. The design and intent of the bill is to agitate the world community to the ultimate detriment of ourselves. This is not the time in history to rekindle the rhetoric of the cold war. I urge my colleagues to support the amendment that will correct these and other self-defeating elements of this flawed legislation.

Mr. KERRY. Mr. President, a defense bill must meet threats, real threats, not shadows or ghosts of threats disappeared.

Our military leaders and our intelligence services have properly identified the threats our Nation faces.

They have come before us and told us what threats we face.

We have ignored much of their counsel and drafted a bill addressed to the realities of yesterday and a dark view of a possible future tens of years away.

This provision if enacted will take a step toward abrogating the anti-ballistic missile treaty, scuttling the START II Treaty, and launching us back into the arms race of the cold war.

This bill includes many weapons systems designed to match a missile threat from the Soviet Union that does not exist. Due to the diligent efforts of former President Bush, President Clinton, our diplomats and Senators like Mr. NUNN and Mr. LUGAR, we have been able to substantially curtail that threat, to destroy hundreds of the missiles that used to be aimed at our nations, and to divert the targeting of the others that still remain.

Since 1991, the Nunn-Lugar program has helped the states of the former Soviet Union to destroy their weapons of mass destruction and reduce the threat posed by proliferation of these weapons. This program remains an example of concise policy designed to meet an identified threat and has significantly improved our national security.

We cannot stress to the appropriate degree how important arms control efforts have been to our national security. Today, as a result of bipartisan efforts from different administrations, Russia is planning to eliminate 6,000 nuclear warheads that formerly were directed toward our Nation. That is far more than any national missile defense could hope to destroy.

It would be a shame if the other provisions of this bill caused this progress to be in vain.

Therefore, I reject the provisions in this bill that if enacted will most likely resurrect an arms race between the United States and Russia.

By unilaterally deciding what the ABM standard is in regard to missile interceptors, the Senate would disrupt the negotiating process currently underway. Not only is this an unwarranted intrusion into the normal working of foreign policy, this provision dangerously increases the risk that the ABM and other weapons treaties will be abrogated completely by the Russians.

Later this year the Russian Duma was to vote on the ratification of START II. After they see the provisions in this bill regarding the ABM treaty, and realize how we plan to have a missile defense system that could theoretically counter an attack on the United States, the incentive to destroy the thousands of weapons called for in START II will be greatly diminished.

Regardless of what we tell them, the Russians will logically be thinking, why destroy our missiles when we may need them to get through a U.S. missile defense system?

Though its proponents claim this measure will protect us from a change in Russian policy, this measure will only further destabilize our relations and cause the hardliners in Russia to question our commitment to START II.

We would be throwing away a chance to destroy literally thousands of nuclear weapons on the faint hope that we can build an impenetrable missile defense system.

To justify the national missile defense system now when the Soviet threat is gone, the supporters of this bill are countering the views of our professional military and intelligence personnel and telling the American people a threat exists elsewhere when in fact it does not.

The supporters of this bill say that North Korea, Iran, Iraq, or Libya now have or will have shortly the ability to launch a missile that can reach our shores. That is simply not the case.

The report to this bill specifically notes the possible threat from the North Korean Taepo Dong II missile, which the report claims may have the range to hit Alaska. Since this weapon is in development, we do not in fact know that this missile will be capable of that range. But with North Korea in such dire straits economically and the growing possibility of its opening, with reunification with the south increasingly likely, should we spend billions on a missile defense system that probably won't work to counter a threat that may never exist?

Our professional military and intelligence personnel, the people who have the training, the knowledge, and the access to the most sensitive of information to judge these threats, say there is no threat from any indigenously developed missile for the next 10 years. Yet the supporters of these provisions do not believe those who know the most about this subject.

This presumed threat does not justify spending the tax money of American citizens on unproven and untested anti-ballistic missile defense.

This bill adds $300 million this year toward a national missile defense system. In 1993, the GAO reported that the cost of such a system would total $35 billion and a CBO estimate from earlier this year pegged the cost at $48 billion. As we know from past estimates, these estimates would probably be low.

The bill calls for the deployment of this system even though it is unproven and untested.

Under the most likely of scenarios, the nuclear umbrella this would create would be a leaky one that fails to completely protect our Nation if the nonexistent threat were to become real. With nuclear, chemical or biological weapons, anything less than 100 percent certainty will not suffice.

One clear lesson from history is that in military affairs, those who concentrate their efforts on defense are bound to fail. In the 1930's and 1940's France felt secure behind the Maginot Line. Their defensive posture was outwitted and decimated by a German Army dedicated to the offensive. When it comes to threats to the United States today, the means chosen to deliver a weapon of mass destruction would very likely be something other than a missile. It may be a cliche that the best defense is a good offense, but it is also true. We should look to counter any incipient threat from rogue nations through a robust offensive capability.

If someone is intent on attacking the United States, they need not be rocket scientists to figure out our Nation's vulnerabilities. Why spend millions of dollars on missiles whose launch we can instantly trace and respond to with enough devastating force to destroy an entire civilization? No, our potential adversaries would most likely seek the path of least resistance. The delivery system posing the greatest threat is the rental truck, not a ballistic missile. We face that real threat through offensive actions against rogue nations and terrorist groups.

We can support and focus our offensive capability through intense intelligence activities, so our policymakers and military commanders know most about what countries or groups are developing weapons of mass destruction, delivery systems, and the characteristics and locations of these systems. Next, the full diplomatic and economic

powers of our Nation can be used to counter the threat that may develop. Then, if the developers cannot be dissuaded in peacetime, the weapons themselves can be destroyed either preemptively or in war.

I have heard other Senators state that the United States is vulnerable to an accidental ballistic missile attack. The truth is, the situation today is the same as it has been for 30 years. We have managed to survive this long because governments have stressed proper security and operating procedures for these terrible weapons. Nations understand the gravity of a mistake when nuclear weapons are involved. That is why the launching of one of these missiles involves so many intricate, redundant steps with multiple built-in safeguards.

Yes, Murphy's law is true. Accidents can happen. But to have an accidental ballistic missile launch, several accidents must occur. Several redundant safeguard systems would have to fail all in the proper sequence at the precise moment, not just multiple failures of equipment but also multiple failures of human judgment, communication, and authority.

I am no statistician, but I bet the likelihood of all that occurring simultaneously is far more remote than other Senators have led the public to believe. It would be far more likely that an interceptor missile in the national missile defense aimed at a moving target would miss its mark. The threat of an accidental ballistic missile launch toward our shores does not meet even the lowest threshold to qualify as a legitimate threat.

Again, I say to my colleagues, we need to have a rational assessment of the threats our Nation faces. And the threat we face from a Russia with several thousand more nuclear weapons is far greater than the threat from a Russia that abides by the START II agreement.

Mr. EXON. I ask unanimous consent that Senator KERREY be listed as a cosponsor.

The PRESIDING OFFICER (Ms. SNOWE). Without objection, it is so ordered.

Mr. EXON. I ask the Chair how much time is remaining of the time assigned to the Senator from Nebraska?

The PRESIDING OFFICER. Six and a half minutes.

Mr. EXON. I reserve the remainder of my time.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LEVIN. Madam President, I ask unanimous consent that at this time, I be allowed to yield in this order: 8 minutes to Senator SIMON; 15 minutes to Senator KERRY; 8 minutes to Senator BINGAMAN, and that they be recognized in that order.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Illinois.

Mr. SIMON. Madam President, it was just a few days ago when Senator BYRD, in the middle of a series of votes, was acknowledged for his 14,000th vote in a row. He got up and, among other things, he said there is a growing and excessive partisanship in this body.

I was on the subway this morning with Senator LUGAR, and some young eager student asked me what was different from when I came here. I said, ''The body, the Congress as a whole, is more partisan than it used to be.''

I mention that because if we end up with a straight party vote on something as vital to the future of our Nation as this is, we have not done our two parties a favor. I think the Levin amendment is extremely important to the security of our country.

If we just decide we are going to abrogate the ABM Treaty on our own, we are going to interpret it the way we want to, and that is what this amendment calls for, we are going to raise fears all over the world. We are going to be playing into the hands of the Russian hardliners. No one should misunderstand that for a moment. If we pass this bill without the Levin amendment, the Russian hardliners are going to say, ''We're going to have to stop this elimination of nuclear warheads. We're going to have to move in the other direction.''

Unilaterally to say this is what the ABM Treaty is going to be—and among other things in this bill it says, no U.S. official, presumably the Department of Defense, can discuss with any other country what the ABM Treaty means. That is a restriction on freedom of speech, among other things, that is unwise.

What we have is the present course where we are gradually reducing the nuclear threat, the arms threat in the world where we have moved from the great threat being nuclear annihilation, to the great threat being instability around the world, and we are going to move to a world where the threat is both instability and a nuclear threat.

Our present course reduces the nuclear danger. I happen to think we are spending way too much on arms. We are spending more than the next eight countries combined. If you take a look at the 1973 defense appropriations and add the inflation factor to it, we are spending more today than we were in 1973. That is when the Berlin wall was up, that is when we were in Vietnam, that is when we had almost twice as many troops in Europe.

I think some sensible reduction in arms expenditure is desirable and, frankly, I think even the high number requested by the administration would not be there but for the sensitivity of the President, because he was not part of the military, he does not want to look like he is antimilitary. But this $7 billion increase is just unwarranted.

On top of that, to say we are going to just unilaterally decide what the ABM Treaty means, on top of that to escalate the nuclear threat, I think, just does not make any sense at all, and it is going to waste billions and billions and billions of dollars in addition to increasing the threat to our country.

If this bill passes in substantially the present condition, then I think the President of the United States has no option but to veto it, and I will strongly urge the President to veto it.

We have to move away from an arms race. This bill, without the Levin amendment, increases the probability of an arms race.

Madam President, I yield whatever time I may have left to Senator LEVIN.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 15 minutes.

Mr. KERRY. Thank you, Madam President.

Madam President, I want to congratulate the Senator from Michigan and also thank the Senator from Illinois for his comments with respect to this amendment. It seems that some of our colleagues in this body, in the wake of losing the former Soviet empire and the monolith of communism as targets of their opposition, now have lost their compass. They seem unsure of where to direct their energies and our taxpayers' money, and so are struggling to find another opponent at which to throw this Nation's treasure—regardless of the costs or risks entailed.

The Soviet Union has ceased to exist, and we are well into implementation of the START I Treaty limiting nuclear weapons and on our way to a START II Treaty to dismantle strategic delivery systems and further limit nuclear weapons.

So we are on a course where the compass clearly points toward reduction in the number of nuclear weapons present in our world, toward the reduction of risk to our citizens and our society itself from an aggressor's attack, toward the control and reduction of weapons, and, indeed, toward the creation of stability in our world's political equation.

As all of us who grew up in the 1950's and 1960's understand, nuclear deterrence is built on the concept of mutually assured destruction. ''They'' can destroy ''us,'' ''we'' can destroy ''them,'' so neither chooses to destroy the other because nobody knows what would be left.

In effect, that has maintained a state of rough peace—even if an uneasy peace—since the end of World War II. Certainly there have been surrogate wars and smaller skirmishes and client-state struggles around the globe, but the great nuclear powers have never seen fit to attack each other because of the belief that the damage that would be returned would be unacceptably great.

Now, in 1995, we are no longer faced with Soviet expansionism, a Soviet desire to exploit every conceivable Western weakness, and, in every way short of initiating an all-out conflict, a Soviet desire to achieve and maintain the

advantage in every competitive situation. We no longer stare across the North Pole at thousands of Soviet nuclear warheads targeted on America's cities, its industrial and military facilities, and its governmental and social lifelines. Yet in the bill that is before the Senate today, we have a provision that unilaterally abandons—and, I would argue, effectively nullifies—one of the critical ingredients that has brought us to the point where the compass is pointing in the right direction.

The Antiballistic Missile—or ABM—Treaty is a keystone to this arms control progress—which already has made huge contributions to the security and safety of our Nation and its people, and offers the promise of even greater safety and security in the foreseeable future.

The bill brought before the Senate by the Republican-controlled Armed Services Committee establishes as our national policy that we will have a national missile defense system at ''multiple locations,'' which violates the ABM Treaty. It says that we will develop defense systems against theater ballistic missiles without regard to the ABM Treaty restrictions. It prohibits our President from even negotiating on this subject. It prohibits any interference with TMD missile testing that is self-apparently illegal under the ABM Treaty which our Nation signed and this very body ratified.

The bill before us unilaterally obliterates the ABM Treaty, Madam President.

Anyone who understands the history and psyche of the Russian people knows that they adamantly insist on realistic means of defending their nation. Fundamental to their willingness to enter into arms control agreements, and to continue to abide by them, is a requirement that their strategic weapons systems be effective in order to serve as a real deterrent to aggression against their nation, and an effective means of retaliation if that deterrence fails.

If the United States moves ahead unilaterally to build a system that can defend successfully against their strategic forces, we undo a delicate balance, and in the process almost surely destroy the willingness of the Russian nation to continue to honor arms control agreements that further damage their side of the balance-of-power equation.

Madam President, nuclear deterrence is already tricky enough. But it really has always rested on each nation's perceptions of the others' forces and of the threat that is poised against it. We hold the upper hand with respect to that today, relative to every country on the face of this planet.

Today, to break out of the ABM Treaty, or signal our intention to do so, is to invite a return to the days of suspicion and countersuspicion, and far more dangerously, to invite a diminishment of the stability of our current world order. It is not perfect, of course, but I think few would argue with the assertion that it is better than it was for the 40 years between 1949 and 1989.

We do not attack each other, because we know to do so would be to beg the ultimate destruction. But if we develop a capacity to knock down anything that could be sent at us, we have changed the threat perception—the perception of whether a balance exists—changed it in our own mind, and changed it for those who are our adversaries.

Changing the threat perception or the perception of whether a balance exists initiates the very hopscotching process that is the simple history of the entire cold war. We detonated the first atom bombs; the Soviets followed. We detonated the hydrogen bomb; they followed. We put long-range bombers in the air with nuclear weapons; they followed. We developed intercontinental ballistic missiles; they followed. We developed long-range submarines with ballistic missile capability; they followed. We developed multiple independently-targeted reentry vehicle or MIRVed nuclear warheads; they followed. Every single major episode of the cold war consisted of a first effort by the United States to develop technology that would give us an advantage. In every case, the Soviets responded by countering that advantage. After the Berlin wall fell, finally it became evident that this was an insane and vicious circle, consuming precious resources in our Nation and bankrupting the Soviet Union—in more than one respect.

But now, at long last, that threat has receded. The Soviet Union is no more. And the threat of ballistic missile attack of the United States is virtually nil—and will be virtually nil for many years.

Only Russia and China today can reach the United States with a nuclear warhead carried on an ICBM. All our intelligence agencies agree that there is no significant threat of such a missile attack today from either of those nations. Russia, while one must respect the military power still at its disposal, including intercontinental ballistic missiles, is not in any wise prepared to engage our Nation in an armed conflict. China has some strategic ballistic missile capability, but not anywhere close to enough to initiate a war with the United States. We are the only remaining superpower.

And our intelligence community further agrees that no other nation will be able to develop the ability to hit the United States with ballistic-missile-conveyed weapons of mass destruction for a minimum of 10 years.

Let me share with my colleagues an excerpt from the prepared statement of Lt. Gen. James R. Clapper, Jr., Director of the Defense Intelligence Agency, to the Senate Select Committee on Intelligence at a public hearing on January 10 of this year on the threats faced by our Nation. General Clapper said, in part:

> We see no interest in or capability of any new country reaching the continental United States with a long-range missile for at least the next decade.

Then-Acting Director of Central Intelligence Adm. William Studeman, in response to questions asked at that same hearing, replied that

> No new countries have emerged with the motivation to develop a missile to target CONUS and the four that we previously identified—North Korea, Iran, Iraq, and Libya—are at least a decade away.

The administration, the Secretary of Defense, and the Secretary of State are all opposed to the missile defense and ABM provisions of this bill. Let me share the Secretary of State's letter with the Senate. In a letter to the ranking member of the Foreign Relations Committee, he says:

> I am writing to you to express my deep concern over certain provisions in S. 1026. Specifically, it contains missile defense and ABM Treaty-related provisions that raise serious constitutional foreign policy and national security concerns. Unless these provisions are removed or modified, I will oppose this bill.
>
> If enacted into law, the provisions related to missile defenses and the ABM Treaty would put the U.S. on a path to violate the ABM Treaty by developing for deployment a non-compliant, multi-site, National Missile Defense by the year 2003. Such a program is unnecessary and would place the START I and START II treaties at risk.

I know that the Secretary of Defense also has opposed these provisions.

Successive administrations, this one included, have supported the continued viability of the ABM Treaty as the best way to preserve and enhance our national security.

Madam President, I ask unanimous consent to have the entire letter printed in the RECORD.

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

THE SECRETARY OF STATE,
Washington, DC. August 2, 1995.

DEAR SENATOR PELL: I am writing to you to express my deep concern over certain provisions in S. 1026, the Senate's National Defense Authorization Act for FY 1996. Specifically, S. 1026 contains missile defense and ABM Treaty related provisions that raise serious constitutional, foreign policy and national security concerns. Unless these provisions are removed or modified I will oppose this bill.

If enacted into law, the provisions related to missile defenses and the ABM Treaty would put the U.S. on a path to violate the ABM Treaty by developing for deployment a non-compliant, multi-site National Missile Defense (NMD) by the year 2003. Such a program is unnecessary and would place the START I and START II Treaties at risk.

Successive Administrations have supported the continued viability of the ABM Treaty as the best way to preserve and enhance our national security. Not only has it been critical to preventing an arms race, but it has also made possible the extraordinary progress that both Republican and Democratic Administrations have made in reducing strategic offensive arms. Our allies, including Britain and France, also view the ABM Treaty as crucial to strategic stability and the viability of their own independent nuclear deterrents.

Another provision seeks unilaterally to impose a solution to the on-going negotiations with the Russians on the ABM/TMD demarcation. By prohibiting the obligation and expenditure of funds to implement Article VI(a) of the ABM Treaty according to any interpretation except the interpretation specified in the bill, the bill would infringe upon the President's exclusive responsibility for the execution of the law and would impair the conduct of foreign relations consistent with U.S. treaty obligations.

Further, such actions would immediately call into question the U.S. commitment to the ABM Treaty, and have a negative impact on U.S.-Russian relations, Russian implementation of the START I Treaty, and Russian ratification of the START II Treaty. This would leave thousands of warheads in place that otherwise would be removed from deployment under the two Treaties, including all MIRVed ICBMs such as the Russian heavy SS–18.

There is no need now to take actions that would lead us to violate the Treaty and threaten the stabilizing reductions we would otherwise achieve—and place strategic stability at risk. We have established a treaty-compliant approach to theater missile defense that will enable us to meet threats we may face in the foreseeable future—and one that preserves all the benefits of the ABM, START and START II Treaties.

I hope that you will join with me to ensure that future generations enjoy the benefit of these treaties and remove these provisions that place these benefits at risk.

Sincerely,

WARREN CHRISTOPHER.

Mr. KERRY. Madam President, we do not need to abrogate the ABM Treaty in order to defend against a threat that does not exist, and will not exist for at least 10 years. Indeed, there are many things that we can do while remaining in full compliance with the ABM Treaty to prepare a defense, should the decision be that such preparations are warranted and their cost is justified. And we always retain the option, under the terms of the treaty, to withdraw from the treaty under its terms, or to negotiate modifications to the treaty if the Russians will agree to our objectives.

I might add, respectfully, that there are other ways to respond to a perceived threat that do not require building $40 billion systems that we do not even know will work when they are completed. We could use permissive action links; we could be negotiating harder with the Russians, and others, to take steps to prevent any kind of accidental launch; we could pursue the activities supported by Nunn-Lugar program funding, including strengthening Russian government controls over their nuclear weapons, safely and surely dismantling surplus nuclear weapons and delivery systems, and preventing technicians from transferring dangerous technologies to rogue states; we can provide for integral systems that literally destroy a missile before it is launched if someone tries to fire it without authorization.

Indeed, under the terms of the ABM Treaty, we already are allowed to develop an antiballistic missile defense system in one location, and we started to do some years ago in Grand Forks and then we decided it was too expensive and we gave it up.

But that is not the course this bill takes, Madam President. The missile defense and ABM provisions of this bill are an exercise in sheer lunacy. This is an attempt to create from thin air a reason to continue the numbingly expensive defense systems that the demise of the cold war has made superfluous—while simultaneously threatening the tremendous progress we have made in reducing the threat to our people from nuclear weapons.

The effect of this bill is to jettison the current, real, demonstrable protections of the START I and START II Treaties in exchange for spending a minimum of $40 billion to develop a system to attempt to defend our Nation against ballistic missiles—an entirely theoretical system that may or may not function as designed.

There are some Senators who have argued that we must be prepared, even if the risk is small and distant, for the possible threat of a potential aggressor nation developing and choosing to use against the United States a ballistic missile carrying a weapon of mass destruction. Others have said that the biggest risk is that some rogue nations may purchase such systems from either Russia or China. Mr. President, the fact is that if such nations wish us ill, and choose to act on those wishes, there are far less expensive, far faster, far easier, and far less technically complicated and failure-prone ways to wreak ill on the United States—ways against which a national missile defense system would be powerless to defend.

Should a rogue nation, for whatever reason, choose to pursue development and fielding of a ballistic missile system capable of reaching our Nation, that capacity is so far down the road, so prone to detection, and so capable of being preemptively neutralized if necessary, that the world should not shudder at the notion that we are somehow defenseless.

The main threats to our Nation today are from terrorists rolling bombs, nuclear or conventional, into our cities in cars or trucks, or carrying them in suitcases. Or cruise missiles launched from offshore. These are threats that the $40 billion-plus national missile defense system either cannot defend against at all, or against which the system could defend only incompletely.

The biggest threat of all, Madam President, is one right before our faces. It is the very same threat with which we have lived for the duration of the cold war, and which we finally reduced dramatically and are reducing further by the arms control treaties which are constructed on the bedrock foundation of the ABM Treaty. Trashing the ABM Treaty will rekindle the strategic/nuclear arms race with Russia, because even in its current condition of economic distress, Russia will do whatever is necessary to ensure it has an effective deterrent and retaliatory capability. Russia, at a minimum, will retarget its ICBM's and SLBM's on American cities, industries, and military installations. It will stop retiring and disassembling nuclear warheads and delivery systems. The progress toward a safer world that was so painstakingly and painfully achieved over two decades by Presidents of both parties would be demolished. Surely, in a world that lacks the Soviet empire, in a world where we do not have the same kind of threat we have lived with for the last 50 years, we do not have to turn around and create a new arms race.

Let us review the effects of this provision of the bill: In one sweeping movement, we are effectively demolishing—unilaterally—a treaty to which our Nation is a party and which this Chamber ratified. This action simply ignores procedures to withdraw legally from a treaty we determine no longer is in our best interests.

We are countenancing in law the known, deliberate violation of U.S. law.

We are pushing Russia to cease abiding by the terms of START I and halt progress to implementation of START II.

We are tying the hands of our President in terms of negotiating arms control agreements.

And we are launching this Nation on the course of spending a minimum of $40 billion for an untried, untested missile defense system that will not protect against the greatest threats of attack on this Nation.

The people of this Nation have long ago concluded that we in the Congress often make decisions and laws that make no sense to them. The provisions of this bill that pertain to missile defense and, in particular, to the ABM Treaty, result from fanning the flame of an irrational fear built on a fiction—a fiction with which none of our senior intelligence community officials agrees, and that has no basis in our foreign policy history, in our arms control history, or in current threat analysis. If the Senate approves these provisions, it will take one of the most outrageously nonsensical steps it has taken in my 11 years of service here.

I strongly support the amendment of the Senator from Michigan in deleting the offensive language from this bill. I believe Senate adoption of his amendment is absolutely essential. Without approval of this amendment, I will vote against this bill and urge all Senators to do the same. I will join with other Senators to urge the President to veto it—a step he already has indicated he expects to take if these provisions are not acceptably modified.

I believe this bill is destined for the trash heap if the amendment is not approved. I hope it will be approved by an overwhelming vote.

Mr. BINGAMAN. Madam President, I opposed this bill when it was being considered in the Armed Services Committee. The main reason I did so were the

provisions in the bill entitled the Missile Defense Act of 1995.

I believe these provisions will do this Nation's security more harm than good, by ensuring that START II will not be ratified by the Russian Duma.

Madam President, I am not going to repeat the analysis which Senator LEVIN, Senator NUNN, Senator EXON, Senator KERRY, and various others have already made about the specific provisions that the Levin amendment would strike. They are clearly the most provocative of the provisions on missile defense that the bill contains and the ones that are most certain to incite the Russians to react.

I would like, however, to ask my colleagues how we, here in this Senate, would react if the Russian Duma passed a defense bill that contained the following provisions: First, how would we react if the Russians adopted a provision that committed Russia to deploy a multisite antiballistic missile defense by the year 2003, with an interim capability by the year 1999, which constituted an anticipatory breach of the ABM Treaty and that added hundreds of millions of dollars in ruble equivalence in order to pursue that goal.

How would we react here in this Senate if the Russians adopted a provision that revived a space-based missile defense program, in the hope that it would allow Russia to dominate space in the long run, while providing a second layer of missile defense for that country?

How would we react here in this Senate if the Russians adopted a provision that unilaterally resolved the theater missile defense demarcation line at a point that would clearly make the American theater missile defense systems beyond Patriot violations of the ABM Treaty in Russia's view?

How would we react here in this Senate if the Russian Duma adopted a provision that limited President Yeltsin's ability to retire strategic weapons systems before START II is ratified by the U.S. Senate?

Finally, how would we react in this body if the Russians adopted a provision that proposed to resume hydronuclear testing with yields up to hundreds of tons of TNT, which is a level that is not usually associated with the term hydronuclear.

Madam President, if that bill were to pass the Russian Duma, the din on this floor would be deafening. Member after Member would stand up and declare that the right wing had won the internal political controversy in Russia, that the cold war was back on, and that in light of this deeply provocative attack by the Russian Duma, ratification of the START II Treaty was out of the question.

I am certain that at least 34 Senators here would dispatch a letter to the President declaring their opposition to START II, and demanding a defense supplemental bill be submitted to the Congress so we could react to what has happened.

Now, of course, if we do this sort of thing, in this defense bill that we are now considering on the floor, I presume the expectation is that the Russians would not be similarly provoked.

Madam President, I do not buy that assumption. The one thing that the Russian industrial base could effectively compete with us on is fabricating nuclear weapons and missiles. Some of that base is in the Ukraine and would have to be revived in Russia.

I, for one, do not want to take the chance that the extreme provisions in this bill will reignite the arms race. I, for one, do not want to subscribe it a double standard in our dealings with the Russians, now that the cold war is over.

The extreme and provocative actions by our so-called ''conservatives'' in this bill, in my view, will undoubtedly play into the hands of those who consider themselves conservative from a Russian perspective—those, in many cases, in Russia at least, who are bent on unraveling START II and other arms control efforts.

The only thing that is attempting to be conserved by this transnational alliance would be the cold war.

Madam President, I urge my colleagues, as many others have this afternoon, to support Senator LEVIN's effort to strike the most extreme provisions of this bill. If they are not struck, I trust that the President would veto the bill. I hope that is not necessary. I hope that we can act appropriately on this amendment and this bill can be improved to an extent that the President could sign it. Thank you. I yield the floor.

Mr. THURMOND. I yield 10 minutes to the distinguished Senator from Maine.

Mr. COHEN. Mr. President, in sitting here in the past few moments listening to the debate, I am somewhat surprised at the level of rhetoric that is currently being used.

We heard Senator after Senator get up and say this declaration in the DOD authorization bill is one to violate the ABM Treaty, or to signal our intent to do so. They say this is a unilateral abrogation of the treaty against a fictional threat.

I point out to my colleagues that nothing in this bill calls for the abrogation of the ABM Treaty. Nothing in this bill calls for us to violate the treaty.

Fictional threat? I wonder how our supporters on the other side feel about the fictional threat that was launched against the state of Israel? What if the state of Israel had no defensive systems? What if they had no Patriots to defend against the Scud missile?

I wonder how many would take the floor and say it is tough luck that they are out of business. All we had to have is a few Scud missiles carrying chemical warheads land in Tel Aviv or Jerusalem and wipe out their populations. They had no defensive mechanism available against it.

We are talking about something quite different in terms of ICBM threats. I recall the debate on the threat from Iraq, during the debate on the Persian Gulf war. I remember those citing estimates by our CIA and our DIA and other intelligence agencies at that time. They said, we cannot give you an estimate. It could be 1 year, it could be 10 years, and we are guessing it is closer to 10 years than 1 year.

Following the war with Saddam Hussein, I think we came to an entirely different conclusion. We discovered that Saddam had achieved much greater progress toward that goal than we had been aware of.

Members on the other side say this should not be a partisan issue. Why is it that every time the Republican majority suggests a policy, it is partisan, but when everybody on that side lines up and vote against it, it is not partisan.

This is not a partisan issue. It ought to be bipartisan. We ought to say, as a body, that we are concerned about the proliferation of technology—missile technology—in the world. We are concerned when we see major powers selling technology to potential enemies. We are concerned when we see China, for example, selling technology to other countries that may pose a threat to us in the future. We ought to be concerned about the proliferation of technology that one day—and we cannot predict when that one day will be—will pose a threat to our population.

Now, admittedly, if we were to engage in a war with the former Soviet Union, that would not involve a limited attack or an accidental launch against us. That would be a massive exchange, against which there is no defense.

I am one who, at different times over a number of years, has stood on this floor opposing the notion of having a so-called dome over the United States to protect us from an all-out attack. I never believed it was possible to do so and led the effort to defeat spending money in pursuit of that kind of system.

But I have also stood on the floor with the Senator from Georgia, Senator NUNN, when he expressed concern about limited attacks, about accidental launches, about what we would do if suddenly received a message stating: ''Sorry, some accidental launch has taken place. There is an ICBM headed for New York City or Washington, DC, or Los Angeles,'' and all we can do is wait for it to hit?

We are talking about constructing a system that will protect against a limited attack or accidental launch and nothing more, and it is all to be done in accordance with the ABM Treaty.

The ABM Treaty as originally written called for multiple site defenses, two sites for each side. We renegotiated that treaty—at that time with the Soviets—to one site. Now we are saying, in view of the proliferation of technology, we ought to renegotiate it to

allow each of us, the Russians and the United States, to have some minimal capability to protect our respective countries against an accidental launch or a limited attack. We can do that within the ABM Treaty.

The ABM Treaty explicitly anticipates ''changes in the strategic situation'' and provides a means to negotiate amendments to deal with such changes. It also allows for us to pull out of the ABM Treaty upon 6 months' notice.

Following what I hope will be the defeat of the Levin amendment, I intend to offer an amendment—perhaps joined by the Senator from Georgia, perhaps not—to make it clear that we intend to act in accordance with the ABM Treaty. We intend also to call upon the President to seek to negotiate with the Russians to allow each side to develop and deploy a limited system to protect our respective countries against this proliferation threat. And if the President should fail to do so, it will be my recommendation that the President come back and report to the Congress and then seek our advice as to whether or not we should continue with the ABM Treaty or at that time should indicate our desire to withdraw.

That is all within the ABM Treaty. And contrary to what is being represented here on the floor this afternoon, we are not seeking a unilateral abrogation. I do not want to see that. I hope, later on during the course of this afternoon, I can make that very clear with explicit language that will resolve any doubts about that. We want to continue to act in accord with the ABM Treaty. The ABM Treaty allows us to negotiate to seek amendments. We want to see if we cannot negotiate with the Russians to allow for a deployment on a land-based system with multiple sites—and the Russians would have the same right to do so—to protect us against miscalculation or accident.

Madam President, there is an assumption in all of this debate that somehow the threat will only come from the former Soviet Union. I do not make that assumption. We are concerned about what is taking place on a global basis. We are concerned about potential threats from other sources. We cannot predict who they are, where they may be, or how far along the line of technology development they have proceeded. But we cannot face our constituents in good conscience and say: ''Sorry we failed to take any measures to protect you. Our only defense is to launch an all-out attack on whomever launched that missile.'' That is our only option today. Is that a rational, sound option, to say if you launch one or two missiles against the United States, we end up launching ours against yours?

What we need to do is to have a limited protective system. That is what the Armed Services Committee seeks to do in this authorization. I intend, following the debate and conclusion of the Levin amendment, to offer an amendment to make that very clear.

Madam President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Madam President, I will just yield myself 1 minute and then I will yield to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, the language of this bill which we strike says it is the policy of the United States to deploy a multiple site national missile defense system. A multiple site national defense system is not allowed by the ABM Treaty. Period.

It also says we should negotiate. That is great. But it is very precise, and we tried to get these words out in committee and we failed. I am very glad to hear from the Senator from Maine he does not support abrogating the treaty and he will offer language making it clear we want to stay inside the ABM Treaty. That is what my amendment does. That is precisely what my amendment does, is to strike the language which says that it is the policy of the United States to deploy a multiple site system—which violates the ABM Treaty.

There is one other provision in here. The Senator from Maine talks about, ''We should negotiate,'' and I surely agree with him on that, too. It is stated right here in language which the amendment will strike, if it succeeds, that it is the sense of the Senate the President should cease all efforts to modify or clarify obligations under the ABM Treaty.

So while the Senator from Maine, in a way that I fully support, says he thinks we should negotiate changes in the ABM Treaty, the bill has language, which the Levin amendment will strike, which says that for 1 year pending this study the President should not seek to modify, to clarify obligations under the ABM Treaty.

So I think the amendment which the Senator from Maine says he will oppose actually gets exactly at the language which I believe he basically will oppose as well, at least from the statement he gave this afternoon on the floor, that is to make it clear we are not now going to declare we are going to violate the ABM Treaty. The purpose of the Levin amendment is to strike the language in the bill that says we are going to violate the ABM Treaty. It is clear, as you can read it. ''It is the policy of the United States to deploy a multiple site system.'' That is what is not permitted by the ABM Treaty. That is the language, specifically targeted, rifleshot language that we seek to remove from this bill.

Now I will yield to the Senator from Massachusetts 15 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 15 minutes.

Mr. KENNEDY. Madam President, I yield myself 10 minutes.

Madam President, I listened to the interventions of my friend and colleague from Maine and the response from the Senator from Michigan, Senator LEVIN, about whether the provisions in question effectively abrogate the ABM Treaty. I would like to refer to the committee report which I believe gives us an answer. The report reads, ''The committee acknowledges that many of the policies and recommendations contained in the Missile Defense Act of 1995, if implemented, would require relief in one form or another from the ABM Treaty.''

It cannot be much clearer than that. This language, agreed upon by the majority of the members of the committee, acknowledges that many of the policies and recommendations contained in the Missile Defense Act of 1995, if implemented, would require relief from the ABM Treaty.

It is the purpose of the amendment of the Senator from Michigan to remove those particular provisions that would require such relief. Those who oppose his amendment want to maintain the provisions in the Missile Defense Act of 1995 which effectively will emasculate the ABM Treaty.

There is no question—certainly there was no question on the minds of any of the members of the Armed Services Committee—as to what was intended, and the Senator from Michigan has outlined in careful detail those parts of the ABM Treaty that are inconsistent with the provisions included in this bill. So we should be under no illusion about what was intended by the majority of the members of the Armed Services Committee and what the remedy will be if the amendment of the Senator from Michigan is accepted.

Madam President, during the course of the debate on the issue, some on the other side have argued that we need to build and deploy a national missile defense to protect our citizens against the accidental and unauthorized launch of Russian nuclear missiles. The Defense Department has looked at this matter. It is not a new issue. It is not a new argument. It is a matter that was considered and has been considered in its various forms over recent years in the fashioning and shaping of the START I, START II and the ABM treaties. During that consideration, the Defense Department determined that the best way to defend our Nation against accidental launches is to do two things: first, reduce the number of nuclear missiles in the Russian arsenal, thereby reducing the likelihood of an accidental launch. Republicans understood that. President Nixon understood it when he advanced the ABM Treaty. President Bush understood it when he advanced the START I and START II treaties. The Joint Chiefs of Staff and the various Secretaries of Defense and State understood it as well.

There must be some new revelation that has come over the members of our committee to undermine that very

basic and fundamental concept embraced by Republicans and Democrats, Presidents, Secretaries of Defense, and members of the Joint Chiefs of Staff. They agreed that the most important thing that can be done for the security of the United States was to achieve nuclear arms reductions. These agreements were initiated and supported because Presidents over a long period of time believed that they were in the interest of the security of the American people, and of the nations of the globe.

The Missile Defense Act would undermine these achievements, the successful arms reductions negotiated in START I and START II. We have been warned of that. The Chairman of our Joint Chiefs of Staff and the Secretary of State have outlined the statements, comments, and conditions of Russian leaders that indicate they would not go forward to ratify START II if the ABM Treaty is abrogated.

Before taking the second step to protect our Nation against the unauthorized or accidental launch of nuclear missiles one must understand that the Soviet Union is not our adversary and that it is not our ally. We can expect one form of conduct from our adversary and another from our ally. But the Soviet Union is neither.

So the Secretary of Defense and the Joint Chiefs have recognized a second step, which they have put into practice, that will be further undermined if the Levin amendment is not agreed to, and that is to work cooperatively with the Russians to assure firm command and control over our respective forces. For example, in 1994 we reached the nuclear detargeting agreement with the Russians. We agreed that our nuclear missiles deployed in silos or on submarines would not be targeted against each other—an important step.

The Russian missiles are not targeted against us today. I do not want to see them retarget their missiles on our territory because they have additional concern about the United States breaking out of the ABM Treaty. Our friends on the other side cannot guarantee that. We cannot, as supporters of the Levin amendment, guarantee it. But we can say with some degree of predictability that the arguments for changing that policy of retargeting and increasing instability are further advanced by the defeat of the Levin amendment.

We agreed in 1994 that we would change the targeting of our missiles both on land and on the seas, and, in that way, if there were an accidental launch of a Russian nuclear missile, it would not land on United States cities but harmlessly in the ocean. We achieved this important agreement through cooperative discussions, not by mandates such as those included in this particular proposal that would mandate the President's negotiating position on the demarcation between theater missile defenses and strategic defenses. We get it through cooperative methods, not by sending bulletins to the Russians. We did it through cooperation, and it has worked and is working, and we are safer and more secure today because of that.

How are we going to make similar progress if there is no cooperative relationship with the Russians? How are we going to do that? We have not heard an explanation of how cooperation will continue if this bill is not amended. Once again, the key to United States-Russian nuclear safety is maintaining the productive relationship we have struck since the end of the cold war: to continue with the START reductions and cooperative threat reduction efforts. And the best way to protect Americans from unauthorized and accidental launches of Russian missiles as maintained by the Defense Department is through cooperative measures, not through active defenses.

There are two efforts—continued reductions in strategic nuclear weapons and the Nunn-Lugar cooperative threat reduction programs—that we must ensure will continue. There is no question that there would be serious damage to these efforts if we allow this bill to put cooperative ventures at risk.

Finally, Mr. President, in the committee report on this bill, there is the discussion in the section on the Missile Defense Act that states that in the near term, national missile defense deployments serve to stabilize mutual deterrence by reducing prospective incentives to strike first in a crisis.

That has been an issue that has been debated by Republicans and Democrats for as long as I can remember, for as long as we have been talking about strategic nuclear weapons. That was the argument when we were looking at star wars, and it has been resurrected even with the changed world conditions.

I have great difficulty understanding the logic behind this point. If we were to deploy a national missile defense, we would be degrading the effectiveness of the Russian offensive missiles. And as anybody who follows strategic nuclear policy understands, any time you degrade the effectiveness of a nation's missiles, you shorten the fuse on those missiles in a time of crisis, you increase the incentives for the other side to strike first.

Mutual deterrence remains as the ultimate guarantor of our safety from nuclear attack. There are ways to make deterrence more stable and more secure. That is through negotiation of arms reductions and negotiations on command and control agreements that improve the safety of U.S. and Soviet nuclear arsenals.

I believe that is the way to go, and all of those efforts will be advanced by the acceptance of the Levin amendment.

Madam President, I strongly support the amendment to save the Anti-Ballistic Missile Treaty from unilateral abrogation, which would be the result if this bill is enacted in its present form. Since the United States and the Soviet Union signed this landmark treaty in 1972, it has been the cornerstone of United States nuclear arms control policy. By insuring that nuclear arsenals remain effective deterrents, the ABM Treaty has brought stability to the nuclear relationship for the past quarter century.

Unilaterally discarding the ABM Treaty would severely undermine the cooperative United States-Russian strategic relationship. Just as the United States is beginning to reap the greatest rewards from the strategic nuclear policy constructed on the foundation of the ABM Treaty, many Members of Congress want to throw it all away.

The START I and START II accords, signed by President Bush, would verifiably eliminate three-quarters of all the nuclear weapons ever pointed at the United States. Through the Nunn-Lugar cooperative threat reduction Program, the Russians are actually accepting United States help to dismantle their nuclear weapons, a situation that none of us would have dared imagine only a decade ago.

The bill's provision is a clear and present danger to the ABM Treaty. It would turn United States-Russian cooperation into mistrust. We would be discarding tangible present advances in arms control for the illusion of future security through a national missile defense system that will cost billions of dollars above and beyond the huge defense burden we already carry in this era of deep budget cuts.

The only way that opponents of the ABM Treaty could develop a rationale in support of the offending provisions in this bill is by misrepresenting the nature of nuclear threats to the United States in the post-cold war era, the value of the ABM Treaty today, and the need for building and deploying strategic defense in the near future.

Five transparent myths underlie the case for building national missile defenses and abrogating the ABM Treaty. Once the myths are exposed, the case for abrogating the ABM Treaty crumbles.

Myth No. 1 is that the ABM Treaty is a cold war relic whose value disappeared with the demise of the former Soviet Union, so that we can abrogate the ABM Treaty at no cost to United States security.

The cold war may have ended, but nuclear deterrence still remains as the centerpiece of U.S. nuclear security.

The end of the cold war and the relaxation of military tensions between the United States and the Soviet successor states have not made the ABM Treaty obsolete. The nature of nuclear weapons and their massive destructive power has not changed. No matter how much the opponents of the ABM Treaty wish it were otherwise, effective mutual deterrence is what keeps Americans safe from nuclear war.

Today, 6 years after the fall of the Berlin Wall and nearly 4 years after the breakup of the Soviet Union, the relationship between the United States and

Russia is in transition. Russia is no longer our adversary, but it is not our ally either. Although we see no apparent tensions that could lead to nuclear conflict, prudence dictates that we structure our remaining nuclear arsenals to achieve the most stable nuclear deterrence possible.

The end to the hostile relationship allows us to cooperate much more extensively than in the past to solidify and stabilize nuclear deterrence at much lower levels of nuclear weapons. Over the past 6 years, we have managed to use this change in the relationship in a way that leaves deterrence more stable, and the American people safer than at any time since the beginning of the cold war.

Consider the progress we have made in recent years. In 1991, President Bush and President Gorbachev signed the START I Treaty. Two years later, President Bush and President Yeltsin signed the START II Treaty, which will reduce the number of Russian nuclear warheads pointed in our direction from 10,000 to 3,500.

In addition, through cooperative initiatives, the so-called Nunn-Lugar programs, we are working with the Russians to assist them in dismantling their nuclear warheads, thereby substantially reducing the Russian arsenal's threat to the United States and substantially reducing the likelihood that nuclear weapons will end up in the hands of renegade regimes or terrorists.

The ABM Treaty is the indispensable foundation for these steps. Abrogating the treaty would jeopardize all of these important advances, and endanger the future of United States-Russian nuclear relations.

Some argue that the ABM Treaty is obsolete because deterrence is no longer needed. They pretend that we can rely on missile defenses to protect the American people from nuclear war. This is the same preposterous argument we heard during the 1980's, when star wars was oversold as a miracle protection from the nuclear threat.

SDI never came close to meeting the standards of operational effectiveness and cost-effectiveness that the Reagan administration said would be necessary to make the transition from deterrence to defense. No technical advances since the abandonment of that ill-conceived and wasteful adventure make the reality today any different. Defense cannot replace deterrence, and we would be foolish to try it. The ABM Treaty is not obsolete. It is still the foundation for stable deterrence, and it deserves to be maintained.

The second myth is that the Russians will not mind if we abrogate the ABM Treaty. It is said that we can deploy a national missile defense and still maintain a cooperative strategic relationship with Moscow.

This groundless assertion is refuted by the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and most important of all, by the Russians themselves.

Gen. John Shalikashvili, the Chairman of the Joint Chiefs of Staff, in a June 28 letter to Senator LEVIN stated that undermining the ABM Treaty will make START II ratification by the Russian parliament highly unlikely. In the letter, he addresses this issue clearly. He writes:

> While we believe that START II is in both countries' interests regardless of other events, we must assume such unilateral US legislation could harm prospects for START II ratification by the Duma and probably impact our broader security relationship with Russia as well.

General Shalikashvili is the top military officer in the Nation. He has had extensive contacts with senior Russian military officers. In his view, enactment of legislation that harms the ABM Treaty will damage our cooperative security relationship with the Russians at the very moment when we are trying to move forward in arms control.

Secretary of Defense Perry, in a letter to Senator NUNN, the ranking member of the Armed Services Committee, feels the same way. He writes that the provisions in this bill "would jeopardize Russian implementation of the START I and START II treaties, which involve the elimination of many thousands of strategic nuclear weapons." Secretary Perry understands full well the damage this bill would inflict on U.S. security, which is why the administration strongly opposes these provisions.

The Russians themselves feel the same way. At the May summit in Moscow, President Clinton and President Yeltsin signed a joint statement that commits both nations to upholding the ABM Treaty, and to developing and deploying theater missile defense systems in compliance with the Treaty. It is reckless to think that the Russians will watch us violate this commitment without a response that will set back the cause of our mutual security.

At the Conference on Disarmament in Geneva on June 29, Russian Foreign Minister Alexander Kozyrev reaffirmed the commitment of the Yeltsin government to ratify the START II Treaty, "subject to strict compliance with the ABM Treaty."

It could not be any clearer. If we abrogate the ABM Treaty, we will not have START II, much less START III. We will not have cooperative threat reduction. And we may well not have a comprehensive test ban and other arms control agreements we need in the years ahead.

The third myth underlying the proposed abrogation of the ABM Treaty is that we face the threat of ballistic missile attack from renegade nations that will achieve this capability in the near future.

This myth squarely contradicts the conclusions of the U.S. intelligence community and the Pentagon leadership.

Lt. Gen. James Clapper, Jr., the Director of the Defense Intelligence Agency, testified before the Armed Services Committee in January that "we see no interest in or capability of any new country reaching the continental United States with a long range missile for at least the next decade." Secretary Perry endorsed this judgment in testimony before the Armed Services Committee this year.

Concern about future ballistic missile threats to U.S. territory is the basis for the Clinton administration's research and development program on national missile defenses. This reasonable level of spending on anti-missile defenses will put the United States in a position to rapidly deploy such a defense if unforeseen threats arise in the near future. It makes sense to spend a modest amount on R&D. It makes no sense to throw billions of dollars into deploying what may be an unnecessary system sooner.

Myth No. 4 is that a multi-site national missile defense can be deployed over the next decade for a modest cost. This assertion is a fantasy. This year's bill plans to spend $671 million on national missile defense, an increase of $300 million over the administration's request. But this increment is only the tip of a very large iceberg.

According to the Congressional Budget Office, deploying a single-site national missile defense would cost $29 billion to complete and $16.5 billion of the total would be spent over the next 5 years. This estimate does not include the cost of building additional sites, which the pending bill calls for, and it does not include the cost of operating and maintaining the system once it is operational.

Other costs will be higher too. Abrogation of the ABM Treaty will doom START II, and saddle us with a nuclear stalemate with the Russians at cold war levels. We will have to maintain our strategic nuclear arsenal at its current size, not the greatly reduced level under START II. If we proceed with this bill, we will be spending tens of billions of tax dollars in a way that increases the nuclear threat to the United States. The American taxpayer was taken for a long and expensive and unnecessary ride by star wars in the 1980s. It makes no sense to repeat that experience in the post-cold war era.

Myth No. 5 is that we need to discard the ABM Treaty in order to build and deploy effective theater missile defenses to protect U.S. forces in the field. The fact is, the United States can do both. We can comply with the ABM Treaty, and we can create effective theater missile defense systems.

The ABM Treaty strictly limits development and deployment of strategic missile defenses. But it expressly allows the signers to deploy theater missile defenses. The United States is already developing advanced theater missile defenses that may have significant capability to defeat strategic offensive missiles.

As a result, the Clinton administration has entered into negotiations with

Russia to determine which systems will be permitted under the ABM Treaty. By so doing, the President is using one of the key features of the treaty—its flexibility to update and revise the Treaty as developments demand.

This bill, however, prevents the effective negotiation of any boundary between theater and strategic defenses. It would deny the President the power to negotiate this clarification of the treaty in a way that will best serve our national security.

By attempting to achieve by legislative mandate what the President should negotiate, the bill will undercut the basic constitutional allocation of treaty-making powers between the President and Congress. It is wrong to legislate an ideological negotiating position while rational negotiations are underway. This step sets an extremely dangerous precedent for the future, and could result in the collapse of the ABM Treaty.

It is time to cut through the myths and misrepresentations. Our national security is at stake. It makes no sense to sacrifice real and verifiable reductions in the Russian nuclear arsenal, in exchange for a multibillion dollar national missile defense that will leave us less secure. A decade ago, we should have left star wars in Hollywood where it belonged—and that is where this senseless sequel belongs too.

I urge my colleagues to support the amendment.

Madam President, I yield whatever time remains back to the Senator from Michigan.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER (Mr. THOMPSON). The Senator from South Carolina.

Mr. THURMOND. I yield 10 minutes to the distinguished Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 10 minutes.

Mr. SMITH. I thank the Senator from South Carolina.

Mr. President, the other side in this debate, Senator LEVIN and others, assert that somehow this bill is going to violate the ABM Treaty or require us to violate the ABM Treaty. Those are the terms that we have heard used—violate or require us to violate the treaty.

My friend, Senator LEVIN, is a very accomplished attorney, and I respect his intellect very much, but this is just patently false. There is no requirement to violate any treaty in this legislation we have written. Nothing in this bill violates the treaty, nothing. If it did, if the language in here were to violate the treaty, why does the distinguished Senator from Georgia, Senator NUNN, in comment after comment talk about an anticipatory breach down the road?

If there is an anticipatory breach down the road, the way I read that is there is not any breach yet. There is not any violation of anything. We are anticipating it. Well, you can anticipate anything you want, but the facts speak for themselves. This does not violate the ABM Treaty, period. Nothing in this bill violates the ABM Treaty. It is simply patently false to say that it does.

Now, in 2003—that is the deployment date for ground-based multiple sites—in 2003, yes, we could do that, but it is not 2003. This is still 1995 as I looked at the calendar, and I do not quite understand the logic here of how it is that we are violating something that we have not violated yet. We are anticipating a violation, but we are not violating anything. So I am having trouble understanding the semantics, and I think that is probably the intent of the opposition here, to make sure that others have trouble understanding the semantics so that we can confuse and obfuscate and hide the real truth, which is that we are not violating any treaty at all in this language.

Now, article XIII, which the Senator from Michigan and others are aware of, is very clear on this, about what our rights are under this treaty. There is nothing hidden about it. I have a copy of the treaty right here in my hand, and it says:

> To promote the objectives and implementation of the provisions of this treaty, the parties shall establish promptly a standing consultative commission within the framework of which they will—

Among other things,

> consider possible changes in the strategic situation which have a bearing on the provisions of this treaty.

Surely, my colleagues will admit there have been strategic changes since the fall of the Soviet Union. Second:

> Consider as appropriate possible proposals for further increasing the viability of this Treaty including proposals for amendments.

We have a right to amend the treaty. And finally it says under article XV, Mr. President, that:

> Each party shall in exercising its national sovereignty have the right to withdraw from this Treaty if it decides that extraordinary events relating to the subject matter of this Treaty have jeopardized its supreme interests and it shall give notice of its decision to the other party 6 months prior to the withdrawal from the Treaty.

So we are not violating any treaty with this language. If someone is saying we are anticipating the violation of the treaty, fine; we can anticipate anything we want to. But it is simply wrong to say that we are violating this treaty or that we do not have the right to change this treaty or to withdraw from this treaty or whatever the parties wish to do. It is right there. It is written. It is clear. It is indisputable. It is fact.

I am kind of surprised to hear that we are going to automatically violate this treaty if we decide that we, in the United States of America, want to defend America against attack.

Well, you know what? We do not violate the treaty, but if we had to defend America I would violate the treaty—that happens to be this Senator's personal opinion—because I do not think I am worshiping at the altar of a treaty. I did not know that a treaty was forever and that we could not change the provisions.

We have the right to change this treaty. It was written to change, just like the Constitution was written with a possibility to amend it. This treaty was written to change it, to even withdraw from it if it is in the national security interests of a nation to do so.

Those are the facts. I suggest to my colleagues that the end of the cold war is just the kind of change the treaty is referring to. That is the kind of strategic change that this treaty is referring to, the end of the cold war, the end of a bipolar world. We are now in a multipolar world with threats that we do not really know how to calculate, with weapons that are different and in the hands of some who may be more inclined to use them than even the old Soviet Union. Our colleagues who support the Levin amendment, if we are to put this in perspective, are the same people who day after day, day after day, year after year, argue the cold war is over and therefore we should adapt our defense program to the changed environment.

That is a good argument. The cold war is over. We must adapt. We are adapting. We have downsized our military. We are changing some of the priorities in our weapons systems. That is fine. But why are they fighting so hard, Mr. President, to preserve the most obvious relic of the cold war, the ABM Treaty? The ABM Treaty, the Anti-Ballistic Missile Treaty, the relic of the cold war, deals with a bipolar world, deals with a concept of mutual assured destruction, that if one side fires at the other, the other will fire back; therefore, the first side will not fire. That is the whole logic here, but is not a bipolar world.

Does anybody believe that Saddam Hussein would be reasonable and rational, or perhaps Qadhafi in Libya? Are we dealing with rational people in some of these fundamentalist and other nations around the world today? I think not, and the American people know that.

Frankly, those who wrote this treaty knew that, that we were not always going to have the same situation in the world. The treaty is between the United States and the Soviet Union. There is no Soviet Union anymore. Even if we agree that Russia is the successor to the Soviet Union—which frankly is an open question—there are many other nations now, legitimate nations of the world that were part of that old Soviet Union. It is not just Russia. Russia is not the automatic successor to the Soviet Union.

It is clear that this treaty does not include the nations that threaten us the most. The nations that threaten us most: Libya, North Korea, Syria, Iran, Iraq, China, they did not sign the ABM Treaty. They do not have anything to do with the ABM Treaty. So why are

we locked to an ABM Treaty? Why are we locked to an ABM Treaty that does not even deal with the countries that are threatening us?

The answer is very simple. We should not be. And the treaty founders, those who authored that treaty, knew it. We are not standing on the brink with Russia. In fact, Yeltsin says Russia is no longer targeting us with missiles. This is no longer bipolar. It is multipolar.

The Levin amendment would leave us perpetually locked into an outdated posture of confrontation with the former Soviet Union, the past, the cold war. Let us step into the 21st century. Let us look at the threat today, not yesterday. We have an obligation here in this Senate to look ahead, to protect the future, and this language does it. This language does it. It encourages a cooperative transition away, away from mutual assured destruction toward mutual assured security—not destruction.

The Levin amendment would leave America completely vulnerable to ballistic missile attack. It would strike this language, gut the essence of the bill, restrict our ability to make theater defenses as technologically capable as possible.

The SASC bill says all Americans deserve to be protected and ensures that our national security and theater defense programs are targeted toward the specific threats which confront us today, not yesterday.

The Levin amendment would perpetuate the policy again of mutual assured destruction, even though the cold war is over. Do not take my word for it. Henry Kissinger, who helped develop the doctrine, agrees that mutual assured destruction is no longer relevant; not even appropriate, yet Senator LEVIN would continue a policy that I believe is absurd, that leaves our Nation defenseless while being locked into a policy, a relic that belongs in the dustbin of history. It is time to move on, Mr. President. It is time to move into the 21st century.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Forty-seven seconds.

Mr. SMITH. Mr. President, I yield back the remainder of my time, and I thank the Senator from South Carolina for yielding.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I yield the Senator from Arkansas 10 minutes.

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

The Senator from Arkansas.

Mr. BUMPERS. Thank you, Mr. President. I thank the Senator from Michigan.

Mr. President, I heard the Senator from Maine a moment ago say that there is not anything in this bill that abrogates the ABM Treaty between Russia and the United States.

Mr. CHAFEE. Mr. President, I cannot hear very well. Is the Senator using his microphone?

The PRESIDING OFFICER. Is the Senator using his microphone?

Mr. BUMPERS. I thought I was. I see it lying on the floor.

Most people say, ''I heard your speech awhile ago, and when I stuck my head out the window I could really hear it.''

Is this better? I apologize.

As I was about to say, the Senator from Maine awhile ago said there was not anything in this bill that would abrogate the ABM Treaty. I do not know how more forcefully you can abrogate the treaty than to pass this bill. Now, obviously, it is not going to be abrogated until the Soviet Union gets a stomach full of this kind of stuff and withdraws from the treaty, which they have a right to do on 6 months' notice. But, first of all, I want you to look at the language of the treaty. As I said this morning, English is the mother tongue. That is what we speak. That is what we write. And here is what the mother tongue says in article I of the 1976 Protocol of the ABM Treaty. ''Each party shall be limited at any one time''—limited at any one time—''to a single area out of the two provided in article III of the treaty for deployment. . .''

You see the word ''single''? That means one. ''Single'' and ''one'' are the same.

Here is what the bill says. Section 233, ''It is the policy of the United States to . . . deploy a multiple-site''—''multiple,'' colleagues, is more than one. ''. . .United States to . . . deploy a multiple-site national ballistic missile defense system.''

Section 235, two sections down, ''The Secretary of Defense shall develop . . . national missile defense system, which will attain initial operational capability by the end of 2003.'' It shall include ''Ground-based interceptors deployed at multiple sites''—not two; maybe a half a dozen. And the treaty is very specific that we shall be limited to one.

And people have the temerity to get up on this floor and, I assume, try to deceive the American people into believing this is a perfectly harmless, innocent little bill. Oh, I wish I missed the cold war like some of my colleagues do. There are colleagues in this place that cannot sleep at night since the cold war ended and will do anything to resurrect it. There are defense contractors who cannot stand the demise of the Soviet Union. I do not know why it bothers them. We certainly have not cut defense spending any.

When the Senator from Maine mentioned the people of Israel, he was talking about a theater missile defense system which virtually every person in this body has strongly supported. We are not talking about theater missiles. We are talking about headed toward an antiballistic missile system in direct contravention of our word as a nation with our name on a treaty that either means something or it does not.

Oh, the arrogance in this bill drives me crazy. First, we will say where the demarcation line is between whether something is a theater missile or an antiballistic missile system. We will decide. And if the Russians do not like it, as we used to say when I was a kid, they can take it or lump it. We will deploy on multiple sites. And if the Russians think that violates the treaty, which it clearly does, they can take it or lump it.

This bill says ''the Senate.'' Now, you think about the President of the United States, who negotiates treaties and who is talking to the Russians right now about trying to resolve some of these ABM questions. What does this bill say? The Senate—not the President—the Senate will appoint a group of Senators to review ''continuing value and validity of the ABM Treaty.'' We will decide whether it has any value, whether it has any continuing validity. That would be insulting enough. What else do they say? This committee will recommend policy guidance, and the President—Mr. President, you will ''cease all efforts to modify, clarify or otherwise alter this treaty,'' et cetera, et cetera. The arrogance of a bill that says to the President, ''Stop it. Quit trying to work something out. We will decide whether this treaty has value or not.''

The arguments on the other side about how this bill does not abrogate the treaty, all it does is set out a whole host of things which lead unalterably toward a flagrant violation of the treaty and abrogation of the treaty. No self-respecting nation—and Russia is one—will sit idly by while we construe the treaty any way we want to. And they are expected to sit idly by and say, ''Yes, yes, yes.''

I have never heard as much third-grade sophistry in my life as I heard when the Senator from Michigan offered his amendment. On June 21, President Yeltsin submitted the START II Treaty, not negotiated by Bill Clinton, negotiated by George Bush—a good treaty. It should be ratified by both sides immediately. George Bush should say he wants it put on his epitaph that he negotiated START II. So when President Yeltsin appointed his Foreign Minister, Andrey Kozynev, and his Defense Minister, Pavel Grachev, then the President of the Russian party, to negotiate with the Duma and ratify START II, a spokesman for the Duma said:

> The ratification process would undoubtedly be influenced by progress in the attainment of a Russian-American agreement on the delineation of the strategic and tactical antimissile defense system. The observance of the 1972 ABM Treaty depends on this.
>
> The role of this treaty remains unchanged in creating conditions for cutting down strategic offensive weapons.

Can you blame Russia? Be fair-minded for about 10 seconds. That is unusual around here. But try it. Be fair-minded for about 10 seconds. If the roles were

reversed, if the Russians were passing laws to abrogate the ABM Treaty, would we ratify START II? We would take it to the men's room, is what we would do with it.

Well, Mr. President, both nations have saved billions of dollars by not building antiballistic missile systems. We have a lot of Senators, I say, who just can hardly handle the end of the cold war. How many times have I stood at this desk trying to keep this Nation from spending $2 billion resurrecting a bunch of old rusty buckets called battleships. Two billion dollars. Where are they? In mothballs right where everybody knew they were going. Two billion dollars already gone.

I stood here pleading with this body, ''Don't buy all these D–5 missiles, you can't possibly use that many.'' And the Star Wars battle which I thought was over.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BUMPERS. I ask for 2 additional minutes.

Mr. LEVIN. I yield 2 additional minutes.

Mr. BUMPERS. All I heard was, ''The chiefs want it, the Secretary wants it,'' and now the chiefs do not want this. They did not even want the $7 billion that was added in committee, and they certainly do not want all this language in the bill. Chairman Shalikashvili does not want it. Nobody wants it except the Armed Services Committee.

Our bombers are not on alert. Our cities are not targeted. For the first time in 40 years the American people can get a decent night's sleep. So what are we going to do? We are going to say, ''Wake up, remember the good old days when you couldn't sleep at night for fear of a nuclear war? They are going to bring it back to you in spades.''

There are a lot of things wrong with this bill. I said this morning, and I say again, in my 21 years in the Senate, this is, by far, the worst defense bill that has ever been presented on this floor.

Oh, the arrogance of power. Every great nation that has indulged in the arrogance of power, as this bill does, has lived to regret it. The Senator from New Hampshire said we have not violated the ABM Treaty ''yet,'' ''we're just going to interpret it any way we want to and we are going to build a system and we will decide where the demarcation line is.'' Do you think the Russians are going to take something that they feel is prejudicial to their security? The last guy to underestimate Russia was Adolf Hitler. They are on their hunkers, but I will tell you, they will starve their people before they will be humiliated.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BUMPERS. I ask for 1 additional minute.

Mr. LEVIN. I yield 1 minute.

Mr. BUMPERS. I have watched on Discovery Channel for the past 2 months and on PBS all these battles of World War II, a lot of them the Russians against the Germans. Twenty-two million Russians died. They starved to death by the thousands at Leningrad and in Stalingrad.

I am not suggesting we be afraid of Russia. I am suggesting that the world will be eminently better off if the two superpowers of this world can agree. The American people really do not understand the details of this. Do you know what the American people do? They elect you and me to do responsible things. They elect us expecting that we will know something about it and that we will protect the American people.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BUMPERS. I yield the floor.

Mr. LEVIN. I yield to Senator CHAFEE 10 minutes.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I am deeply concerned over this bill's provision affecting the ABM Treaty, and I would like to discuss my support for the Levin amendment. Let me give a little bit of history.

The ABM Treaty was agreed to 20 years ago. What does it do? We hear a lot about the ABM Treaty, but what does it do? What is the key part of it? The thrust of it was to prevent the United States or the Soviet Union from gaining the ability to unilaterally —that is one side alone—to launch a ballistic missile attack against the other without the possibility of retribution. In other words, the whole purpose of the treaty was to prevent either side from employing a defensive system to shoot down incoming missiles, because that would, in effect, encourage one side to launch an attack knowing that they would be protected from any retaliation.

Since that time, the geopolitical situation in the world has changed. The Soviet Union no longer exists and the Warsaw Pact has collapsed. There has also been rapid technological advances that could not have been predicted at the time that the ABM Treaty was signed.

Given these dramatic changes, I certainly understand the interest to take a look at this ABM Treaty. It has been 20 years. It is appropriate to have modifications and to look at it again. But, the point I want to make is, the changes to this treaty, or any other treaty, for that matter, must be negotiated by the President of the United States, in consultation with his military and diplomatic advisers and, obviously, with confirmation by the Senate.

Such changes should not be dictated by the legislature, either the House or the Senate.

Let us look at what S. 1026 does in regard to the ABM Treaty. This is what it says:

> It is the policy of the United States to deploy a multiple-site national missile defense system.

The ABM Treaty says each nation can only have one ABM site, one site in each nation. This says ''No, no, we are changing that policy.''

> It is the policy of the United States to deploy a multiple-site national missile defense system.

That policy is clearly in violation of the ABM Treaty. We are going to hear arguments back and forth, does that mandate that there be multiple sites? It can be argued both ways, and it obviously is an arguable point. But there is no question but we are declaring that it is the policy of the United States to have multiple sites.

Whether that is a mandate or not, I do not know, but certainly I do not want any part of it. We have gotten along with the ABM Treaty for 20 years. If we want changes, let us negotiate them. Let us not have them emerge from this Senate dictating in a way or declaring it is a policy to have these multiple sites.

What else does the bill we are debating today do? It prohibits ''any missile defense or air defense system or system upgrade or system component that has not been flight tested in a unilateral,'' and here we go ahead and define what is an ABM qualifying flight test.

Next, it goes on—here is an important point, Mr. President—it states the sense of Congress that:

> . . . the President should cease all efforts to modify, clarify, or otherwise alter U.S. obligations under the ABM Treaty pending the outcome of a Senate review.

Look, who is in charge around here? Is it the Senate of the United States, or is it the President under his constitutional powers? We say, no, he cannot do anything until we have a Senate review of the treaty. How long is that going to last? It could last 3 years; it could last 10 years. During all of that time, the President's hands would be tied. I really do not think that is what we want.

The provisions of this bill constitute an unwarranted usurpation of Presidential authority to conduct foreign policy on the most sensitive of national security matters.

Mr. President, Congress simply should not be in the business of dictating to the President how to interpret, how to implement, or how to renegotiate a binding treaty of the United States. As a Republican Senator, I would never impose those kinds of conditions on a Republican President, and as a Republican Senator, I do not suggest that they should be imposed on a Democratic President.

Secretary of Defense William Perry has warned that these provisions would jeopardize Russian implementation of the Reagan and the Bush—who are they? Republican Presidents—Reagan-Bush negotiated START I and START II Treaties. These treaties involve the destruction of thousands of nuclear warheads.

Joint Chiefs of Staff Chairman Shalikashvili has similarly cautioned that the bill's ABM provisions should

probably impact our broadened security relationship with Russia. I do not argue with the premise that the United States ought to pursue missile defense technologies in order to deter potential aggressors who have made substantial progress in this field. Yes, we ought to do some work in that area.

I also do not oppose appropriate modifications of the 20-year-old ABM Treaty that are negotiated by the President. But this bill simply goes too far. Congress must not legislate such specific modifications to the treaty.

So, Mr. President, I am in support of the Levin amendment and urge my colleagues to support it.

So I want to thank the Chair and thank the Senator from Michigan.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, the amendment by the Senator from Michigan attempts to hold on to the cold war status quo that we have come to know as mutual assured destruction. But is the cold war not over?

Mr. President, the United States should not be reluctant to reassess the continuing value and validity of the ABM Treaty. The Defense authorization bill does not advocate abrogation of the ABM Treaty, but it does firmly acknowledge that the strategic and political circumstances that led to the ABM Treaty have changed.

The Levin amendment is a backward rather than a forward looking amendment. We should be looking forward and attempting to foster a new form of strategic stability that is not based on mutual assured destruction. Think about it—5 years after the end of the cold war, with all the political changes that have occurred, the United States and Russia have not fundamentally altered the strategic posture that so characterized the cold war.

All Senators should agree that the ABM Treaty is technically and geopolitically outdated. While the treaty requires the United States and Russia to remain vulnerable to each other's threats, it has the effect of requiring the United States to remain vulnerable to threats posed by other countries. Countries like North Korea are developing intercontinental ballistic missiles, while missile and nuclear technologies are practically available on the open market. Let me quote former Deputy Secretary of Defense and current Director of Central Intelligence John Deutch:

> The 1972 ABM Teaty does not conform with either the changed geopolitical circumstances or the new technological opportunities of today. We should not be reluctant to negotiate treaty modifications that acknowledge the new realities, provided we retain the essential stabilizing purpose of the treaty.

It has also become clear that vulnerability to missile attack neither stabilizes nor enhances deterrence. The Persian Gulf war demonstrated this clearly. Israel, a country with an extremely credible retaliatory threat, came under repeated attack during the war. For a variety of complicated reasons Israel simply did not retaliate. Perhaps most ironic, the reason that Saddam Hussein launched missiles at Israel was precisely to provoke retaliation. Secretary of Defense Perry recognized this point in a recent speech: ''The bad news is that in this era, deterrence may not provide even the cold comfort it did during the cold war. We may be facing terrorists or rogue regimes with ballistic missiles and nuclear weapons at the same time in the future, and they may not buy into our deterrence theory. Indeed, they may be madder than MAD.'' And yet, the amendment of the Senator from Michigan seems to deny that things have changed.

On the subject of change, let me quote Secretary Perry again: ''We now have the opportunity to create a new relationship, based not on MAD, not on mutual assured destruction, but rather on another acronym, MAS, or mutual assured safety.'' This is precisely what the Missile Defense Act of 1995 calls for. Its language almost mirrors Secretary Perry's statement.

We must not allow a 20-year-old treaty to prevent the United States from responding to legitimate and growing security threats. Stated simply, the ABM Treaty as it now stands prevents the United States from deploying a national missile defense system that could protect all Americans against even a limited ballistic missile attack. The authorization bill says that it is time to begin changing this. There is a real and growing threat. It will take us 8 years to develop the system called for in the bill. By that time the United States could face a variety of new and unpredictable threats, including a North Korean ICBM.

I would also point out that the ABM Treaty was meant to be a living document. Article XIII recognizes the possibility that changed circumstances would require the treaty to be modified. Articles XIV and XV provide the procedures for making such changes. The argument that this bill violates the treaty is simply false. All the means for achieving the policies and goals in the Missile Defense Act of 1995 are contained in the ABM Treaty itself.

We should also remember that the ABM Treaty was originally a multiple-site treaty. For those who so resist any change to the treaty, I would remind them that the Senate voted to amend the treaty in 1974. It did not upset the Russians then and it should not upset them today if we restore the treaty's multiple-site aspect.

In fact, the Russians have repeatedly demonstrated a willingness to amend the treaty in ways that are fully compatible with the Missile Defense Act of 1995. Deployment of a multiple-site national missile defense system should not be viewed by the Russians as threatening or in any way undermining their confidence in deterrence.

There is no substantive reason why a U.S. policy to develop such a system should undermine START II, as has been argued by the Senator from Michigan. START II has plenty of problems, but the ABM Treaty should not be one of them. Allowing the Russians to use the ABM Treaty as a distraction from the real problems would be a major mistake. Among other things, it would lead Russia to believe that it has a veto over a wide range of United States national security policies. Remember that they have linked START II ratification to things like U.S. NATO policy. Is the Senator from Michigan suggesting that we hold our NATO policy hostage to START II as well?

Mr. President, let me conclude by saying that we should not try to reaffirm the cold war on the floor of the Senate 5 years after its demise. We should welcome the opportunity to establish a more normal relationship with Russia that is not a mutual hostage relationship. We should pursue what Secretary Perry termed mutual assured safety and reject the Levin amendment with its embrace of mutual assured destruction.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Mr. President, I yield the Senator from Rhode Island 10 minutes.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, I strongly support the Senator from Michigan and my other colleagues in their effort to amend the missile defense sections of the defense authorization bill.

The amendment would strike from the bill language that mandates action that would violate the 1972 Anti-Ballistic Missile Treaty. The ABM Treaty, approved overwhelmingly by the Senate following extensive and thorough hearings by the Committee on Foreign Relations, has served in the intervening years as the centerpiece of modern arms control. The treaty has served to guarantee that neither side could threaten to neutralize the offensive forces of the other, with the result that we had years of strategic stability followed currently by major reductions in the strategic offensive arms of both sides. Various attacks have been made upon it over the years, largely by people who would prefer an unbridled strategic offensive arms race, but the treaty's benefits have been so clear that these assaults have been repelled.

The present favorable strategic arms environment has been achieved under the umbrella of the ABM Treaty. It probably would have been impossible to reach the present situation in which we are moving away from heavy dependence on strategic defensive arms were it not for the ABM Treaty.

The amendment also corrects an additional problem with the bill in that it

unilaterally interprets the ABM Treaty's meaning for theater missile defenses. The bill would arbitrarily impose a demarcation line between theater and strategic missile defenses that would tie the President's hands as he is trying to negotiate this very matter with the Russians. It is those negotiations that should determine the outcome, not some arbitrary judgment in an authorization bill.

Secretary of Defense Perry noted to Senator NUNN his strong opposition to these provisions. He said, ''Unless these provisions are eliminated or significantly modified they threaten to undermine fundamental national security interests of the United States.''

Secretary of State Christopher wrote me yesterday to point out that the provisions under discussion here ''raise serious constitutional foreign policy and national security concerns.''

The Secretary continued:

> Further, such actions would immediately call into question the U.S. commitment to the ABM Treaty, and have a negative impact on U.S.-Russian relations, Russian implementation of the START I Treaty, and Russian ratification of the START II Treaty. This would leave thousands of warheads in place that otherwise would be removed from deployment under the two Treaties, including all MIRVed ICBMs such as the Russian heavy SS–18.
>
> There is no need now to take actions that would lead us to violate the Treaty and threaten the stabilizing reductions we would otherwise achieve—and place strategic stability at risk. We have established a treaty-compliant approach to theater missile defense that will enable us to meet threats we may face in the foreseeable future—and one that preserves all the benefits of the ABM, START and START II Treaties.

Mr. President, the Missile Defense Act portion of the bill, sections 233–235 simply does not warrant approval by the U.S. Senate. The policy it sets forth is neither realistic nor wise. It gives a sense of urgency that is not justified by any known facts.

There is no obvious danger from theater-range missiles that must be countered. As we all know, the Patriot missile system proved to be both highly effective and appropriate to the threat we faced in Desert Storm. An effort is now under way to upgrade the Patriot system over time to meet the threat in future years.

It is quite easy to overstate the missile threat this country might conceivably face, but it is important to understand that the missile technology control regime [MTCR] has done much to reduce the potential threat we will face from ballistic missiles. At present there are very few nations who have even the potential to mount new missile threats against us that could not be handled by planned systems. The provision states the policy that the United States should deploy a missile system that is highly effective against ballistic missile attacks on the United States, to be augmented over time to provide a defense against larger and more sophisticated ballistic missile threats. This proposal seems to me highly unrealistic.

Few Members of this body can seriously believe that any deployed missile system could be highly effective against any limited missile attack, much less a larger attack. While it is true that, under certain circumstances, ballistic missile defenses could shoot down incoming ballistic missile warheads, I would not wish to place a wager that no warheads would get through to bring on havoc and destruction nor would I want to risk my family or any other American lives on the supposition that any reasonable level of spending for a multiple site national missile defense system would do much of anything other than squander major parts of the national treasure.

The bill specifies that we should seek a cooperative transition to a regime that does not feature mutual assured destruction and the offense-only form of deterrence as the basis for strategic stability. This provision of the bill gives the impression that we do not understand what mutual assured destruction meant for our security during the cold war. The Anti-Ballistic Missile Treaty essentially guarantees that neither side can develop the sort of ballistic missile defenses that would prevent the other side from effectively attacking in a nuclear confrontation. The fact of assured destruction of a mutual nature kept both sides at bay.

Since the cold war has ended, the United States and Russia have embarked upon cooperative ventures that are moving us away from the confrontations of the past. We are working with them to dismantle their weapons, to ensure the safe storage of nuclear weapons material, and to implement such agreements as START I and, prospectively, START II. If, as envisioned in this bill, the United States were to violate or abrogate the ABM Treaty, the people on both sides rather than the treaty structure itself would be victimized. Moreover, such action could sabotage the current movement toward greater cooperation and throw us back to an era of confrontation as it jeopardized prospects for continued reductions in the START process and beyond.

Under the provisions of this bill, the Secretary of Defense is directed to develop an affordable and operationally effective national defense system with an initial operational capability by the end of 2003. If all goes well, that time is just about when the major reduction of the American and former Soviet nuclear arsenals by two-thirds is to have been completed.

I doubt that any Member can contemplate a situation in which the United States would go at top speed toward deployment of a national missile defense system and the Russian response would be passive acceptance. They might well match our system. They might well deploy a larger, more capable system. They might well bring to an end the reductions that are so clearly in our own national interests. They might well engage in other activities of a bellicose nature that we would find hard to bear. And that would require reactions on our part. It could well incite an action/reaction phase in our national defense activities that would be ruinously expensive and that would, in the end, increase the dangers to us rather than permitting the present continuous reduction in the strategic nuclear threat.

To me it is important that we stop to think what it is we are doing if we follow this path. In response to an uncertain threat, a threat that has not yet materialized, and a threat that might well be handled through diplomatic efforts, we would be preparing to obligate tens of billions of dollars. We would do this in the mistaken belief that we would somehow be better protected. Whereas the truth of the matter is that, even if we were able to afford and to deploy an effective national defense structure, our potential adversaries would still have the option of sending nuclear weapons our way by air, by land, or by sea. At some point in the future if some despot were to contemplate attacking the United States with a nuclear weapon under the misbegotten notion that he would teach us a lesson, it is hard to imagine that he would be deterred if informed that we had a new national missile defense.

Mr. President, this has been a rather difficult year in which many of us have tried to come to grips with the fact that our national deficits are alarming and must be curbed. We are required by the Constitution, to ''establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity.'' If we lose sight of the several objectives that must be met, we risk the very well-being of our country. I remember well that a distinguished predecessor, Senator Stuart Symington of Missouri, was fond of pointing out to the committee that the key to a sound defense is a strong economy.

A key to a sound government is a demonstrated ability to keep various activities in proper focus and proper order, so that the whole Nation, not just the defense industry, would benefit.

It will not profit us if we sink further in educational quality, if we deny more of our young people the opportunity of a good education at the elementary and secondary levels and reduce the quality of our institutions of higher education, if we increase the misery of those who have no homes and who are hungry all in the interest of saving money, only to turn around and waste it on unnecessary defenses. It does not seem a wise idea to this Senator.

It is easy to say that one is for strong defenses. All of us are pledged to support strong defenses and we will do so. But the United States will stand first among nations because it continues to be strong in all of its endeavors, keeps

proper balances, and meets other standards of a great, modern nation.

Mr. President, the strategic arms competition between the United States and the former Soviet Union has dwindled away. The ABM Treaty is serving as a very stabilizing force in this promising environment. Further reductions should be achievable.

It would be extremely foolish to place all of this in jeopardy. It makes no sense to give the Russians cause to back away from their START commitments or to engage in a dangerous strategic defensive arms race. It makes no sense—when so many human needs are so obvious throughout our Nation—to jeopardize what has been achieved in controlling and reducing strategic arms and to spend billions for dubious purposes when there are so many other desperate calls upon our resources.

Mr. President, I commend the Senator from Michigan [Mr. LEVIN] for his initiative. I am happy to be a cosponsor of his amendment. I hope that the Senate will once again prove its wisdom with regard to the ABM issue and vote overwhelmingly in favor of this amendment.

In conclusion, I am reminded of the question as to how we will be remembered in history, as succeeding generations look back at us, just as we often have looked back on ancient history from the floor of the Senate. I hope that we can be like Athens and not like Sparta—meaning put more emphasis on the civilian side of our economy, the economic side and the education side, and less on the military side. I yield the floor.

Mr. THURMOND. I yield such time as may be required by the distinguished and able Republican leader.

Mr. DOLE. I thank the Chair.

I would like to commend the members of the Armed Services Committee who, under the able leadership of the distinguished chairman, Senator THURMOND, and the distinguished Senator from Georgia [Mr. NUNN], have done a first rate job on the defense authorization bill. In particular, I would like to congratulate the Armed Service Committee for the forward-looking Missile Defense Act contained in this bill.

The Missile Defense Act is unique because it does not just authorize appropriations for individual programs, it also provides a strategic logic—principles, premises, and policies—thereby integrating these programs into a coherent and comprehensive approach.

In my view, the approach adopted in this bill is very compelling on four important points.

First, this legislation firmly establishes the critical imperative of defending the United States of America from ballistic missiles. Morally, rationally, and constitutionally this must be our top priority.

Why is this important now? Very simply because the proliferation of weapons of mass destruction and the means to deliver them is dramatically increasing. I would like to commend the distinguished junior Senator from Arizona [Mr. KYL] for highlighting this threat, as well as the need to defend America against it, in his amendment.

The Missile Defense Act notes that weapons can be acquired by our potential adversaries far more quickly than they can produce them indigenously.

Mr. President, we cannot wait around for years until this threat is literally on our doorstep. We must prepare now.

And so, I am very pleased with the national missile defense architecture established in the Missile Defense Act. This architecture includes ground-based interceptors, fixed ground-based radars and space-based sensors. The bill establishes a deployment goal of 2003 and provides an additional $300 million to support that goal. In my view, that is a good start, but frankly for something as important as defending our citizens, I would like to see an increase to ensure that we will be able to meet the 2003 date.

Second, the Armed Services Committee's bill deals with the thorny ABM Treaty questions through an intelligent two-step approach:

Step 1: It addresses what missile defenses are covered by the ABM Treaty, namely by establishing the following standard: Those actually tested against a ballistic missile with a range of over 3,500 kilometers and a reentry velocity of over 5 kilometers per second. This is the standard proposed by both Presidents Bush and Clinton. The point is that we should not drag theater systems into a treaty which was never intended to cover them.

Step 2: Contrary to wild administration accusations, the bill reviews where we go next with regard to the ABM Treaty. I think we need to set straight what this bill does and does not do.

It does not set us on a collision course with the ABM Treaty by mandating abrogation.

Indeed, it does not mandate any particular outcome.

It does recognize that an effective multiple site defense of the United States is inconsistent with the treaty as things stand today. The key here is that an effective defense requires multiple sites.

It does call for a year of careful consideration of these matters before we decide how to proceed on the ABM Treaty. The bottom line is that the bill recognizes what we all should be aware of—that mutual assured destruction, the doctrine underlying the ABM Treaty is not a suitable basis for stability in a multipolar world, nor for an improving relationship with Russia. Our goal should be, as outlined in this legislation, to seek a cooperative—and I stress cooperative—transition to a more suitable regime to this post-cold-war era.

The third aspect of this bill that is noteworthy is that it establishes a cruise missile defense initiative. In view of the fact that potential adversaries now have access, in varying degrees, to the technologies necessary to build effective cruise missiles, this measure is on the mark and reflects considerable foresight. It is my understanding that in addressing cruise missiles, the committee has in no way detracted from the emphasis placed on ballistic missiles which are a current and rapidly growing threat.

Finally, I would like to commend the establishment of a theater missile defense core program. The rationale behind theater missile defense is to deny a potential adversary the option of escalating by attacking or just threatening to attack U.S. Forces, coalition partners, or vital interests. The key elements of this core program are three systems already being pursued by the Clinton administration—namely Patriot-3, Navy lower tier, and THAAD—as well as one critical addition: Navy upper tier. The committee has wisely added $170 million to Navy upper tier.

Mr. President, just imagine trying to put together the Desert Storm Coalition if Saddam Hussein could have credibly threatened London, Rome, Istanbul, or Cairo with ballistic missiles. We cannot allow our political and military flexibility to be hindered. Therefore, our objective must be to prevent placing our forces, or those of our allies, needlessly in harm's way—with systems such as THAAD and Navy lower tier.

Furthermore, the United States must have the ability to project a regional ballistic missile defense capability where and when we need it. Navy upper tier give us that capability.

Mr. President, I would also like to note that the bill does save some money by terminating the boost phase intercept program and adding a lesser amount to explore fulfilling the same mission with an unmanned air vehicle [UAV], in conjunction with Israel. Given Israel's expertise in UAV's and its keen interest in a boost phase interceptor, this makes sense to me.

In addition I would like to emphasize that the programs and approach contained in the Missile Defense Act should be viewed as an integral part of our counter-proliferation strategy. If our adversaries know that their hard-gained missiles will be of no use against America and its allies, they may well be dissuaded from acquiring them in the first place.

Before I conclude, I would like to address the issue of how much all of this costs. It costs $3.4 billion. This is a substantial price tag, but does not represent even 2 percent of the total Department of Defense budget. More importantly, however, in considering the costs associated with missile defense, we need to keep in mind how the threat to our Nation's security and to our interests has changed.

For two centuries, oceans protected us. Now technology gives even relatively weak adversaries the hope of attacking or blackmailing the United States. This bill takes concrete steps

to protect us and sends the clear message that we will defend our homeland with our superior technology. Moreover, America has, and will continue to have, vital interests around the globe which must be protected, as well.

Therefore, Mr. President, I urge my colleagues to reject the measure offered by the Senator from Michigan—or any other amendment which would weaken or threaten the Missile Defense Act.

Just let me indicate, having visited briefly with the chairman, that it is his hope, and it will happen, we will be here late tonight, and hopefully during this next vote we can line up serious amendments. Last night sort of fizzled out. Nothing very serious happened after 8:30. So tonight we would hope to have amendments up until a late hour and then conclude action on this measure tomorrow.

This is a very big amendment. It has taken a long time. It is now 5½ hours into this one amendment and I think that should be, with 30 minutes to go, that should be enough time on this amendment. But this is a very substantial amendment. It is one of the more important amendments. It certainly deserves a lot of consideration.

But, again, I would just say to my colleagues in the nicest way I can, that a lot of people want to have an August recess and they would like to have it start in August. We are trying to work that out, and much will depend on the cooperation of our colleagues.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I yield myself 2 minutes.

First I ask unanimous consent Senator NUNN be added as a cosponsor of the amendment.

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

Mr. LEVIN. Mr. President, it has been said that this language in the bill is not inconsistent with the ABM Treaty. I just want to simply read the language. It speaks for itself. The ABM Treaty says that the parties undertake to deploy an ABM at no more than one site. The bill says it is the policy of the United States to deploy a multiple site defense system.

It also has been said, quoting here Mr. Deutch, that we should be willing to modify the ABM Treaty. And we surely should. Those negotiations are taking place right now. I believe we should try to modify the ABM Treaty. I would like to see a negotiated capability to deploy defenses—a negotiated capability to deploy defenses. The current Missile Defense Act provides that as something we should seek to obtain through negotiations.

But what does the bill say about negotiations and modifying the treaty? The bill says it is the sense of the Senate that the President should cease all efforts to modify the United States' obligations under the ABM Treaty. So, on the one hand, people are saying we should be willing to modify—indeed we should. We should be willing to negotiate to change it—indeed we should. And, on the other hand, there is a sense of the Senate that the President should cease until the Senate is done with its study, which will happen sometime next year. And then there is a prohibition on the spending of funds. Which, the way I think I read it, and any reasonable interpretation, is that the President may not change the demarcation line that is set forth in this bill through negotiations.

But the reading of this bill leaves, I think, only one conclusion, and that is that the treaty says multiple sites are not allowed. The bill says we will deploy—it is our policy to deploy multiple sites. I cannot think of a clearer conflict, and it should not be fudged or papered over, because I think it was the obvious intent of the sponsors of that language.

I yield the floor. I also ask unanimous consent that Senators DASCHLE and KERRY be added as cosponsors.

The PRESIDING OFFICER (Mr. GREGG). Without objection, it is so ordered.

Who yields time?

Mr. THURMOND. I yield 5 minutes to the able Senator from Alabama [Mr. HEFLIN].

The PRESIDING OFFICER. The Senator from Alabama.

Mr. HEFLIN. Mr. President, I rise today in support of providing a system to protect the citizens of the United States from ballistic missile attack.

There are two parts to the Levin amendment. The first provision strikes the goal of the Missile Defense Act of 1995—a multiple site deployment designed to protect the United States. The second provision strikes the demarcation provision for theater defenses.

My concern is with the first provision of this amendment. I support deployment. I fully believe the goal of the Missile Defense Act must be to deploy defenses to protect the United States as soon as possible. As I stated many times before, I strongly believe we should act within the ABM Treaty and deploy a single site defense immediately. I also believe it is important that the administration begin serious treaty negotiations to allow the deployment of additional ABM sites. This means that the long-range goal of our negotiations with the Russians must be a multiple site, ground-based deployment.

A statement of a national policy to deploy a multiple site defense system to protect the United States is far from violating the ABM Treaty. Many of my colleagues have called this language different things, such as a statement to plan to breach or an anticipatory breach of the ABM Treaty. By anticipatory breach I assume they mean that something like ''conspiracy to agree to commit a breach of the ABM Treaty.'' A breach does not ripen until it actually occurs.

The treaty clearly defines what constitutes a breach. Deploying multiple missile defense sites today would be a breach. Stating a goal of deploying multiple sites would only be a breach if there is no legal way to perform such a deployment within the confines of the treaty. Fortunately, there are two legal ways. The first is a new protocol to the treaty. This may be possible to negotiate. You do not know until you try. Remember, the original treaty allowed two sites. It was a subsequent agreement that limited us to just one site. A second option is to actually withdraw from the treaty. It is our legal right to withdraw with 60-days notice. In summary, Mr. President, while there are legal methods to deploy multiple sites within the framework of the ABM Treaty, there can be no anticipatory breach.

I further support replacing the stated goal in the committee version of the bill with a new goal calling for the deployment of a treaty compliance system coupled with immediate negotiation for additional sites. This was a goal of the bipartisan Missile Defense Act of 1991. Unfortunately, in striking out the goal of a multiple site deployment, Senator LEVIN's amendment also strikes out the only statement that the goal of the United States is to protect our people from a nuclear missile attack. To me, this is unacceptable.

As for demarcation provisions, I share many of Senator LEVIN's concerns. I believe we should leave the President the flexibility to negotiate modifications to the treaty as required with the guarantee of a Senate ratification to safeguard against unacceptable provisions.

I regret that the two distinct separate provisions are in the same amendment.

Mr. President, unless there can be some compromise—and I hope that there can be some compromise—on the goal of the Missile Defense Act I will have to vote against the Levin amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, if anyone else has an amendment, we would like for them to come forth now. We are ready to go forward with this bill.

I would like for both sides to notify their Members on the hotline that we are ready to vote on this bill.

In the meantime, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LOTT. Mr. President, I ask unanimous consent that the quorum call not be counted against the remaining time we have left in view of the fact we only have about 4 or 5 minutes at the most left.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. EXON. Mr. President, I believe the Senator from Nebraska has about 5½ minutes.

The PRESIDING OFFICER. The Senator has 6½ minutes.

Mr. EXON. Mr. President, I rise as a cosponsor of the amendment to eliminate numerous objectionable provisions on missile defense contained in the pending authorization bill. There was no more contentious issue in the Armed Services Committee markup of this bill than the issue of missile defense. The committee was divided 11 to 10 on numerous unsuccessful votes to amend the missile defense language. There is a good reason for the controversy surrounding this section of the bill. No single issue is more deserving of amendment than this one.

The committee bill is nothing short of a power grab on the part of the Senate Armed Services Committee. The slim majority that approved the missile defense provisions in the bill is not satisfied with simply making foreign policy; it wants to override the foreign policy position of the President of the United States, our Commander-in-Chief and the person in which the Constitution vests the power to make foreign policy.

The committee bill in its present form moves to end our Nation's 23-year participation in the ABM Treaty and move aggressively to deploying multiple missile defense sites throughout the United States. More specifically, it defines our national missile defense policy in terms that not only abrogate our Nation's treaty obligations but also sets in motion a disastrous course of events that will profoundly threaten our national security. That is right, Mr. President, contrary to how it is being advertised by the proponents, the national missile defense system called for in this bill will harm, not enhance, our national security.

By voting our intention to break out of the ABM Treaty, we will be feeding the paranoid rhetoric of the militaristic, conservative wing of the Russian Duma looking to place Russia back in an adversarial relationship with the United States. Members of this body must not ignore the sobering consequences of breaking out of the ABM Treaty and strengthening the hand of Russian extremists. Not only will withdrawing from the ABM Treaty endanger our new alliance with Russia, it will likely sink future ratification of the START II Treaty and further implementation of the START I Treaty. The language in this bill is a dagger pointed at the heart of a whole array of arms control agreements, least of which is the ABM Treaty. It will imperil a whole generation of arms control agreements which will in turn have far-reaching consequences both domestically and internationally. It will hasten the return to a time of bigger Defense budgets, an arms race in space, larger nuclear arsenals and a general erosion of global security.

To best describe what type of national missile defense system is envisioned by this bill, I will read directly from section 233 of the bill. It states:

> It is the policy of the United States to deploy a multiple-site national missile defense system that (a) is highly effective against limited ballistic missile attacks on the territory of the United States, and (b) will be augmented over time to provide a layered defense against larger and more sophisticated ballistic missile threats.

This is no different from the flawed star wars concept pushed by President Reagan during the height of the cold war. In their rush to revive this concept of a shield against a Soviet missile attack, the committee majority is willing to trample the ABM Treaty along with START I and START II, and the START agreements that were contemplated to follow.

As a Nation, we have spent $35 billion in taxpayers' money on ballistic missile defense since 1983. The costs of implementing the type of system envisioned in the bill could easily reach or exceed that amount. No one knows for sure. A CBO report in March of this year, prepared at my request, estimates that a single site—not a multiple site, but a single site—system could cost $29 billion to complete. Additional sites necessary to provide the protective umbrella called for in the bill would cost an additional $19 billion, for a grand total of $48 billion. Is this the fiscal commitment we are ready to endorse? I think not. By voting for the missile defense provisions in the bill, that is exactly the road the Senate will be supporting—$48 billion for a Star Wars system all over again.

By the way, it may not work as advertised. After already spending $35 billion, there is no high degree of confidence that we can operationally deploy the technology capable of intercepting a large and sophisticated strike against the United States by the year 2003. I call it ridiculous. The technology is far from proven and like the Maginot Line following World War I may be the wrong defense against the emerging threat, easily circumvented by a terrorist nuclear attack employing a delivery means other than a ballistic missile.

While the superpower threat has disappeared and the cold war is over, there seems to be a wave of nostalgia sweeping over some in the Senate to gain a renewed sense of mission and purpose by reconstituting the threat facing the United States. The testimony provided to the Armed Services Committee by both military and intelligence witnesses are in agreement that an enemy ballistic missile threat against the United States does not exist and will not emerge, if at all, well past the 2003 deployment mandate in the bill. I am struck by the irony that in trying to defend against a nonexistent threat we would by our rash actions be unwittingly fostering the very threat we profess to originally be addressing. In other words, our actions would be a self-fulfilling prophesy.

Mr. President, Senator LEVIN and others have already spoken to the numerous flaws contained in this bill language. I simply ask each Senator to read the language in the bill closely before voting on the amendment. The words speak for themselves. The only proper action is to support the Levin amendment and strike the objectionable sections of this bill that have been outlined by many of us who have studied this issue.

Mr. President, I yield the floor and yield back any remaining time assigned to me by Senator LEVIN.

Mr. BIDEN addressed the Chair.

Mr. LEVIN. Mr. President, I yield 20 minutes to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. I thank the Chair. I thank the Senator from Michigan.

I wish to thank the Senator from Nebraska, who, I might add, as a member of this committee, has fought against what seems to be the most perverse development in our military budget and planning in the last 4 years. The idea that now of all times in our history we need to overturn what was a centerpiece of two successive Republican Presidents seems to me to be a little bit bizarre. But, Mr. President, to state the obvious, I rise in support of the amendment of the senior Senator from Michigan, Senator LEVIN.

Mr. President, the so-called National Missile Defense Act of 1995 is a hodgepodge of contradictory provisions that, if implemented, would jeopardize our national security beyond anything that I have witnessed since I have been in the U.S. Senate. The bill before us represents a frontal assault on the ABM Treaty. I heard yesterday some sort of, how can I phrase it, interesting questions posed by some of our Republican friends—asking Senators, ''Are you for missile defense? Are you for mutual assured destruction?'' I would point out that the reason why we are where we are and we are dismantling missiles and we are diminishing the prospect of nuclear confrontation by super or former superpowers is because the policy of mutual assured destruction has worked pretty darn well. But I will get back to that in a minute.

This bill represents a flat, frontal assault on the Anti-Ballistic Missile Treaty. First, it would force us to violate the ABM Treaty by mandating dangerous unilateral infractions of that treaty. Then, it would jettison the

entire treaty by requiring the development of a national missile defense system by the year 2003. In a final strange and, I think, unexplainable twist, it goes on to call for a select committee to review a treaty that is effectively being declared null and void by the very same bill.

Now, either the folks who wrote this into the bill do not understand what our nuclear strategy has been thus far—and I know they do—or this is incredibly poor draftsmanship or there is a perverse game being played here.

The first two parts of what is before us—not the amendment, but absent the amendment—by definition, destroy the ABM Treaty. Then the third part is to set up a select committee to review the treaty that we are legislatively destroying.

Now, I assume that may be because there is not enough work or enough committee assignments for Senators. They want to have other committees because maybe they get additional staff. I do not know. But, I mean, why in the devil do you need the third part if you are doing away with the first two parts? But at any rate, taken together, these provisions would simply eviscerate the ABM Treaty, which has provided the basis for our strategic arms reductions over the past 20 years.

The most likely immediate consequence of gutting the ABM Treaty would be that the Russian Duma, their Congress, would refuse to approve the START II Treaty, which is, quite frankly, a jewel in the crown of President Bush's, and prior to that President Reagan's, foreign policy initiatives. With START II unratified, the hopes for further strategic arms reduction would be dashed—which, I might add, I think is the real purpose of this initiative by the majority. They did not like START II to begin with. They did not like START I. They do not like the idea of our having to talk about further reductions in the amount of nuclear warheads that exist in the world.

But make no mistake about it that if we pass this, why if you were sitting in the Russian Duma, why if you were a Russian or anyone else for that matter, would you conclude that it is a good idea to follow through with the destruction of your existing nuclear arsenal? Why would you do that? I think I understand. I think that is the underlying purpose of the legislation before us.

This singular achievement of the Bush administration, the START II Treaty, is the basis upon which we moved to even further reductions—and, along with it, the significant enhancement of the security of Americans that we all hoped would be the byproduct of winning the cold war. Now, I do not know what you all are going to tell your kids. I do not know what you are going to tell your family and friends after you tell them how we won the cold war, but there is a greater need for nuclear weapons.

Now they say, well, this is not about nuclear weapons; this is about the ability to prevent our being attacked by nuclear weapons. I will not go into all the science which Senator NUNN and others have talked about here, but the one thing for certain about how you deal with an ABM system is you overwhelm it. You build more offensive systems. It is a lot easier and a lot cheaper to build offensive systems than it is to build defensive systems. As an old bumper sticker from my generation used to say, ''One nuclear bomb that gets through could ruin your day.'' One hydrogen bomb dropping on Manhattan can ruin your day. So all you have to do, without even having the technology, is overwhelm the system. And it is cheaper to do that.

Now, I know what my friends are thinking. They say, ''Boy, we have got the Russians in a great spot. They are broke. Let's take advantage here. They are not going to be able to do this.''

Well, at a minimum, folks, I do not know why they are going to go ahead and destroy what they have, if, in fact, we are going to adopt this policy. The most likely immediate consequence of cutting the ABM Treaty, as I said, will be the elimination of the START regime.

Mr. President, what troubles me most about the provisions on the ABM Treaty is their reckless unilateralism. Article VI-A of the ABM Treaty contains two provisions that have been in place for years. First, it bans both parties from giving ABM systems the capacity to counter strategic ballistic missiles; and, second, it bans testing of such systems in an ABM mode.

The bill before us would effectively collapse these two provisions into one by asserting than an ABM system is actually not an ABM system, unless it has been field tested as a system. In other words, it must have a demonstrated capacity—a demonstrated capacity—of being an ABM system.

Now, there is a reason why when we did the ABM Treaty we insisted that you violate the treaty first, if you demonstrate a capacity to set up a system, or second, if such a system could be deployed in such a capacity even if it has not been tested.

Now, it might be useful at this juncture to cite the case of Krasnoyarsk radar, which we debated for months and months on the floor of the Senate not too many years ago. Some of the same people here were on the floor then pointing out how the Russians were violating the ABM Treaty and we could not do business with them and could not trust them. Now some of the same people are here saying we should do what we told the Russians they could not do.

A gentleman who is gone, a very bright fellow whom we all respected, from Wyoming, Senator Wallop, was on the floor day in and day out warning us about the Krasnoyarsk radar. The Soviet Union built this giant radar in Siberia in the 1980's. Although the radar was never turned on, that is, its capacities were never demonstrated as would be required now, we argued that it had the inherent capability of an ABM system and constituted a violation of the ABM Treaty. The Soviets asserted that since the system had never been tested, it was permitted under the ABM Treaty.

Eventually, through the good offices of my conservative friends and some of us who joined them, the Russians tore down the radar. If, in fact, the Armed Services Committee provisions that are contained in the bill prevail, absent being amended by the Senator from Michigan, they would be able to keep the radar.

It would not be a violation of the ABM Treaty. I wonder how many of my friends over there would be saying, ''You know, no problem, we understand. We think there should only be one test.''

I wonder what my friend Senator THURMOND would be saying then. I wonder what my friends over on the right would be saying. They would be apoplectic, because although it had not been turned on and demonstrated, it clearly had the inherent capability and, therefore, was in violation of the ABM Treaty.

I would like to point out to my colleagues that there is no legal basis for a unilateral amendment to the ABM Treaty. It seems like I have been fighting this, along with Senator NUNN, Senator LEVIN, and others, for the last decade. The Reagan administration tried a frontal attack on this in the early eighties saying, ''We are going to reinterpret the ABM Treaty.'' If you do not like what it says, reinterpret it. Well, we won that fight, and little did I think we would be back here having this fight.

It would be better to come out here and just declare the treaty null and void and have a Senate vote saying it contravenes our national interest to be part of the ABM Treaty any longer. At least we would be honest with the people here. At least we would be telling the truth. But this is a charade.

I point out to my colleagues, again, that there is no legal basis for the unilateral amendment of the ABM Treaty, or any other treaty, for that matter. The Vienna Convention on the Law of Treaties serves as a source of customary international law and provides guidance in this matter. According to its provision, a treaty is to be interpreted in accordance with the ordinary meaning of its terms.

The two prongs of section 6(A) of the ABM Treaty are clear: One is aimed at constraining demonstrated capabilities, and the other is aimed at constraining inherent capabilities. In other words, this provision was intended to prevent testing against strategic missiles and development of systems that have the ability to counter such missiles.

To say that only the testing, or demonstrated capacity, standard is relevant would represent a clear departure from the obligation set forth in the treaty.

A second area in which the provisions of this bill would mandate unilateral action with regard to the ABM Treaty is defining the demarcation line between strategic and theater missiles. The bill before us would arbitrarily set that mark at a peak reentry velocity of 5 kilometers per second and an effective range of 3,500 kilometers. The so-called 5/3,500 threshold may, in fact, be a legitimate demarcation line.

Guess what? The treaty says you negotiate those things. You negotiate them. That is what the existing treaty demands.

Mr. President, these amendments to the ABM Treaty affirm that we will define unilaterally the line between a strategic missile system and a theater missile; and we will declare unilaterally our ballistic missile defenses are in compliance with the ABM Treaty. Forget the fact that the very issues are now being negotiated with the Russians. We are going to do what we want.

As my young 14-year-old daughter's friends often say, ''Why don't we get real here?'' Let us just declare the treaty null and void and stop this. At least that would have the integrity of allowing others to trust making a treaty with us again. At least it is straightforward, and almost every treaty including the ABM Treaty says if this is not in our national interest, the President can declare it so and we are out.

So let us not wreck the ABM Treaty. Do not wreck this President's or future Presidents' ability to negotiate treaties of consequence with people when we can come along and just redefine them midstream, when we either think the other party is extremely vulnerable or we want to do something that the treaty does not suggest.

I want to ask the rhetorical question: If we did not need an antiballistic missile system when the Soviet Union had over 12,000 nuclear warheads all aimed at the United States or things of vital interest to us, why in the devil do we need it so badly now?

As Senator NUNN explained, such a system is not the thing that is going to prevent a Qadhafi or some Third World screwball from detonating a nuclear weapon in the United States. They will bring it in by ship, smuggle it in, reassemble it in the basement of the World Trade Tower, and blow us up. They are not going to wait until they have an intercontinental ballistic capability to do it.

This is nuts, with all due respect. If there is any lingering doubt about whether the provisions I have referenced are meant to scuttle the ABM Treaty, I hope we disabuse ourselves of that.

The ABM Treaty is based on a very simple, yet powerful premise that has been tested and proven to be valid—and that is that the development of defenses against strategic ballistic missiles is inherently destabilizing. Were the Russians to develop a shield against strategic ballistic missiles, what would be our reaction? We would do the same thing they are likely to do if this provision becomes law—that is, maintain the means to overwhelm those defenses.

Or would we say, ''You know, it's good for everybody, that they are now impervious to attack as long as we keep our missiles at the same number. We do not have that capability, but we are going to trust them; we have no problem.'' We know we would rush to do that.

Or would we sit here and say, ''My Lord, the only thing we know for sure we can do, and do it more cheaply, is build more intercontinental ballistic missiles and theater ballistic missiles, for that matter, so that no matter how many of these brilliant pebbles or whatever else is in the sky, we can just send enough in so that a few will get through.''

But we are going to expect the Russians to say, ''Don't worry, we know those good old Americans would never, ever do anything like this to us; therefore, we don't have to worry. We'll continue to dismantle our missiles, and we won't attempt to do the same thing and all will be well.''

One of the first assignments I was sent on abroad was in 1978 on the so-called SALT Treaty. I was asked to take a group of new Members of the Senate to meet with Mr. Brezhnev, then the leader of the Soviet Union. We sat down and negotiated what were referred to as conditions, Senate understandings that we had attached to the SALT Treaty.

In the middle of the conversation, as I was pointing out how we would never do anything bad, Brezhnev looked at me and said through an interpreter: Let me make sure I understand this.

He said, ''I would like to remind you that as bad as you think we are, we never dropped a nuclear bomb on anybody. As bad as you think we are, you are not as good as you think you are. You expect us to say we know you would never attack us with nuclear weapons when, in fact''—I am not judging whether it was right or wrong—''you have already demonstrated when your national interests are at stake, you will use atomic weapons.'' That is kind of a compelling point.

If we are going to take such a brazen step as trashing a treaty that has helped to lessen the prospect of nuclear Armageddon for over two decades, you would think that there is a good reason behind it. Well, there is none that I can discern.

Instead, we are asked to accept the dubious justifications contained in a couple of paragraphs of this year's Defense authorization bill.

One justification is that mutual assured destruction and its corollary—deterrence—is no longer relevant after the cold war. That is right, folks, traditional deterrence is dead because the bill before us has declared it passé.

Mr. President, you cannot delegislate deterrence. That concept is grounded in the fundamental interaction among States.

In a continued elaboration of flawed logic, the bill goes on to assert that with traditional deterrence dead, both the United States and Russia will be encouraged to reduce their offensive strategic arsenals.

This bizarre line of reasoning reveals a failure to grasp the fundamental counter-intuitive interaction between offense and defense that gave rise to the ABM Treaty in the first place.

As long as we have a potentially adversarial relationship with Russia—in other words, as long as we are not dealing with a Canada, or a France, or a Britain—our sense of security will depend on the confidence we have in our retaliatory capability.

Anything that undermines confidence in retaliatory capability—which is what strategic missile defenses do—will increase the reluctance of one side or the other to reduce offensive strategic forces.

One implicit aspect of the bill's analysis is correct—the Russians do not have the economic means to develop an ABM system on a par with what we are capable of developing with the expenditure of a large portion of our treasure. But they do have a stockpile of surplus warheads which they could deploy to respond to our national missile defense system.

With our planned deployment of a national missile defense system, the Russians, now feeling less certain of their retaliatory capability, will opt for the next best alternative—they will ignore their remaining commitments under Start I and they will refuse to ratify Start II.

It will not end there—they are likely to begin expanding their strategic forces to overcome missile defenses. We will respond by expanding our forces and by developing even more robust missile defenses, and so on. In short, we will restart the spiral of escalating nuclear deployments that marked the worst days of East-West confrontation.

What a cruel irony that would be—after the cold war, when we could have achieved significant reductions in strategic arms—we will instead have created the kind of bankrupting, paranoia-driven arms race that the ABM Treaty sought to prevent, and, indeed, did prevent during the cold war.

Another justification for scuttling the treaty could be called the Barbarians are at the gates argument. According to this line of reasoning, there are numerous rogue States on the verge of acquiring advanced tactical and strategic ballistic missiles. And we urgently need to develop the means to counter this imminent threat to our national security.

This is a crucial matter, and one which deserves more careful analysis than has been employed to date. I know about the estimates that say that some countries are only a decade away from having long range ballistic missile delivery capability. But I question the validity of those analyses.

Many other reputable studies by experts in the field indicate that the nations causing the greatest worry to the Defense Department will not acquire long range delivery systems for the next 20 to 30 years, if ever. Even Defense Department data reveal that 97 percent of the Third World missile threat comes from theater ballistic missiles with a range of 1,000 kilometers or less.

The delivery system of choice of rogue states targeting the United States with weapons of mass destruction will not be ballistic missiles. There are plenty of ways to circumvent defenses without even using missiles. These are the threats on which we should focus our ever-scarcer resources, not on the alarmist scenarios that are being touted by the proponents of national missile defense.

If a national missile defense can be rendered ineffective by an overwhelming Russian attack, and if such a system is many times more capable than what is required to contend with the Third World theater ballistic missile threat, then we are left to ask a basic question—what are we spending tens of billions of dollars to defend ourselves from?

I think that the only logical conclusion is one that is not explicitly stated, but begins to emerge if you read carefully between the lines. The real reason for going on a crash program to develop a national missile defense system is that there are some who don't care that the ABM Treaty will be jettisoned because, in their view, arms reduction per se is not in our national security interest.

If our deployment of a national missile defense causes the Russians to abandon START II, that fits right in with their strategy. Such a move by the Russians will provide the excuse they need to argue for maintaining and perhaps even expanding a large United States strategic arsenal.

I realize that there are others who might vote for a national missile defense system because, upon first glance, it seems to be a way to render strategic ballistic missiles obsolete. I know that not everyone who supports a missile defense wants an arms buildup. Some may honestly believe that a national missile defense is a path to future arms reduction.

But I would hope that those who do want arms reduction will realize the essential paradox of defense and offense where strategic ballistic missiles are concerned. The more you try to defend, the more the other side will buildup. This has been borne out by experience. In this manner, a well-meaning attempt to reduce the effectiveness of strategic weapons by building a robust defense could have the perverse impact of leading to a new and costly arms race.

In closing, I would just like to remind my colleagues who remain skeptical about the usefulness of the ABM Treaty, that the START treaties—in which both sides have agreed to cut their strategic arsenals by a total of two-thirds—were concluded without the United States having deployed a single strategic defensive system.

The ABM Treaty has served the purpose of arms reduction remarkably well. We should seek to build upon its successes, not scuttle it for an ill-defined and perilous course.

Finally, let me say that if Senators are going to stand on the floor and say they are going to vote against the Levin amendment but they support START I and START II, then I respectfully suggest that they go read this legislation. I do not know how you can say that.

If a Senator is going to say, ''I support the ABM Treaty but I am against the Levin amendment,'' I suggest he or she go read the legislation before us. If a Senator comes to the floor and says, ''By the way, I not only do not like the doctrine of mutual assured destruction, I do not support START I, START II, or the ABM Treaty,'' then I say vote against this amendment, because then you will be intellectually honest. It is a legitimate position to take. But let us not kid the American people and the world and say we support reducing the number of nuclear weapons, we support START I, we support START II, we are even for a START III, which we are contemplating, and we are for the ABM Treaty but, by the way, we are going to vote for this legislation. You cannot do both and be intellectually honest about it.

So, as they say, pick a team, pick a side, pick a position, but do not pretend you are on both sides because you cannot be against Levin and for the ABM Treaty. You cannot be against Levin and for the START II agreement. You cannot be against Levin and for further reduction in the nuclear arsenals of the major powers in the world.

I thank my colleague from Michigan, and I yield the floor.

Mrs. FEINSTEIN. Mr. President, I rise today in support of the Levin-Exon-Bingaman-Glenn amendment, to the National Defense Authorization Act for Fiscal Year 1996, to strike provisions of the bill which would directly lead to our violation of the ABM treaty. This treaty is vital to American national security.

The Missile Defense Act would lead to violations of the ABM Treaty in two crucial ways.

First, it would establish a deployment plan for a national missile defense. If a national ballistic missile defense were deployed, it would blatantly violate the treaty.

Second, before any national missile defense system can be deployed, it must be tested. Fully testing this type of system would violate the ABM Treaty.

The ABM Treaty is the diplomatic foundation of our intercontinental ballistic missile reduction strategy. It was possible to negotiate and ratify the Strategic Arms Reduction Treaty or START, which is currently being implemented, and negotiate START II, which awaits ratification by this Senate and the Russian Duma because of the strategic groundwork laid in the ABM Treaty. Abandoning or violating the ABM Treaty would threaten the strategic ballistic missile reductions under these two treaties which, when implemented, would verifiably eliminate the intercontinental ballistic missiles carrying two-thirds of Russia's nuclear warheads.

Further, abandoning our treaty obligations jeopardizes our future relationship with Russia. The Reagan, Bush and Clinton administrations have worked hard to not only strengthen the strategic relationship between our nations, but economic, cultural, and diplomatic relationships as well. We have achieved measurable strategic reductions because of the foundation of trust the ABM Treaty provides. To jeopardize this trust, especially while START II waits precariously for ratification, is simply unwise. If the ABM Treaty is abandoned, the casualty may very well be the future of nuclear arms reductions with Russia.

While it is true that the ABM Treaty was ratified at the height of the cold war and that its outlook is bipolar in nature, the fact remains that the greatest ballistic missile threat to the United States is still located in Russia and the states of the former Soviet Union. The ABM Treaty gives a sense of security to the Russian government which allows them to move forward toward reducing their stockpiles of nuclear weapons under both START and START II.

Even the chairman of the Joint Chiefs of Staff, General Shalikashvili, has felt it necessary to declare that United States abandonment of the ABM Treaty could harm both the prospects for START II ratification by the Duma and our broader security relationship with Russia. In addition, abandonment of the treaty could threaten the continued dismantlement of nuclear weapons under START. Again, if we abandon our commitments under the ABM Treaty, we stand to lose the verified elimination of thousands of nuclear missiles currently aimed at the U.S. Our national security priority should be to greatly reduce this ICBM threat.

My support of the ABM Treaty does not negate my willingness to see a national ballistic missile defense system studied. We should continue our research and development programs for a national ballistic missile defense system and should always look toward our future defense needs.

Turning to the issue of theater missile defense, I also believe deeply that we must develop and deploy this type of system which does not violate the ABM Treaty. Development and deployment of this type of system is technologically feasible and is permissible under the ABM Treaty. Most of the

theater ballistic missile defense systems currently in development and being tested are ABM Treaty compliant. In fact, the joint summit statement from the May Clinton/Yeltsin Summit delineates a set of principles that provides that both sides can deploy effective theater ballistic missile defense systems within the framework of the ABM Treaty.

Because theater ballistic missile defense is entirely possible under the ABM Treaty, is it not the better path to both maintain the ABM Treaty thus protecting the elimination of thousands of intercontinental ballistic missiles under START and START II and to develop and deploy a theater ballistic missile defense system that could both protect future theater ballistic missile threats to American shores and current theater ballistic missile threats to American and Allied troops overseas?

Let us continue our research and development programs for a national ballistic missile defense, let us continue to develop and work to deploy a theater ballistic missile defense, but let us oppose abandoning the ABM Treaty and thus lose our opportunity to eliminate thousands of Russia's intercontinental ballistic missiles.

It is in our national security interest to continue to support the ABM Treaty until the great threat of Russian ICBMs aimed at the United States is substantially reduced under START and START II. Until this important process is completed, let us work to deploy a theater missile defense system and continue our research towards the development of national ballistic missile defense system.

Mr. THURMOND. Mr. President, today, I received a letter from the Honorable Henry Kissinger, former Secretary of State. I will take a few seconds to read a short paragraph:

> I commend the Committee's decision to set a course for deployment of a National Missile Defense system to protect all Americans. Development of such a system is long overdue. I believe that such a deployment will actually enhance deterrence. . . The ABM Treaty is unable to help the United States deal with one of the most significant post-Cold War security threats: the proliferation of long-range ballistic missiles. In fact, the ABM Treaty now stands in the way of our ability to respond in an effective manner.

I ask unanimous consent that the entire letter be printed in the RECORD.

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

AUGUST 3, 1995.

Hon. STROM THURMOND,
Chairman, Senate Committee on Armed Services, Washington, DC.

DEAR SENATOR THURMOND: I am writing to congratulate you on your recent markup of the Defense Authorization Bill, especially the provisions in the bill dealing with ballistic missile defense and the ABM Treaty. With the bill soon to be debated on the Senate floor, I wanted to present my views on a number of related issues.

The time has clearly come for the United States to consider either amending the ABM Treaty or finding some other basis for regulating U.S.-Russian strategic relations. The ABM Treaty was born of a different era, characterized by a different set of strategic and political circumstances. As I said in my testimony before your committee earlier this year, when things have changed so much, we must not fear changes in our Cold War treaty arrangements if such changes are in our best interest.

I commend the Committee's decision to set a course for deployment of a National Missile Defense system to protect all Americans. Development of such a system is long overdue. I believe that such a deployment will actually enhance deterrence and provide the basis for deeper offensive reductions. Our experience with the ABM Treaty has shown that a lack of defense neither promotes offensive reductions nor otherwise enhances stability. More important, the ABM Treaty is unable to help the United States deal with one of the most significant post-Cold War security threats: the proliferation of long-range ballistic missiles. In fact the ABM Treaty now stands in the way of our ability to respond in an effective manner.

I am also pleased to see that the Committee has passed the legislation introduced by Senator Warner, which establishes a clear demarcation between permitted Theater Missile Defense systems, and strategic defenses limited by the ABM Treaty. It is essential that the ABM Treaty not be extended to cover systems that were never intended to be limited, such as Theater Missile Defense systems. Such systems are too important to be held hostage to arbitrary and unnecessary negotiations. I find it hard to believe that the Clinton Administration objects to having its own demarcation standard codified into law. Such a move seems entirely appropriate and consistent with U.S. obligations under the ABM Treaty.

I believe that the Missile Defense Act of 1995 is an important step in the right direction. It is a measured and well-focused response to a dramatic threat to United States national interests.

Sincerely,

HENRY A. KISSINGER.

The PRESIDING OFFICER. Who yields time?

Mr. LOTT. Mr. President, is the leader ready to proceed?

Mr. DASCHLE. Yes.

Mr. LOTT. I will withhold. I understand the Senator from Texas may have some remarks, if the Senator would like to wait, or would he like to proceed?

Mr. DASCHLE. I am prepared to speak, but if the Senator has been on the floor, I am happy to defer to her.

Mr. THURMOND. How much time does the Senator from Texas want?

Mrs. HUTCHISON. Two or three minutes.

Mr. THURMOND. I yield 3 minutes to the Senator from Texas.

Mrs. HUTCHISON. Mr. President, I think there is a fundamental issue here, and that is, as the world changes, is the U.S. Senate and the U.S. Congress going to continue to meet the challenges of the new world that we face today?

The world has changed since the ABM Treaty. No longer are we a bipolar world. We now know—and it has been published often in newspapers—that there are numerous countries that have nuclear, biological, and chemical weapons. Do they have the ability to attack the United States with these weapons? We believe that some might.

So the question is: Are we going to unilaterally disarm our ability to defend our shores from a potential attack? That is the issue. We cannot, in any way, limit our capability to meet the challenges of the post cold war, multipolar world that we are living in today.

So I hope that we will not do anything that will lessen our ability to defend our shores. We must have a theater ballistic missile defense. We must continue to go forward to make sure we have the technology to defend ourselves against any incoming missiles, or to defend our armed services in any theater in which they may be fighting. That is the core issue today.

So I hope that our colleagues understand the significance of this argument. This is not, in any way, partisan; it ought not be in any way a matter for discussion, really; it is a matter of priorities and what our leadership role is. I hope that we will put aside partisan views on this issue and look at our responsibility to defend our shores and our future generations.

Thank you, Mr. President. I yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Mr. President, I yield the remainder of my time to the Democratic leader.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DASCHLE. I thank the Senator from Michigan for the time.

Mr. President, I want to also thank him for offering this amendment, and I commend Senators EXON, BINGAMAN and GLENN for cosponsoring it. I believe that the vote on this amendment may be one of the most critical votes that we cast this year. There are many provisions in this bill that I, along with many of the people on this side of the aisle—and I suspect beyond the beltway—strongly oppose. However, perhaps the most objectionable provisions in this bill—and potentially the most damaging to the long-term security interests of the United States—are those calling for the United States to deploy multiple-site national missile defenses by the year 2003.

As Senator LEVIN and others have already pointed out, committing this country to deploying a multisite national missile defense system at this time would have very damaging consequences for our national security. The Levin amendment would retain the strategic policies that have kept this country safe now for a half century.

I strongly support the Levin amendment for several reasons.

First, I am concerned that any effort by the United States to deploy theater missile defenses could jeopardize several important treaties negotiated under both the Clinton and Bush administrations. For instance, the provisions could hold up implementation of

the START Treaty; imperil Russian ratification of the START II Treaty, which requires Russia and the United States, as everyone here knows, to reduce their long-range nuclear weapons from 8,500 to 3,500; and possibly impact the conventional forces in Europe Treaty, which calls for the reduction of heavy weapons, such as tanks and combat aircraft throughout NATO and the former Warsaw Pact.

Second, I am concerned that deployment of national missile defenses in the United States could undermine U.S. nonproliferation efforts. For instance, China could withhold support for the Comprehensive Test Ban Treaty if the United States violates or renegotiates the ABM Treaty.

Needless to say, Chinese resistance to the CTB could induce other regional powers to follow suit, thus eroding support for the Nonproliferation Treaty. Moreover, deployment of theater missile defenses would make other nuclear countries, like China, Britain, and France, less willing to enter into future nuclear reduction treaties.

Third, as has been pointed out several times during this debate, nothing in the treaty precludes the Department of Defense and the Ballistic Missile Defense Office from conducting the program as currently planned for at least the next year or two. Let me repeat that. The ABM Treaty will not constrain our ballistic missile defense efforts for at least the next year or two.

Therefore, we have ample time to weigh the threats this Nation faces and debate the appropriate response. We need not march off precipitously on a path that leads us to unilateral abrogation of one treaty, and the probable breaking of several others.

Mr. President, let me make it clear, I am not saying that we should never consider making changes to the ABM Treaty or any other treaty. Circumstances change and security requirements must be modified accordingly.

Even the Constitution, the greatest document drafted by this country, has been modified 26 times. What I am saying is that this is neither the time nor the manner to modify the treaty.

For all these reasons, I strongly support the Levin amendment and urge my colleagues to do the same.

I yield such time as I have remaining to the author of the amendment, the distinguished Senator from Michigan.

Mr. LOTT. Could I inquire about the remaining time?

The PRESIDING OFFICER. One minute and eighteen seconds for the Senator from South Carolina, and 6 minutes for the Senator from Michigan.

Mr. LOTT. Due to the fact that we only have 1 minute and 18 seconds, we will reserve our time to see if the Senator from Michigan would like to use the balance of his 6 minutes.

Mr. LEVIN. I understand the Chair is saying there is 6 minutes remaining. I yield myself 5 minutes.

Mr. President, the language in the bill which this amendment would correct does three things.

First, the language sets forth a head-on clash with the ABM Treaty. Words have clear meaning by the way they have consequences, too, which we will get to in a moment.

Section 233 says it is the policy of the United States to deploy multiple site national defense missiles. The ABM Treaty prohibits such defenses. You cannot get much clearer than that without a formal abrogation document. What this bill says is the policy to do it is not allowed by the ABM Treaty.

In addition, section 235 of the bill says that to implement the policy established in that earlier section, the Secretary of Defense shall develop an affordable and operationally effective national missile defense system, which will attain initial operational capability by a specified year.

''Shall'' and ''will;'' these are very clear and very strong words.

Second, the bill says that the line between short-range and long-range missile defenses is a specific line. We are doing it by U.S. law.

Now, it is the same demarcation which is being negotiated between Russia and us. What we are doing is usurping the negotiations and transferring them from wherever they are being negotiated to the floor of the U.S. Senate. If the Duma did that, we would not stand for it for one moment—any of us—I hope. So there is a unilateral interpretation of the ABM Treaty in this bill which would be stricken by this amendment.

Third, the bill says it is a sense of the Senate that the President shall not negotiate—these are the words—sense of the Senate the President should cease all efforts to clarify U.S. obligations under the ABM Treaty.

We have heard a lot about the need to modify. By the way, I think most would agree that the ABM Treaty should be modified. At least many of us, including myself.

Here it is said in section 237, that it is the sense of the Senate that the President should cease all efforts to modify, clarify, U.S. obligation. Both words are used—modify and clarify.

On the floor, we hear a lot about we ought to try to modify this treaty, and we should. Section 237 says the President shall cease all efforts to modify or clarify our obligations under the treaty. That section would also be stricken.

Mr. President, this language in this bill which the amendment would strike will dash the hopes of our generation for a new relationship with Russia, following the end of the cold war. That is what Secretary Perry tells us. That is what General Shalikashvili tell us.

This is why Secretary Perry has written us the following:

> Certain provisions [in this bill] related to the ABM Treaty would be very damaging to U.S. security interests. By mandating actions that would lead us to violate or disregard U.S. treaty obligations—such as establishing a deployment date of a multiple-site NMD system—the bill would jeopardize Russian implementation of the START I and START II Treaties, which involve the elimination of many thousands of strategic nuclear weapons.

We cannot get much more serious than this. It has never been more important to read words in a bill than it is now because what our Secretary of Defense is telling us; that the elimination of offensive weapons aimed at us is jeopardized if we unilaterally move to trash the ABM Treaty or interpret the ABM Treaty the way this bill does.

That is why this debate is worth 5 hours—indeed, maybe 5 days. That is the seriousness of the language that is in this bill.

Then the Secretary of Defense goes on to say that, ''The bill's unwarranted imposition through funding restrictions, of a unilateral . . . demarcation interpretation would similarly jeopardize these reductions . . .''

Now, we have a treaty. Treaties should mean things. They should have significance. When the Russians violated it, we tried to hold them accountable. So, I believe, the Duma will point to our action in saying that this gives them an excuse to, instead of reducing nuclear weapons, to stop those reductions, to keep the numbers where they are, and, indeed, increase them, in order to now deal with these new defenses which this bill commits us to build.

I reserve the balance of my time.

Mr. LOTT. We do have at least one more speaker. Could I ask unanimous consent we have 10 additional minutes, 5 on each side?

Mr. LEVIN. Mr. President, does that then supersede whatever time we have left?

Mr. LOTT. It would begin now, when all existing time expires, which is within about 2 minutes.

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

Mr. THURMOND. Mr. President, I yield 5 minutes to the distinguished Senator from Oklahoma.

Mr. INHOFE. Thank you, Mr. President. We have talked about this now for 3½ hours, and we have got a little bit longer to go.

I think it has been said every argument has been made on both sides by this time. When the Senator from Texas stood up and talked about this being a different world, I have to emphasize that this is a different world than it was back in 1972.

In 1972, we had two superpowers. We had the USSR and the United States, and we had a treaty that took place back then that was controversial at that time, the ABM Treaty between two parties. One of those parties does not even exist anymore. The world is totally different. The threat is not there from the Soviet Union because the Soviet Union is not there anymore.

If we stop and look at the comparison that we have today, we are living under

a treaty that says that we can defend ourselves overseas, we can defend ourselves in a theater missile environment, but we cannot defend our own country.

Now, I think we have to look at it and say, is the environment we are in today a more dangerous environment than it was in 1972? I think there is some argument, very persuasive argument, that there is. We have heard quoted several times on this floor a statement by Jim Woolsey, who is the Security Adviser to President Clinton, said that we know of between 20 and 25 nations that have developed or are developing weapons of mass destruction—either nuclear, chemical, or biological—and they are working on the missile method to deliver those weapons of mass destruction.

I think that a case can be made that the environment we are in today is far more serious, far more dangerous, to our Nation's security than it was when we could identify who the enemy was. At that time, of course, the enemy was the U.S.S.R.

I will share with you a conversation I had with Dr. Henry Kissinger. We all know he was the architect, back in 1972, of this controversial antiballistic missile treaty. He said at that time he felt it was the right thing to do.

At that time the mutual destruction mentality that we had seemed to make sense. ''We only have two countries in the world who are capable of developing and delivering any form of destruction of that nature, so let us just both make ourselves so we are vulnerable to the other one.'' Maybe it made sense then. I am not sure that it did.

But the other day, in a private conversation with me—and he said it is fine to quote him—he said: For us to be living under that treaty today is insane. And he said, and this is a direct quote, ''It's nuts to make a virtue out of our vulnerability.''

I do not know whether that is in the letter that the distinguished Senator from South Carolina submitted for the RECORD. I suggest words to that effect are there, but it is a lengthy, two-page letter. In that letter he describes it.

This is the person who was the architect of the ABM Treaty. So all I am saying, Mr. President, is today it is a different world. Today it is a world not with two superpowers but with a superpower, the United States—if we want to call ourselves that—and many other semi-superpowers or quasi-superpowers, any of which, if they have the technology, can deliver weapons of mass destruction to the United States.

I agree with Henry Kissinger; it is nuts to make a virtue out of our vulnerability, which is exactly what we have been doing.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Mr. President, I yield 2 minutes to Senator DORGAN.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I rise to support the amendment offered by the Senator from Michigan. I think this is awfully important. I know it has taken an awful lot of time on the Senate floor today, but I think it is worth the amount of time it has taken. This is an enormously important amendment. This amendment strikes the language in the bill that is brought to the floor by the Armed Services Committee that will abrogate the ABM Treaty. In my judgment, it is reckless to do what is done in this bill in a manner that will abrogate that treaty.

We had a long debate this morning on the subject of funding, $300 million added to the bill for a national missile defense system. That amendment that I brought to the floor to strip the $300 million out lost by a vote of 51 to 48. I hope we will revisit that issue in an appropriate way and we will achieve a different result. That was important.

But this is even more important. I hope the Senate, on this amendment, will understand the dimensions of this amendment offered by the Senator from Michigan. The ABM Treaty is the foundation of the arms agreements which we have reached with the Soviet Union and Russia and others. I think it is critically important that we agree to this amendment this afternoon and strike the language in the bill brought to the floor, that I think jeopardizes, literally jeopardizes, our security by weakening the arms control agreements that are now in place.

I congratulate the Senator from Michigan for a long, hard fight. I hope when the votes are counted we will find, in this circumstance, he prevails—he prevails for the good of this country and for the future of our children.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LOTT. Mr. President, could I inquire on the remainder of time on both sides of the aisle?

The PRESIDING OFFICER. There is 1 minute and 33 seconds left on the majority side and 3 minutes and 50 seconds left on Senator LEVIN's side.

Mr. LOTT. I reserve the remainder of our time.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, the cold war is over. But there are some remnants that remain, including about 8,000 nuclear warheads on Russian soil. Those warheads are being dismantled. They are being dismantled as part of the START I agreement and START II agreement. The dismantling of those warheads is critical to our security.

The Chairman of our Joint Chiefs says that the continuing dismantlement of Russian warheads that threaten us is jeopardized if we undermine the ABM Treaty. Because instead of dismantling warheads, the Russians will now be faced with the threat of defenses, which means they would be tending to increase the warheads in order to overcome those defenses.

So there are a number of treaties which are at issue. There is the ABM Treaty, but there is also a START I Treaty and a START II Treaty.

When General Shalikashvili tells us, as he has in writing, that we must assume that unilateral United States legislation could harm prospects for START II ratification by the Duma, and probably impact our broader security relationship with Russia as well, we should listen.

And when the Secretary of Defense says that the study which is referred to in this bill should be completed before we decide to deploy sites in violation of the ABM Treaty instead of vice versa—we should not be now committing to deploy multisites when they violate a treaty which we are then going to study—so what the Secretary of Defense last said is these serious consequences argue for conducting the proposed Senate review of the ABM Treaty before—underlined—before considering such drastic and far-reaching measures.

The PRESIDING OFFICER. The Senator's time is up. Who yields time?

Mr. LOTT. Mr. President, has all time expired?

The PRESIDING OFFICER. There is approximately 1 minute, 31 seconds on your side, approximately 1 minute and 20 seconds on the side of the Senator from Michigan.

Mr. LOTT. Mr. President, I have the authority of the majority leader to use leader time.

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

Mr. LOTT. Mr. President, if I understand correctly what the Senator from Michigan said a minute ago—did I hear him say the ''threat of defense''? The ''threat of defense,'' did the Senator say that?

Mr. LEVIN. The Senator is correct. Our having defenses to the Soviets means that instead of getting rid of their offensive weapons, they will need more. That is not what I am saying, though. That is what General Shalikashvili and Secretary Perry are saying, far more important than what this Senator was saying.

Mr. LOTT. I thank the Senator, but I just want the American people to think about that terminology. The threat of defense. Maybe that should be the description of what the Levin amendment is all about. Defense—who does it scare in America? Our defense scares the Russians? The MAD era is over, thank God. Let us admit it. Let us let it go. Times have changed. The threat of defense, to me, is not a scary idea.

We are not saying, do it now. We are saying, let us move forward with development, let us have some plans, let us begin some specificity, let us have enough money to really do the job. Let us not have enough money to waste. Let us have enough money to do the job. Let us have enough money to deploy.

Yes, we should be reasonable. We should think it through. But does any Senator here, or any American, think that the Senator from Maine is going to support language that is going to be dangerous and irresponsible? That is ridiculous. The Senator from Virginia, Senator WARNER, who has worked on this for years and years and years and was one of the coauthors, with the Senator from Georgia, of the missile defense language of 1991, these are not irresponsible people.

Can we continue to work together to try to move into this new era to move beyond ABM? Yes. Let us do it rationally and reasonably. But let us do it. What is this absolute infatuation, this clinging to ABM? It is time to move on.

We have a letter from Dr. Kissinger that has been referred to. But I know a lot of Senators on both sides of the aisle have a lot of respect for Dr. Kissinger. Dr. Kissinger's letter is very telling. I am going to read every word of it because it really sums up where we are today. It is addressed to the distinguished chairman of the Armed Services Committee, Senator THURMOND. It is dated August 3. He also testified before the Armed Services Committee very clearly and very succinctly about what we should do and how we should move into the present and forget the past. This language is about the future, how do we get there and plan to get there. By clinging to ABM, are we trying to, as a matter of fact, stop a movement toward defense and start the movement toward the next generation? I fear that is what is involved.

Here is what Henry Kissinger had to say:

AUGUST 3, 1995.

DEAR SENATOR THURMOND: I am writing to congratulate you on your recent markup of the Defense Authorization Bill, especially the provisions in the bill dealing with ballistic missile defense and the ABM Treaty. With the bill soon to be debated on the Senate floor, I wanted to present my views on a number of related issues.

The time has clearly come for the United States to consider either amending the ABM Treaty or finding some other basis for regulating U.S.-Russian strategic relations. The ABM Treaty was born of a different era, characterized by a different set of strategic and political circumstances. As I said in my testimony before your committee earlier this year, when things have changed so much, we must not fear changes in our Cold War treaty arrangements if such changes are in our best interest.

I commend the Committee's decision to set a course for deployment of a National Missile Defense system to protect all Americans. Development of such a system is long overdue. I believe that such a deployment will actually enhance deterrence and provide the basis for deeper offensive reductions. Our experience with the ABM Treaty has shown that a lack of defense neither promotes offensive reductions nor otherwise enhances stability. More important, the ABM Treaty is unable to help the United States deal with one of the most significant post-Cold War security threats: the proliferation of long-range ballistic missiles. In fact the ABM Treaty now stands in the way of our ability to respond in an effective manner.

I am also pleased to see that the Committee has passed the legislation introduced by Senator Warner, which establishes a clear demarcation between permitted Theater Missile Defense systems, and strategic defenses limited by the ABM Treaty. It is essential that the ABM Treaty not be extended to cover systems that were never intended to be limited, such as Theater Missile Defense systems. Such systems are too important to be held hostage to arbitrary and unnecessary negotiations. I find it hard to believe that the Clinton Administration objects to having its own demarcation standard codified into law. Such a move seems entirely appropriate and consistent with U.S. obligations under the ABM Treaty.

I believe that the Missile Defense Act of 1995 is an important step in the right direction. It is a measured and well-focused response to a dramatic threat to United States national interests.

Sincerely,

HENRY A. KISSINGER.

This is a name, this is a voice, although sometime not understandable, one that we all recognize, that has influenced so much of what has happened in this area over the past 30 years, I guess. Yet, he takes such a strong stand. Why are we so afraid of this?

So I think that we should defeat the Levin amendment. I know there are negotiations between the Senator from Maine, Senator COHEN, and Senator NUNN, and perhaps some others for some improvements. I am always willing to look at that. I think we can do that. But first we must defeat the Levin amendment. We must move into the era of reality.

The argument has been made that the Missile Defense Act of 1995 will undermine START II ratification, and perhaps even damage broader United States-Russian relations. This argument is fundamentally rooted in a cold war view of the world. It assumes an adversarial, bipolar relationship between the United States and Russia. Essentially, it projects the United States-Soviet rivalry into the present day by suggesting that missile defenses, even limited defenses, are destablizing.

I do not believe that. Times have changed. Yes, there is some opposition to this, and there are those in the Soviet Union that will argue that the START II Treaty may be in trouble. But if it is, there is plenty of evidence that it is for other reasons: money. We have quotes from the Russians saying they just do not have the money to implement it or for them to be able to tie START II and ABM. We cannot allow that.

They have even tried to link other things to ratification of START II such as expansion of NATO, which they oppose. It is clear that Russia is willing to play the START II card on a number of issues. We must reject this linkage lest we encourage Russia to believe that they possess a veto over U.S. foreign and national security policy.

Of course, we should cooperate with Russia and not disregard their legitimate security concerns. But this is what START II ratification is all about. This agreement is manifestly in both countries interest and should not be held hostage to other issues.

Before we conclude that a U.S. national missile defense program will undermine START II, we should examine what impact such a system would actually have. In reality, the NMD system envisioned by the Missile Defense Act of 1995 would in no way undermine Russian confidence in the effectiveness of their strategic deterrent. Even a multiple-site deployment will not significantly alter Russia's ability to threaten the United States.

Given this, I believe there is no basic rationality to these connections. Even President Yeltsin himself recommended a global defense system shortly after he assumed office. During the Bush administration, there was tentative agreement between the United States and Russia on amending the ABM Treaty to allow for up to five sites and unlimited deployments of sensors, including space-based sensors. Since then, many Russian officials have reconfirmed that a limited NMD deployment would not in any way undermine their deterrent posture.

We must also recall that the ABM Treaty has already been amended once, and that the original treaty did allow for the deployment of more than one site. In fact, I think multiple sites was in the original treaty. During the negotiations that led up to the signing of that treaty in 1972, the Russians were even willing to agree to as many as 5 sites with 100 ABM interceptors each.

So there is a long history here of an understanding really of what ABM means and the recognition that we need or may need and should move toward multiple sites.

But let me begin to conclude with these two points. Why is this legislation needed? The proliferation of ballistic missiles of all ranges, along with weapons of mass destruction, poses an ever-increasing threat to the United States and its interests. I think there is a lot of evidence that shows that, even from administration officials. We must get started now if the United States is to counter these threats in time. Ten years? Is that a rush? There is an orderly plan here.

The administration has repeatedly demonstrated a willingness to extend the ABM Treaty to theater missile defense systems which have not and have never been covered, as I understand it, by treaty.

What the legislation does not do is it does not signal a return to star wars. It advocates a modest and affordable program that is technically low risk. It does not violate, as I understand it, or advocate violation of the ABM Treaty. The means to implement the policies and the goals outlined in the Missile Defense Act of 1995 are contained in the ABM Treaty itself.

So I urge that we take this step. Is it a step? Yes. Is it different from last year or 2 years or 3 years ago? Absolutely. Times are different. In order to

make that step, though, we must first defeat the Levin amendment.

I yield the floor, Mr. President.

Mr. LEVIN. Mr. President, do I have any time left?

The PRESIDING OFFICER. One minute and twenty seconds.

Mr. LEVIN. Mr. President, just last May our President and the Russian President issued a joint statement following a summit. One of those statements was that the United States and Russia are each committed to the ABM Treaty, a cornerstone of strategic stability.

That is how important the ABM Treaty is to the Russians.

Should they be afraid of our defenses? Should they be threatened by our defenses? Gosh, we do not think so because we are good guys.

The truth of the matter is they are. What is the proof of that? General Shalikashvili's statement and Secretary Perry's statement, which says flatout that if we act in this way to undermine the ABM Treaty, we jeopardize the reduction in START I and START II. So we are not afraid of defenses. We should be afraid of 8,000 Russian warheads which probably now will not be dismantled if we jeopardize a treaty which has provided some strategic stability. That is the threat to us, the 8,000 warheads which are currently being dismantled, reduced under START I and II, which now will probably not be dismantled according to two pretty important folks, Secretary Perry and General Shalikashvili. That is current evidence of what the stakes are here.

The PRESIDING OFFICER. Who yields time?

The Senator from South Carolina controls 1 minute 26 seconds.

Mr. LOTT. Mr. President, has the distinguished Senator from Michigan yielded all time?

The PRESIDING OFFICER. Yes, he has.

Mr. LOTT. I believe we are ready to proceed.

Mr. THURMOND. Mr. President, we are willing to yield back any time remaining if they are and we will proceed to a vote.

The PRESIDING OFFICER. All time has expired.

Mr. THURMOND. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the Levin amendment No. 2088. The yeas and nays are ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The result was announced—yeas 51, nays 49, as follows:

[Rollcall Vote No. 355 Leg.]

YEAS—51

Abraham	Frist	McConnell
Ashcroft	Gorton	Murkowski
Bennett	Gramm	Nickles
Bond	Grams	Packwood
Brown	Grassley	Pressler
Burns	Gregg	Roth
Campbell	Hatch	Santorum
Coats	Helms	Shelby
Cochran	Hollings	Simpson
Cohen	Hutchison	Smith
Coverdell	Inhofe	Snowe
Craig	Kempthorne	Specter
D'Amato	Kyl	Stevens
DeWine	Lott	Thomas
Dole	Lugar	Thompson
Domenici	Mack	Thurmond
Faircloth	McCain	Warner

NAYS—49

Akaka	Feinstein	Levin
Baucus	Ford	Lieberman
Biden	Glenn	Mikulski
Bingaman	Graham	Moseley-Braun
Boxer	Harkin	Moynihan
Bradley	Hatfield	Murray
Breaux	Heflin	Nunn
Bryan	Inouye	Pell
Bumpers	Jeffords	Pryor
Byrd	Johnston	Reid
Chafee	Kassebaum	Robb
Conrad	Kennedy	Rockefeller
Daschle	Kerrey	Sarbanes
Dodd	Kerry	Simon
Dorgan	Kohl	Wellstone
Exon	Lautenberg	
Feingold	Leahy	

So the motion to table the amendment (No. 2088) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

AMENDMENT NO. 2089

(Purpose: To express the sense of Congress on missile defense of the United States)

Mr. COHEN. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maine [Mr. COHEN], for himself and Mr. NUNN, proposes an amendment numbered 2089.

Mr. COHEN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place in the bill insert the following:

(a) FINDINGS.—Congress makes the following findings:

(1) The proliferation of weapons of mass destruction and ballistic missiles of all ranges is a global problem that is becoming increasingly threatening to the United States, its troops and citizens abroad, and its allies.

(2) Article XIII of the ABM Treaty envisions ''possible changes in the strategic situation which have a bearing on the provisions of this Treaty''.

(3) Articles XIII and XIV of the ABM Treaty establish means for the Parties to amend the Treaty, and the Parties have employed these means to amend the Treaty.

(4) Article XV of the ABM Treaty establishes means for a Party to withdraw from the Treaty, upon 6 months notice, ''if it decides that extraordinary events related to the subject matter of this Treaty have jeopardized its supreme interests.''.

(b) SENSE OF CONGRESS.—Given the fundamental responsibility of the Government of the United States to protect the security of the United States, the increasingly serious threat posed to the United States, the increasingly serious threat posed to the United States by the proliferation of weapons of mass destruction and ballistic missile technology,and the effect this threat could have in constraining the options of the United States to act in time of crisis, it is the sense of Congress that—

(1) it is in the supreme interest of the United States to defend itself from the threat of limited ballistic missile attack, whatever its source;

(2) the deployment of a multiple site ground-based national missile defense system to protect against limited ballistic missile attack can strengthen strategic stability and deterrence;

(3) the policies, programs, and requirements of subtitle C of title II of this Act can be accomplished through processes specified within, or consistent with, the ABM Treaty, which anticipates the need and provides the means for amendment to the Treaty;

(4) the President is urged to initiate negotiations with the Russian Federation to amend the ABM Treaty as necessary to provide for the national missile defense systems specified in section 335 to protect the United States from limited ballistic missile attack; and

(5) if these negotiations fail, the President is urged to consult with the Senate about the option of withdrawing the United States from the ABM Treaty in accordance with the provisions of Article XV of the Treaty.

Mr. FORD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senator from Maine has the floor. The Senate will come to order.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine has the floor.

Mr. COHEN. Mr. President, I am going to yield to the minority leader in just a moment. I just want to indicate that during the course of the debate on the Levin amendment, I indicated that I would be sending an amendment to the desk for consideration that would, I think, clarify the intent of the Armed Services Committee, as far as the ABM Treaty is concerned.

My understanding is that the minority leader wishes to proceed at this point and introduce another measure dealing with welfare. I am prepared to yield to him if that is his desire, or we can continue to debate the amendment that I have now offered. But I am prepared to yield the floor for as much time as the minority leader needs, and then I will come back to my amendment following his statement.

Mr. DASCHLE. I thank the Senator from Maine for his courtesy.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. I seek the floor using my leader time to make a statement unrelated to the bill. If I can do that and then return to the bill just as soon as we complete the statements, I prefer to do that. I appreciate the courtesy of the Senator from Maine.

Mr. COHEN. Senator NUNN is a principal cosponsor of the amendment I just sent to the desk.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, will we be able to get a time agreement on this amendment? Is it going to be accepted? We just spent 7 hours on the last amendment. If this bill is not finished by tomorrow night, I think it is gone. I hope we can get a time agreement, if it is necessary to have it.

Mr. COHEN. If the leader will yield, I think we can have a fairly short time agreement. I think Senator NUNN and I are working through really modifying this amendment to make sure we have broad bipartisan support for it. It should not take very long. If the leader wants to propose a time agreement——

Mr. LEVIN. Will the leader withhold offering a time agreement until we can see the amendment?

Mr. NUNN. I will say to the majority leader, if he will yield, I would like to have a time agreement on this amendment no longer than an hour equally divided. I believe we would be better to put that unanimous-consent request after the minority leader makes his statement.

Mr. BUMPERS. If the majority leader will yield, I wonder if it is possible to sequence the amendments so the Members will have some idea as to the sequence. I am not pleading for mercy, but I have to go to a funeral in my State this weekend, with absolutely no reservation. I have to leave here tomorrow night. I have a couple of amendments, and I would like to offer them before I leave. I think it would be expeditious for the Senate if we can get some lined up and some sequence and time agreements, maybe 30 minutes or an hour. I think we got the tough ones out of the way. The rest should not take that much time.

Mr. DOLE. I think that is an excellent idea. Senator DASCHLE and I may be starting to put it together, to rotate back and forth on the sequence of amendments. I think the Senator from Arizona wants to do the same thing. Maybe we can do the Senator's this evening if he has to be gone tomorrow.

Mr. DASCHLE. I yield to the manager of the bill.

Mr. THURMOND. Mr. President, I just want to say that we have spent a long time now just on a few amendments. I hope we can get reasonable time agreements and finish up this bill. I am saying that we can finish this bill in a reasonable time tomorrow, if we stay here tonight and work a reasonable time and do not take too much time on any one amendment. Most of the people know how they are going to vote; it is just a matter of voting. I hope we are all together.

Mr. DASCHLE. Mr. President, given that, I will use my leader time, and Senator DOLE and I will have an opportunity to go off the floor and talk.

I will yield to the Senator from Maryland, and following that, the distinguished Senator from Louisiana, for remarks regarding the Work First welfare reform plan.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

(The remarks of Ms. MIKULSKI and Mr. BREAUX pertaining to the introduction of S. 1117 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. MCCAIN. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The pending business is amendment 2089 offered by the Senator from Maine [Mr. COHEN] and the Senator from Georgia [Mr. NUNN].

Mr. MCCAIN. Mr. President, I believe that language is still being worked out by Senator COHEN and Senator NUNN, and I believe that language will be resolved very quickly and with a commensurate time agreement.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Senator from Maine.

Mr. COHEN. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is amendment No. 2089, offered by the Senator from Maine.

Mr. COHEN. Mr. President, I ask unanimous consent that the pending amendment be set aside in order to allow Senator MCCAIN to proceed with his amendment, and that there be a time limitation of 2 hours equally divided.

Mr. MCCAIN. They are not ready for the time agreement.

Mr. COHEN. I ask unanimous consent that we set aside the pending amendment to allow Senator MCCAIN to proceed with offering his amendment dealing with *Seawolf*. And, during the course of that time for debate, if we, Senator NUNN and I, come to the floor with our amendment, we then go off the McCain amendment and return to the Cohen-Nunn amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Arizona.

Mr. MCCAIN. Mr. President, if I may repeat, my understanding of the parliamentary situation is that we temporarily set aside the Cohen amendment while negotiations continue on that amendment in order to take up the *Seawolf* amendment. It is also my understanding that a time agreement on the *Seawolf* is being negotiated. On the McCain amendment, there are negotiations going on, and I ask that the clerk keep time so that it will apply once the unanimous-consent agreement is reached for the purposes of moving forward.

The PRESIDING OFFICER. The Senator is correct with respect to the parliamentary situation. The clerk will keep time on the McCain amendment.

AMENDMENT NO. 2090

(Purpose: To delete funding for procurement of a third *Seawolf* submarine, and to prohibit expenditures of fiscal year 1996 funds and prior fiscal year funds for procurement of such submarine)

Mr. MCCAIN. Mr. President, I have an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER (Mr. SANTORUM). The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona (Mr. MCCAIN), for himself and Mr. ROTH, Mr. FEINGOLD, and Mr. GRAMS, proposes an amendment numbered 2090.

Mr. MCCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 30, after the matter following line 24, insert the following:

SEC. 125. SSN–23 SEAWOLF CLASS ATTACK SUBMARINE.

(a) DELETION OF FUNDING.—Notwithstanding any other provision of this Act, the total amount of the funds authorized under section 102(a)(3) for the Navy for fiscal year 1996 for shipbuilding and conversion is reduced by $1,507,477,000.

(b) PROHIBITION.—(1) Notwithstanding any other provision of this Act, funds available for the Department of Defense for fiscal year 1996 and, except as provided in paragraph (2)(B), funds available for the Department of Defense for any preceding fiscal year may not be obligated or expended for procurement of a third SSN–21 Seawolf class attack submarine or for advance procurement for such submarine.

(2)(A) Funds available for the Department of Defense for fiscal year 1996 may not be used for paying costs incurred for termination of any contract for procurement of a third SSN–21 Seawolf class attack submarine, including any contract for advance procurement of such submarine.

(B) Only the funds available for the Department of Defense for fiscal years before fiscal year 1996 for procurement of an SSN–23 Seawolf attack submarine may, to the extent provided in appropriations Act, be used for paying costs described in subparagraph (A).

Mr. MCCAIN. Mr. President, for the information of my colleagues who I know are interested in this amendment, especially my friends from Connecticut, the pending unanimous-concept agreement is 1 hour equally divided on each side, which would mean that, unless the Cohen amendment intervenes, there would be a vote approximately 2 hours from now since I anticipate that there would be a time agreement agreed to very shortly, which I would like to propound as soon as it is agreed to.

Mr. President, I rise today to offer an amendment to terminate the *Seawolf* submarine program and delete $1.6 billion included in the fiscal year 1996 national defense authorization bill for attack submarine programs.

Mr. President, before I get into details, I want to talk about why it is

that I oppose the *Seawolf* submarine. Mr. President, if this were the cold war, I would be standing here as a staunch advocate of the *Seawolf* submarine. It is a technological marvel. It is a state-of-the-art weapons system, and it is perhaps one of the finest weapons of war that has been produced by the enormously capable industrial base of this country.

But, Mr. President, I oppose the *Seawolf* submarine simply on the grounds that we are experiencing a justified decline in the defense budget. We are having to make very, very difficult decisions. This year we are authorizing the appropriations of funds for a very small number of ships, submarines, airplanes and tanks. And we simply cannot afford a submarine that costs almost $5 billion per submarine for the first two, and around $4 billion per submarine for the third.

Mr. President, you are going to hear the argument propounded on the floor that the Russians are ahead of the United States, that they are devoting every waking hour to developing a fast, quiet submarine, and that, unless we build the *Seawolf* submarine, the Russians will pass us and pose some grave threat to our national security.

Mr. President, I am sure that the Russian Defense Minister, General Grachev, is having a meeting with his top military advisers, and he is saying to them: ''Guys, we have a little problem in Chechnya. We have taken a few thousand casualties. We have spent a few billion rubles. Although there is a tenuous cease-fire, it is by no means clear that we are going to be through in Chechnya for many years. We have a few battalions down there in Georgia to take care of that situation. We have Russian troops everywhere around what we now call the 'near abroad' that used to be the Soviet Union practically, and certainly to the south and to the west. We have our military officers who have come back from Eastern Europe living in boxcars with their families because we cannot afford to build houses for them, some of them living in tents. Recent conscriptions show that less than half of those conscripted are even showing up, much less being actually inducted into the military. Our fleets at Sevastopol and Vladivostok are rusting at the pier. Recent Western visitors have attested to that. We cannot even afford the oil required to allow them to go out on exercises. But forget all of that, guys. Our primary concern is fast, quiet submarines.''

Mr. President, give me a break. Fast, quiet submarines are not the priority of the Russian military today. And I might say that up in room 407, the secret room to which only a privileged few are allowed, is the CIA document that I would urge my colleagues to read that I have not read—that I have not read—but I know the content of, that raises into serious question the assumptions that the Russian priority is fast, quiet submarines. In fact, you do not have to go to room 407 to figure that out. All you have to do is read the newspaper to discover that the Soviet Union has enormous challenges as far as where they spend their defense dollars which are, as we all know, dramatically declining.

So for us to base our continued support on the *Seawolf* submarine on a perceived threat to our national security, frankly flies in the face of the facts at hand.

Mr. President, the amendment is straightforward. It prohibits expenditure of any defense funds for a third *Seawolf* submarine. It eliminates the noncompetitive language in the Senate bill. Section 121 directs the allocation of the first new submarine contract to the Electric Boat shipyard and the second contract to the Newport News shipyard. In short, the amendment seeks to terminate the *Seawolf* program without making a judgment on a follow-on attack submarine program.

In total, the amendment would delete $1.6 billion from the committee's recommendation for shipbuilding. The fact is that, like the B–2 bomber and many other cold war weapons systems, the *Seawolf* submarine has little or no place in the military force of the future. It is a costly relic of the longstanding tensions between the United States and the former Soviet Union. Unfortunately, the reasoning which led the committee to reject additional funding for the B–2 bomber program did not extend to the committee's action on attack submarine programs. The committee chose to authorize funding for a third *Seawolf* submarine and to delay cost-saving competition for the follow-on new attack submarine until sometime in the next century.

Mr. President, it is noted—it should be noted with interest—that we entered into the deliberations of the Senate Armed Services Committee bent on competition as to where the next submarine would be built. That was between the two remaining and major shipbuilding corporations, and now we came out with no competition until sometime in the next century designating one submarine for one shipyard and designating one for another, and just to make sure there was proper support, of course, we threw in an amphibious ship.

After all, the *Seawolf* program has already cost nearly $11 billion, or more than $5 billion per submarine. Since the contracts for the first two *Seawolf* submarines were originally signed, their procurement costs have increased by $1.4 billion. The third *Seawolf* submarine is estimated to cost more than $2.4 billion, slightly more than last year's estimate.

Because of these increasing costs, the Congress included in last year's defense authorization legislation a cost cap procurement of the first two *Seawolf* submarines. As a result of the legislative cost cap, the Navy instituted a new program management team, which has been successful so far in containing the costs of these two submarines. Hopefully, no further taxpayer dollars will be required to finish them.

However, the cost cap would not apply to a third submarine, if one is authorized, which could therefore cost much more than the $2.4 billion currently estimated by the Navy.

As we know, in the past 10 years, defense budgets have declined. Since 1985, it has declined in real terms by 35 percent, and we will probably experience another 10-percent reduction by the turn of the century.

These significant reductions have meant that the Pentagon has canceled or delayed nearly all of its force modernization programs for the future. And it has meant that marines deployed on the U.S.S. *Inchon* off the coast of Somalia returned home to spend time with their families and friends for 10 days before being sent off to the coast of Haiti.

Even with the increased resources, the committee was unable to begin to redress all of the recognized deficiencies in current and future force structure. At the same time, the committee approved funding for the third *Seawolf* submarine, $1.5 billion, that I would rather see allocated to programs with a mission in the likely potential conflicts of the future.

Those who continue to support the program argue that procuring a third submarine is necessary to counter an enduring submarine threat. I do not find that argument to be persuasive.

As we all know, the Navy earlier this year published and widely distributed a very slick booklet advertising proliferation of conventional submarines in Third World countries and emphasizing the growing number and technological sophistication of Russia's attack submarine force. Their conclusion? Buy the *Seawolf* submarine to meet this growing threat.

Mr. President, I already discussed earlier the problems that the Russians face and the disarray of their economy, the disarray of their society, the problems in Chechnya, et cetera.

At a hearing this year before the Seapower Subcommittee, the General Accounting Office witness testified that the intelligence analysis upon which the Navy based its claim of a growing Russian submarine threat was incomplete and in some cases disputed within the intelligence community.

At the same hearing, the Congressional Research Service witness testified that a third *Seawolf* submarine is not necessary to fulfill the Joint Chiefs of Staff requirement for 10 to 12 stealthy attack submarines by the year 2012.

Thus, military requirements do not support authorization of an additional submarine. The Armed Services Committee report flatly states that the Navy's argument of an operational requirement for the SSN–23 was not compelling as a reason to build another *Seawolf* submarine.

Another argument on behalf of the *Seawolf* program is the requirement to

maintain a two-shipyard submarine industrial base.

I am fully aware of the portion of the submarine industrial base that is in my State of Arizona, thanks to the efficiency of General Dynamics and Electric Boat. There are $62 million worth of contracts in the State of Arizona. I suspect that most Members of Congress have been advised in detail about the financial advantages to their constituents of continued nuclear submarine production at Electric Boat shipyard.

Mr. President, if we continue to base our support for weapons systems on whether there are defense contracts in our State or congressional districts, we will be doing an enormous disservice to the American taxpayer. We no longer have that luxury, if we ever did.

I believe the committee's authorization of $1.5 billion to complete the third *Seawolf* submarine amounts to a capitulation to the administration's submarine industrial base arguments. It is clear from the committee's explanation of its recommendations to authorize the third *Seawolf* submarine that cost considerations took second place to industrial base arguments. No other reasoning could explain the committee's action.

The Navy's stated policy is to maintain the two nuclear-capable shipyards currently in operation in the United States, Newport News in Virginia and Electric Boat in Connecticut. Under this policy, Newport News would build only carriers, although it is capable of building submarines, and Electric Boat would build only submarines. It is not capable of building carriers.

However, separate analyses by the Navy and by Newport News Shipbuilding Co. demonstrate that maintaining one nuclear-capable shipyard is cheaper than maintaining two yards. I am not sure how deep an analysis that might have required. For the period of fiscal year 1996 to 2012, the Navy estimates savings of $1.9 billion while Newport News estimates a savings of $5.8 billion if we had one shipyard instead of two.

Yet, the committee chose to endorse at least through the end of this century that part of the administration's industrial base policy which requires maintaining two nuclear-capable shipyards.

The committee explicitly directed that the first new attack submarine be built at Electric Boat, but in a departure from the administration's policy then directed that the second would be built at Newport News. What a surprise.

The committee appeared to support the concept of competition for the submarine's procurement but then chose to delay implementing cost-saving competition between the two shipyards until sometime in the next century—I might add, having the beneficial effect of pleasing everyone involved.

Under the committee's recommendation, however, future competition for the third and later submarines will not necessarily result in a winner-take-all contract award which could mean that both shipyards would stay in business indefinitely.

Essentially, the committee kicked the can down the road, granting one submarine contract to each shipyard without addressing future competition. The result is that the taxpayers will see no savings from competition until sometime in the next century, if at all.

Because of this arbitrary delay in imposing competition for submarine procurement, the committee found it necessary to accept the Navy's contention that building the third *Seawolf* submarine at Electric Boat was required to maintain Electric Boat shipyard as a viable competitor in the future. Thus, the committee authorized $1.5 billion for the SSN–23, an overly expensive submarine for which the threat will not materialize in the foreseeable future.

A more than adequate alternative to procuring a third *Seawolf* submarine and beginning the new attack submarine program in fiscal year 1998 as planned is extending the service life of the existing attack submarine force.

Currently, as of May 1, 1995, the U.S. attack submarine force consists of 83 SSN's. The Bottom-Up Review stated a long-term requirement for a force of only 45 to 55 attack submarines. In order to reduce the current force to the required levels, the Navy plans to retire rather than refuel a substantial portion of the SSN–688 class submarines. The Navy plan would mean scrapping submarines with an average of 18 years of service life remaining.

I might add, Mr. President, that those ships were built with an average service life of 30 years.

The cost of buying replacement submarines far exceeds the cost of refueling existing submarines as well as the estimated savings from decommissioning existing submarines.

For example, $1.5 to $2 billion is the estimated cost of a new attack submarine while the estimated savings from early decommissioning is only $600 to $700 million. Clearly, if the newest of the Navy's SSN–688 class submarines were retained in inventory throughout the remaining service life, the Bottom-Up Review requirement for 45 to 55 attack submarines could be met well into the next century at a cost much less than the cost of buying the SSN–23 and buying new attack submarines on an noncompetitive basis.

Terminating the *Seawolf* program and deferring a decision on a follow-on attack submarine program would provide needed time to reassess the need for and the design of a follow-on program. Such a decision, however, requires that we clearly face the stark reality of declining defense budgets and the future budgets which require tough decisions about sustaining duplicative infrastructure at a cost of billions of dollars.

The fact is that there are currently two nuclear-capable shipyards in the United States, Electric Boat and Newport News. How much of our scarce defense dollars are we willing to spend to maintain two shipyards capable of producing nuclear-powered submarines at $4 to $5 billion a copy? The price is very steep.

Mr. President, I yield at this time to the distinguished chairman, who I think is ready to propound a unanimous-consent request.

Mr. THURMOND. I wish to thank the able Senator from Arizona.

The PRESIDING OFFICER. The Senator from South Carolina.

UNANIMOUS-CONSENT AGREEMENT

Mr. THURMOND. Mr. President, I ask unanimous consent that there now be a total of 2 hours of debate prior to a motion to table on an amendment to be offered by Senators MCCAIN, ROTH, FEINGOLD, and GRAMS regarding the *Seawolf* submarine, with the time equally divided between Senators MCCAIN and COHEN; I further ask that no second-degree amendments be in order prior to a vote on a motion to table, and that upon expiration or yielding back of time the Senate proceed to a vote on or in relation to the McCain amendment.

Mr. COHEN. Reserving the right to object.

Mr. President, could we also indicate that the time that has been consumed to this point also be included in that 2-hour period?

Mr. THURMOND. That is correct, Mr. President, the statement made by the able Senator from Maine.

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

Mr. THURMOND. I ask unanimous consent that upon disposition of the first McCain amendment, Senator MCCAIN be recognized to offer an amendment regarding *Seawolf* cost cap and immediately after the clerk reports that amendment Senator DODD be recognized to offer a relevant second-degree amendment and that there be a total of 10 minutes of debate equally divided in the usual form on both amendments. I further ask unanimous consent that upon the expiration or yielding back of the time on the second amendment, the Senate proceed to a vote on or in relation to the Dodd amendment, followed immediately by a vote on or in relation to the McCain amendment, as amended, if amended.

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

Mr. THURMOND. Thank you.

Mr. McCAIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Forty-two minutes.

Mr. McCAIN. Thank you, Mr. President.

I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President in their ongoing efforts to convince the Congress to spend another $1.5 billion on a militarily unnecessary program *Seawolf* proponents argue that so much

money has already been spent on the third *Seawolf* that it would be foolish to terminate the program now. They argue that terminating the third submarine would save only $315 to $615 million.

Mr. President, never once in the 12 years that I have been in Congress have the proponents of a program that was up for cancellation not argue that it was more expensive to cancel a program that it was to keep it alive. I guess going back to that old Vietnam philosophy we had to destroy it in order to save it.

Mr. President, even if the savings are only $615 million, that is still a lot of money to most Americans. However, I must point out that a careful look at the facts shows that these claims are, at best, misleading.

CBO estimates that savings from terminating the *Seawolf* submarine could amount to between $1.1 and $1.3 billion. In a May 15, 1995 letter report, CBO concluded that: ''Canceling the third *Seawolf* would save about $1.5 billion in fiscal year 1996, minus $500 million in potential expenses over the next 5 years.''

In an updated July 28 letter report, CBO refined their estimate of the potential expenses to be in the range of $300 to $500 million.

CBO concluded that ''the net savings from canceling the SSN–23 could amount to between $1.1 and $1.3 billion * * *.''

Now, I am sure those that run the shipyards would strongly contest those figures. I would rather rely on the Congressional Budget Office, an organization that clearly has much less at stake than the respective shipyards.

Obviously, in claiming that terminating the third *Seawolf* would result in little or no savings, the submarine's supporters use inflated figures. Let me explain some of the fallacies of their statements.

A document being circulated on Capitol Hill asserts that termination costs allegedly using a Navy estimate are $500 million to $800 million. The facts do not support this assertion.

In a June 8 response to my questions about the *Seawolf* program, the Navy stated: ''If work were to be stopped today on SSN 23 the total additional liability beyond the $438 million expended would be $215 to $290 million.'' That is $285 to $510 million less than the contractor claims. It is also a significant amount of termination liability for less than $900 million in existing contracts. And the Navy admits that the amount of termination liability is entirely negotiable.

In addition, $484.6 million of prior year appropriations for the *Seawolf* submarine remained unexpended as of June 8, according to the Navy. Termination costs could be paid out of these unspent funds, saving even more money for the taxpayers.

The Navy estimates the impact of terminating the *Seawolf* would have a cost impact on existing and future contracts at Electric Boat shipyard, totaling $700 million to $1 billion. These estimates include some very questionable assumptions.

CBO notes a significant area of difference in their estimates and the Navy's, since the Navy included $130 million to $340 million for anticipated increased overhead on future contracts at Electric Boat. CBO did not include these costs in their estimate because their amounts and even whether they will be incurred at all depend on future decisions of the administration and the Congress.

Nor did CBO include the Navy's claims to other potential costs in the hundreds of millions of dollars for unspecified future claims. In their own estimates, the Navy has been unable to attach any estimated dollar amount to these potential claims for such things as environmental cleanup, severance pay, and depreciation.

The total estimated cost of the third *Seawolf* submarine is $2.4 billion, including more than $900 million already appropriated. The question we need to ask is, what are the sunk costs in that submarine today?

$438 million of prior year appropriations have already been spent and cannot be recovered.

Using the Navy's own estimates, an additional $420 to $650 million would have to be spent to pay contract termination costs and increased overhead expenses on other existing contracts at Electric Boat.

Adding these two amounts together results in approximately $850 million to $1.1 billion in total funding required if the third *Seawolf* were terminated today. That's $1.3 to $1.6 billion less than the estimated cost of the submarine. Or, in other words, that's $1.3 to $1.6 billion in savings for the American taxpayer.

In my view and in the view of our highest ranking military officers, the priorities for U.S. defense spending are near-term readiness, quality of life for our military personnel and their families, and future force modernization to meet the likely challenges of the future. In my discussions with these officers, they say emphatically that strategic lift, tactical air forces, amphibious forces, and advanced conventional munitions procurement are the types of programs most urgently required to adequately equip our forces. The *Seawolf* submarine is not mentioned.

There is no question that the *Seawolf* submarine is a technological marvel. Everyone associated with its development, design, and construction should be rightfully proud of this stellar example of American skill and ingenuity. The *Seawolf* program must be reviewed in the context of funding high-priority military requirements with a seriously inadequate defense budget.

The debate over the *Seawolf* program is not about the merits of a weapons system, rather, it is about priorities. All of us want to ensure that our military forces have the best equipment and are the best prepared to deal with the potential threats of the future. For all the reasons discussed above, particularly the declining defense budget, we simply cannot afford to buy another *Seawolf* submarine.

I cannot support spending another $1.5 billion on a militarily unnecessary jobs program. I cannot support procurement of a noncompetitive follow-on submarine when our existing submarine force remains capable and can be maintained into the next century.

Therefore, I urge my colleagues to support my amendment to strike funding for the third *Seawolf* submarine.

Mr. President, I have several letters here. Citizens Against Government Waste says:

> The *Seawolf* program is a Cold War relic designed to meet a threat that no longer exists. Russia can not afford to maintain its submarine fleet and at our current naval level, the U.S. is well defended on the seas against any potential threat of the future. Adding a third *Seawolf* adds little to defense—

The only convincing argument: It is a great jobs program—

> while taking much-needed resources from other necessary defense programs. . .. We applaud you for introducing this amendment and encourage your colleagues to support this amendment.

Mr. President, the National Taxpayers Union says:

> If members of Congress are truly serious about balancing the budget, they must refrain from setting costly precedents by continuing to fund unnecessary and outdated programs. . .. Today, our nation faces a far more destructive threat—a national debt racing toward $5 trillion. Winning this war requires a different kind of weapon—fiscal discipline.
>
> Congress should consider scrapping the *Seawolf* entirely.

That is from the National Taxpayers Union.

And from the Citizens for a Sound Economy:

> On behalf of Citizens for a Sound Economy and our 250,000 members nationwide. . .. At a time when all Federal spending is undergoing increased congressional scrutiny, the Department of Defense like other federal agencies, must find ways to get spending under control. . ..
>
> Congress should not approve the Navy's request for $1.5 billion to start building a third Seawolf submarine. That's $1.5 billion that could be put to better use by taxpayers themselves.

And, finally, Mr. President, from the Council for a Livable World.

> . . .. we believe it to be unconscionable to spend $1.5 billion for white elephants that would have no other mission than to serve as floating museum pieces.

I am not sure I agree with that last comment.

Mr. President, I ask unanimous consent that several documents related to this subject be printed in the RECORD.

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

COUNCIL FOR CITIZENS AGAINST GOVERNMENT WASTE,
Washington, DC, July 28, 1995.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: The Council for Citizens Against Government Waste (CCAGW) supports your amendment to the Department of Defense (DoD) Authorization canceling the third Seawolf submarine (SSN–23), saving taxpayers nearly $1.5 billion over the next five years.

The Seawolf program is a Cold War relic designed to meet a threat that no longer exists. Russia can not afford to maintain its submarine fleet and at our current naval level, the U.S. is well defended on the seas against any potential threat of the future. Adding a third Seawolf adds little to defense, while taking much-needed resources from other necessary defense programs.

When the next phase in the submarine program, the New Attack Submarine, begins construction in 1998, there will be a shipyard fully prepared to begin construction, most likely at a cheaper cost. Why add the unnecessary burden of building an archaic third submarine as we are preparing to move into a new phase of naval defense? Advocates of the third Seawold muster only one convincing argument: It's a great jobs program.

This Congress' mission must be to reevaluate how all taxpayer money is spent. When looking at the changes the Navy is making in its submarine defenses, we cannot continue to fund outdated programs like Seawolf, leaving other programs more vulnerable to the budget ax! We applaud you for introducing this amendment and encourage your colleagues to support this amendment.

Sincerely,

TOM SCHATZ,
President.
JOE WINKELMANN,
Chief Lobbyist.

NATIONAL TAXPAYERS UNION,
Washington, DC, July 31, 1995.

Attn: Defense LA

DEAR SENATOR: The 300,000-member National Taxpayers Union is pleased to support Senator McCain's amendment to the FY 96 Defense Authorization bill which would eliminate $1.5 billion to procure a third Seawolf submarine.

Seawolf continues to be plagued by numerous problems: it is behind schedule and has incurred cost overruns. Already, $1.4 billion more has been spent over the original estimate, costing taxpayers a total of nearly $11 billion, or more than $5 billion per submarine. The third Seawolf estimate to cost more than $2.4 billion, slightly more than last year's estimate. A third submarine, however, would be exempt from the cost cap that applied to the first two, which could drastically increase its price tag. If members of Congress are truly serious about balancing the budget, they must refrain from setting costly precedents by continuing to fund unnecessary and outdated programs.

In the very year when Congress has pledged to make progress towards balancing the budget, some lawmakers would pull this policy in the wrong direction. The Cold War has ended, and with it the submarine threat that endangered the Seawolf program. Today, our nation faces a far more destructive threat—a national debt racing towards $5 trillion. Winning this war requires a different kind of weapon—fiscal discipline.

Congress should considers scrapping Seawolf entirely. At the very least, however, members should reject any additional subsidies for this relic of a bygone era. They can reaffirm their commitment by voting YES on the McCain Amendment.

Sincerely,

JILL LANCELOT,
Director, Congressional Affairs.

CITIZENS FOR A SOUND ECONOMY,
Washington, DC, June 27, 1995.

Senator JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: On behalf of Citizens for a Sound Economy and our 250,000 members nationwide, I would like to extend support for your proposed deletion of $1.5 billion in funding for the Navy's third Seawolf submarine. At a time when all federal spending is undergoing increased congressional scrutiny, the Department of Defense, like other federal agencies, must find ways to get spending under control.

The United States' Seawolf submarine program was a Cold War undertaking to make the best submarine force in the world even better. However, given the fall of the Soviet Union, and the weakened Russian economy, a third Seawolf submarine (and its $4 billion plus price tag) no longer can be justified. Recognizing the need to prioritize tight defense dollars, President Bush tried unsuccessfully in 1992 to stop the Seawolf program after the completion of one submarine. In today's fiscal climate, the case against a third submarine is even more compelling.

Moreover, in terms of time and cost, the Seawolf program is indicative of too many major defense programs—it has been marked by schedule delays and cost overruns. In fact, by the time Congress capped the spending level on the first Seawolf submarines at $4.759 billion just last year, the program already had cost $2 billion more than originally anticipated.

Congress should not approve the Navy's request for $1.5 billion to start building a third Seawolf submarine. That's $1.5 billion that could be put to better use by taxpayers themselves.

Sincerely,

PAUL BECKNER,
President.

Washington, DC, July 27, 1995.

SUPPORT AMENDMENT TO CANCEL THIRD SEAWOLF

DEAR SENATOR: We urge you to support the amendment by Senator McCain to prohibit funding for the third Seawolf submarine.

The Congress is working hard to fulfill its commitment to reduce government waste. The Seawolf submarine, conceived over a decade ago to counter a specific Soviet threat, lacks a mission and should be cut.

The program has been plagued by repeated cost increases and scheduled delays. Last year Congress voted to cap the cost of the first two submarines at $4.759 billion. However, finishing the third Seawolf will require at least an additional $1.5 billion and will push the current estimate for the total program cost to over $12.9 billion, or $4.3 billion each.

It is widely acknowledged that the case for building the third Seawolf is founded entirely on ''industrial base'' arguments. However, many of the skills associated with submarine production would be maintained in other industries and submarine-unique skills would be maintained through ongoing submarine maintenance and repair activities.

It is our judgment that Congress should resist pressure to continue this funding simply to preserve jobs. We understand the concerns and fears of the people of Connecticut and Rhode Island. We strongly support assisting the people and the communities affected by the program termination in their adjustment to a difficult situation. However, at the same time, we believe it to be unconscionable to spend $1.5 billion for white elephants that would have no other mission than to serve as floating museum pieces. There are too many other desperate needs in this society—to say nothing of a federal budget deficit of $250 billion—to build this cold war relic.

Funding a missionless Seawolf is a waste of national resources. We urge you to support the McCain amendment to end this program.

Sincerely,

Jim Matlack, American Friends Service Committee; Darryl Fagin, Americans for Democratic Action; Timothy McElwee, Church of the Brethren, Washington Office; John Parachini, Committee for National Security; John Isaacs, Council for a Livable World; Joe Volk, Friends Committee on National Legislation; Maurice Paprin, Fund for New Priorities in America; Kay van der Horst, International Center for Technology Assessment; J. Daryl Byler, Mennonite Central Committee, Washington Office; Howard Hallman, Methodists United for Peace with Justice; Christopher Paine, Natural Resources Defense Council; Kathy Thornton, NETWORK: A National Catholic Social Justice Lobby;

Monica Green, Peace Action; Bob Musil, Physicians for Social Responsibility; Caleb Rossiter, Project on Demilitarization and Democracy; Robin Caiola, 20/20 Vision, National Project; Jennifer Weeks, Union of Concerned Scientists; Robert Alpern, Unitarian Universalist Association; George Crossman, United Church of Christ, Office for Church in Society; Jerry Genesio, Veterans for Peace; Edith Villastrigo, Women Strike for Peace; Susan Shaer, Women's Action for New Directions; Tim Barner, World Federalist Association.

[From the New York Times, July 30, 1995]

QUIETNESS ARGUMENT FOR SUB WON'T WASH

To the Editor: I have a lot of respect for Secretary of the Navy John Dalton; I hate to see him fall prey to the sharks who are trying to justify the spending of $1.5 billion for the third Seawolf submarine (letter, July 24).

Although I disagree with almost everything in his letter, I would like to focus on his assertion that ''the quietest submarines in the world today are operated by the Russians.''

This allegation is like the ''missile gap'' or the ''bomber gap'' or the ''readiness gap.'' When these were scrutinized, it was found they did not exist. Their sole purpose was to justify unwarranted defense spending. Does this ''quietness gap'' exist?

There are two aspects to quieting a submarine. The first takes place when the submarine is built. To say that our submarines are not built as well as Russian submarines condemns the very shipyard we are trying to keep operating.

The second aspect of quieting is in the operation of the ship. Is Secretary Dalton telling us that the crews of our submarines are not as well trained or as competent as the Russians?

I never met a submarine officer who did not think our submarines were the best in the world—by far. I am sorry to see this proud group stoop to chicanery to justify an unnecessary weapon.

JOHN J. SHANAHAN.

Mr. MCCAIN. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. COHEN. Mr. President, how much time does the Senator from Rhode Island wish to have?

Mr. PELL. Five minutes.

Mr. COHEN. I yield 5 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 5 minutes.

Mr. PELL. Mr. President, I rise today in strong opposition to the amendment offered by my colleague from Arizona, Mr. MCCAIN.

The Fiscal Year 1992 Defense Authorization Act authorized a third *Seawolf* submarine, commonly referred to as SSN–23. In 1992, Public Law 102–298 appropriated $540.2 million for advance procurement of critical long-lead items for SSN–23. Subsequent to this action, roughly another $400 million has been appropriated and spent on SSN–23 thus far, for a total of $920 million.

This amendment, which would deauthorize funding required for the completion of SSN–23, is opposed by the administration, is inconsistent with previous congressional action, and contradicts the findings of the Bottum-Up Review, the elaborate defense posture plan prepared by the Department of Defense as the blueprint for future weapon acquisition. In the Bottom-Up Review, the administration concluded that construction for the third *Seawolf* is the best, most cost-effective way to preserve the submarine industrial base. After much sober thought, numerous elaborate studies, and several thorough debates in this Chamber, the Department of Defense has concluded that completion of the third submarine would bridge the gap until we begin construction of the new attack submarine in fiscal year 1998.

Sustained, low-rate production is the most effective way to preserve the technology, design, and unique skills necessary to maintain our submarine industrial base. If a production gap occurs, the Navy has determined, and many observers concur, that the highly specialized submarine vendor base, consisting of over 1,000 firms in more than 40 States, will be jeopardized.

Mr. President, in addition to preserving unique skills and technology, completing the SSN–23 makes economic sense. In a recent letter to Chairman THURMOND, the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, John Shalikashvili, state:

> Completing SSN–23 is right for the taxpayer and right for our defense needs. The cost to complete SSN–23 is $1.5 billion. If SSN–23 were canceled, between $700 million to $1 billion in direct costs will still be incurred to existing contracts and to the New Attack Submarine program without acquiring a submarine. Thus, the net cost of building SSN–23 at this point in the program is approximately $500 million to $800 million.

Moreover, completing the SSN–23 also makes sense from a security viewpoint. In the same letter mentioned above, Secretary Perry and General Shalikashvili state that ''cancellation would deprive our Armed Forces of a needed military capability to counter the growing number of deployed improved *Akula* class submarines which are quieter than our improved 688 attack submarines.''

Mr. President, SSN–23 is a necessary bridge for the entire submarine industry to be able to produce the more affordable and technologically advanced new attack submarine. The DOD's plan, as approved by the Armed Services Committee, is the only plan which will preserve this critical industrial base as well as permit long-term competition in the submarine industry. Furthermore, this plan will assist in our national strategy to maintain our margin of undersea superiority, a truly critical area.

The Senate has, on several occasions, thoroughly debated and voted on this matter. And each year, the Senate decided to continue this program for the reasons I stated above.

It would seem to me irrational and imprudent to cancel a program which would cost less to complete than to eliminate. It does not make sense from either a fiscal or national security viewpoint. The administration and the DOD strongly oppose this amendment, and I urge my colleagues to reject it.

Mr. President, I ask unanimous consent that the letter I mentioned above be printed in the RECORD.

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

THE SECRETARY OF DEFENSE,
Washington, DC, June 19, 1995.

Hon. STROM THURMOND,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The submarine funding decisions now before Congress are pivotal to maintaining our margin of undersea superiority and capability to design and produce nuclear submarines efficiently. The Department's plan maintains both these national objectives by building a final SEAWOLF in FY 1996 and a lead New Attack Submarine in FY 1998. This approach is the lowest cost plan to counter real world threats while shifting to a more affordable and capable submarine.

Completing SSN–23 is right for the taxpayer and right for our defense needs. The cost to complete SSN–23 is $1.5 billion. If SSN–23 is canceled, between $700 to $1,000 million in direct costs will still be incurred to existing contracts and to the New Attack Submarine program without acquiring a submarine. Thus, the net cost of building SSN–23 at this point in the program is approximately $500 to $800 million. Cancellation would deprive our Armed Forces of a needed military capability to counter the growing number of deployed improved Akula class submarines which are quieter than our improved 688 attack submarines.

The House National Security Committee in its bill supported submarine modernization by endorsing the national commitment to preserve two nuclear capable shipbuilders and by providing full funding for the continued development and advance procurement for a FY 1998 attack submarine. The Department appreciates HNSC's support in this aspect.

On the other hand, we take exception to the proposed HNSC alternative industrial bridge plan. This plan spends nearly $1 billion to avoid building SSN–23 and to build a technology demonstrator submarine in place of a needed operational New Attack Submarine. The House plan poses execution problems in that it is under-funded and creates significant future financial liability. Moreover, it causes SSN–21 and SSN–22 to be one-of-a-kind submarines which would drive up construction, operating, and support costs.

We believe the Department's plan merits the full support of Congress. It is the most straightforward and lowest cost approach to sustaining attack submarine force level requirements, while preserving two nuclear capable shipbuilders to provide the option for competition.

We ask your support for this very important program.

Sincerely,

JOHN M. SHALIKASHVILI,
Chairman of the Joint Chiefs of Staff.
WILLIAM J. PERRY,
Secretary of Defense.

The PRESIDING OFFICER. Who yields time?

Mr. COHEN. I yield 10 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 10 minutes.

Mr. LIEBERMAN. I thank the Chair.

PRIVILEGE OF THE FLOOR

Mr. LIEBERMAN. Mr. President, first, I ask unanimous consent that Edward Foster, a legis fellow in my office, be given the privilege of the floor for the duration of the debate on S. 1026.

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

Mr. LIEBERMAN. Mr. President, it has been used on many occasions before, but in the famous words of Yogi Berra, ''It is deja vu all over again,'' with regard to the *Seawolf*. I rise in opposition to the amendment of my friend from Arizona which would terminate the SSN–23, the third and final *Seawolf* nuclear attack submarine.

I am going to make three points in opposition to the amendment. The first is that in finishing the *Seawolf* submarine, we are not just involved in a make-work project. It will produce a submarine that will be of military value immediately and, in fact, will be the best nuclear attack submarine in the world and will help us close what I will call a submarine gap that has opened up between Russia and the United States in favor of Russia.

Second, I will argue that the construction or the finishing of the third *Seawolf* is part of a carefully designed plan by the Pentagon to lead us to the construction of the new attack submarine, a smaller version of the *Seawolf*, smaller and less expensive.

Mr. President, no one seems to disagree with the contention that we need to build more submarines for our national security in the future as the older attack submarines live out their lifespan. What we are seeing in opposition to this amendment is that the best way to get to the next stage, which we all seem to agree on, is to complete the *Seawolf* submarine, the SSN–23, and to preserve the military-industrial base that is necessary to get to the new attack submarine and to create competition in building that submarine.

And finally, just as a matter of business common sense, we have spent almost a billion dollars on the third *Seawolf* already. It does not make sense not to complete it.

Mr. President, let me go to the first argument. We are not debating production of a weapon which has no use or which no one wants. On the contrary. Everyone, and I stress everyone, involved in the national security of our Government has spoken out loudly and clearly that they want this submarine to be produced and that the Navy needs it for its military value, not just because it enables us to produce the next generation of attack submarines at a lower price into the next century.

So let us not be confused as to what is fat and what is muscle in the defense budget that we are debating today. The President asked Congress to authorize this submarine, it is part of his budget and part of the plan which the Department of the Navy has laid out for shipbuilding into the next century.

The Chairman of the Joint Chiefs of Staff, General Shalikashvili, has told us why we need this submarine. He has said:

> Cancellation would deprive our Armed Forces of a needed military capability to counter the growing number of deployed improved *Akula*-class submarines—Russian subs—which are quieter than our improved 688 attack submarine.

And the quietness of a submarine is critical to its effectiveness.

Mr. President, I will speak more about that in a moment.

The Secretary of Defense, continuing our national security administration, has urged us to stay with the Navy plan and to authorize the SSN–23. Secretary Perry has said:

> We believe the Department's plan merits the full support of Congress. It is the most straightforward and lowest-cost approach to sustaining attack submarine force level requirements.

Secretary of the Navy Dalton and Chief of Naval Operations Admiral Boorda have spent numerous hours testifying before congressional committees and meeting with individual Members of Congress to explain why they are convinced that the *Seawolf* is essential to our future security.

Secretary Dalton has said:

> The builders of this submarine * * * are a national treasure in knowledge and skills * * *. We are gambling with a national treasure if we do not take steps to preserve it.

And Admiral Boorda, the top warfighter in the Navy today, says:

> The *Seawolf* class submarine will ensure continued undersea superiority, a position the United States cannot give up.

Mr. President, I note also that as you listen to the best thinkers when they talk about the future of warfare and security citing particularly the technological revolution that is occurring in warfare, the submarine will play an increasingly central role because of its stealth, which is to say obviously that it is hard to detect at its best. It is under water, and because of the enormous range of capacities it has, not only to perform the traditional attack submarine function of hitting targets in the water or under the water, but being able to fire cruise missiles from standoff positions unseen at targets on the land, as was done in the gulf war, being able to perform intelligence missions, being able to drop special forces into difficult situations, being able to move in shallow water and, in fact, being able to perform intelligence functions with very sophisticated technical equipment from a standoff, safe position.

Mr. President, there are many times on military authorizations when the Congress substitutes its judgment for that of the administration which is in power. I believe, however, that this is one time when we ought to listen carefully to the military experts and give them, as we always should, the benefit of the doubt.

The Armed Services Committee of this Senate spent many hours in hearings earlier this year seeking the views of those experts, and we all listened with care. And it is with some satisfaction that I note the strong support which the completion of the third Seawolf, after hearing all that testimony, received from members of the committee. The SSN–23 is necessary and essential because it has military value and meets valid military requirements.

Some have said that this submarine will serve no purpose, that there is no need or threat. I respectfully say that these allegations are wrong. We know that Russia, no matter what else has happened to its military apparatus, has continued to produce nuclear attack submarines after the end of the cold war. We know, as well, that these submarines are quieter than their predecessors—some because of better designs in their production and others because of backfitting of newer and quieting technologies. These submarines which Russia is putting to sea today are quieter than most of our existing fleet of attack submarines. For the first time in the history of undersea warfare, the United States does not have a qualitative edge over its potential adversaries in the stealth of the submarines which are taking our young sailors to sea to protect our national security. That is a fact, I would guess, that most persons are not aware of, but it is one that each of us must be unsettled by.

Mr. President, I know it is counterintuitive because the general impression is that the Russian military is falling apart. But they have made a conscious decision, no matter what else is happening in their military, to invest in attack submarines. I think we should take a look at their reasoning and think about it as we plan our national security in the future.

Listen to the words of the Russian Defense Minister, Gen. Pavel Grachev, who said a couple of years ago, June 8, 1993:

> A nuclear submarine fleet is the future of the armed forces. The number of tanks and guns will be reduced, as well as the infantry, but a modern navy is a totally different thing.

The underlying reality today is that the Russian political and military leadership has decided that they want to keep Russia a global military power. To do so, they have scaled down much of their military capacity and programming, but there are several key components critical to remaining a global military power, and at the top of that list—particularly when it comes to strategic weapons but also the attack submarine function—is submarines.

Much is made of the fact that the Russian surface ships are seen sitting in piers rusting, with no crews, undertrained crews, or rebellious and dissatisfied crews. But nobody has made those assertions about the Russian submarine forces because they are just not true. We know that Russia has in the water today about six submarines with fourth generation quieting technology. These improved *Akula*-class subs which are in the water today are quieter at tactical operating speeds that the best American submarines currently in our inventory cannot match.

Further, we know that the Russian Navy has under construction and will launch in the next year or so the lead ship of a new class of submarines which will be even quieter than the *Akula*, better armed and with improved sensors. The lead ship has been named the *Severodvinsk*, the first true multimission submarine in the Russian inventory. These are all facts that are generally agreed upon by the entire U.S. intelligence community.

There is also no disagreement within the intelligence community that the Russian Navy is returning to submarine operating patterns last seen in the mid-1990's. We are observing once again deployments of a submarine force capable of worldwide operations—and this includes renewed operations in the Western Atlantic.

Thus, my view—and I believe the view of the senior military leadership in this country—is that there is a real threat which must be addressed and this *Seawolf* addresses it quite well. In short, there is a valid military requirement for SSN–23.

The Joint Staff examined submarine force level requirements necessary to support the Bottom-Up Review and concluded that the U.S. Navy needs 10 to 12 *Seawolf*-quiet submarines by the year 2012. Since the Russian Navy has 6 fourth-generation-quiet submarines in the water today which are quieter than our 688I submarines with more under construction, the United States military needs to establish a stable low rate of production of submarines with *Seawolf*-level quieting. The Navy view is that completion of the SSN–23 is the

most critical and timely contribution to achieving this essential warfighting capability.

The bottom line then in my view, after having questioned every witness who came before the Army Services Committee on this subject this year, is NOT that SSN–23 would be militarily helpful as one analyst asserted, but that it is essential to meeting valid military requirements.

Fourth, completing the third *Seawolf* is part of a plan which has been carefully developed by the Navy to ensure that this country can regain the tactical superiority it needs in undersea warfare and that we can maintain a national treasure, to use Admiral Boorda's description—the submarine industrial base in its broadest sense, in its entirety—which we will need in the future. And we should note, that future is not very far off as I have already demonstrated.

Some critics try to argue that the Navy's plan—building SSN–23 and then a new attack submarine which will be more affordable and more focused on the threats of the 21st century—is not well thought-out or based on analysis. These charges are flat wrong. In the past 3 years, there have been some 14 different studies which have examined the submarine industrial base. The consensus of these studies has been that the most cost-effective approach to sustaining our ability to design and build nuclear submarines is through low-rate production of submarines. One does not learn or create the skills necessary to build these highly sophisticated ships and their many unique components in a short period of time. If this industrial base is shut down, as we will risk if SSN–23 is not authorized, the costs of regenerating these essential skills will be prhibitive—if in fact they can be regenerated.

Let me turn then to a point which is often made when considering this subject and which does a disservice to this debate and to this body. Some people try to describe the third *Seawolf* as a jobs program—an attempt to keep people working in spite of the fact that there is no sense to the program anymore. Obviously, each of us in our own way wants to preserve jobs in our own State, and I, no less than any of our colleagues. But the fact is that even if this third *Seawolf* is built—as I believe it should and will be—the level of employment at Electric Boat in Connecticut and Rhode Island will go from a high of some 23,000 5 years ago to less than 14,000 by the end of this year and some 6,000 by the year 2000. That means some 17,000 workers at Electric Boat have or are going to lose their jobs as part of the effort to maintain our ability to build submarines into the next century.

The managers at Electric Boat do not have any allusions that the cold war still exists. They have been actively reengineering and downsizing for a number of years to ensure that their company—a company with a long and proud history of submarine construction, a company made up of skilled and dedicated workers who don't get rich doing the work they do, but do take great pride in producing the world's finest submarines to protect our way of life—can continue to make submarines in the next century.

Those who might claim that the *Seawolf* is just a jobs program for two northeastern States—or that the Navy plan is submarines for everyone—are wrong and their observations are a disservice to the broader issues involved here, and an offense to the people whose jobs are going to be lost, even with the building of the third *Seawolf*.

Mr. President, we have been here before on this issue. But, I believe the issues I have raised today are more relevant and more important than ever before. The cold war is over—no one who supports the *Seawolf* believes otherwise. But that does not mean that this incredible submarine—the first of which has already been christened and is in the water at Groton today—is not militarily necessary and vital to our national security.

This has not been a perfect program. What weapons system ever is? For that matter, when was the last time an automobile was designed and produced without some problems? But the program is on a sound footing today. It will produce a submarine which has been requested by the President and the Department of Defense and will meet a valid military requirement. This issue has been studied at length by the Armed Services Committee under the leadership of Senator THURMOND and, in particular, in the Seapower Subcommittee under the probing and thoughtful leadership of its chairman, Senator COHEN.

I urge my colleagues to support the Armed Services Committee position on this issue and to vote to authorize and complete construction of the third *Seawolf*. I will vote against the amendment by my colleague from Arizona and urge all Senators to do the same.

Mr. MCCAIN. Mr. President, shortly, I believe there will be an agreement on the Nunn-Cohen amendment which was set aside for the purpose of this amendment, and we will return to it.

I would like to inform my colleagues that the distinguished chairman of the committee is ready to propound a unanimous-consent agreement of all remaining amendments. We have been on this bill since 9 o'clock yesterday morning. We intend to stay very late tonight, at least until we have a complete list of amendments with time agreements associated with them. Right now it is being hotlined to all the offices to get a list of the amendments.

The chairman is going to propound a unanimous-consent agreement within a very short period of time. We have had sufficient time to determine what amendments we have to this bill, and the only way we are going to move forward and get done by tomorrow evening, which is the expressed desire of the majority leader, is to get the amendments in and then we will begin to propound a unanimous consent on that and the ensuing time agreements.

I reserve the remainder of my time.

Mr. COHEN. Mr. President, I yield 8 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from Rhode Island is recognized for 8 minutes.

Mr. CHAFEE. Mr. President, despite the end of the cold war and collapse of the Warsaw Pact and the Soviet Union, I think we can all agree that the United States still needs capable and effective military forces, and indeed that is why we are voting right now, very shortly, on a $264 billion appropriation, or authorization, for the U.S. military services. I do not think anybody in this body will argue that the United States will always be a maritime nation. Indeed, Mr. President, 95 percent of our export/import tonnage is carried by ship. That is an astonishing figure to me. Yes, 5 percent is carried over land to Canada and Mexico, or by air; but 95 percent is carried by ship.

During the time I spent in the Navy Department, I learned that submarines are a relatively inexpensive way for a potential adversary to disrupt international commerce.

Far too often, the press reports that the Navy does not really need the *Seawolf*. We are told that it is a ship solely designed to confront the Soviet Navy on the open ocean. This allegation is simply not true. I would like to refute it. The fact of the matter is that the third *Seawolf* has a valid military mission and will be instrumental in enabling the Navy to fulfill its national security obligations around the world.

Now, yes, the Soviet Union is gone, and its military forces inherited by Russia are undergoing substantial downsizing. There is no question about that. It is also very clear that the Russian Navy—in particular, its submarine force—has not been scaled back in the manner other components of the Russian military service have been. For example, it is estimated that by the year 2000, which is only 5 years from now, Russia will have about 122 submarines in its fleet, more than half of which will be advanced third-generation vessels. Already today, Russia has several operational submarines that are quieter than the quietest United States submarine at sea. Russia's latest submarine will be operational by the year 2000—the one under design now—and is expected to rival the capabilities of our best attack submarines.

To illustrate these advances, I would like to insert in the RECORD a February 12 article from Defense News documenting recent Russian undersea efforts.

I ask unanimous consent that the article be printed in the RECORD.

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

[From the Defense News, Feb. 6–12, 1995]

RUSSIA POURS RESOURCES INTO SUBMARINE IMPROVEMENT—BETTER WEAPONS, SENSORS WILL POSE CHALLENGE TO WEST

(By Robert Holzer)

Washington.—Despite enormous economic difficulties, the Russian government continues to invest in submarines and is expected to field a more advanced sub force by 2000, according to U.S. Navy intelligence estimates.

While the total number of submarines in the Russian Navy's inventory will decline from today's level of 181 to 122 by 2000, the overall quality of that force will increase markedly, with more than half the fleet composed of more advanced third-generation submarines, according to the Navy's analysis.

''They are getting more out of their programs now in terms of research and development,'' Norman Polmar, a Washington-based submarine design consultant and an expert on the Russian Navy, said Feb. 1. ''They are putting a lot of resources into submarines.''

Moreover, the Russians have started developing a new submarine class, called the Severodvinsk, that will be operational by 2000 and is expected to rival the capabilities of the best U.S. Navy attack submarines.

''Designed to emphasize improvements in quieting, sensor performance and weapons delivery, Severodvinsk is projected to outperform today's most advanced Western submarines in many respects,'' according to the January 1995 report ''Worldwide Submarine Proliferation in the Coming Decade,'' prepared by Navy intelligence.

The Russian Navy also is improving its mix of sea-based weapons, according to the Navy's report, and has two significant new weapon programs under development.

One is described as an extremely fast rocket-powered torpedo that has no equivalent in the U.S. or other Western navies. The other is a new type of antiship cruise missile that would be launched from the torpedo tubes of future submarines and the Oscar II cruise missile-carrying submarine.

To achieve marked improvements in its submarine fleet, the Russian military is making sacrifices in strategic bomber and rocket forces, surface ships, and tank, artillery and infantry capabilities, the report said.

Third-generation submarines will climb to 51 percent of the Russian submarine fleet by 2000, compared with only 28 percent today, according to the Navy's report.

The percentage of less advanced, second-generation subs remaining in the inventory will decline to 46 percent from today's level of 68 percent, according to the report.

The performance difference between second- and third-generation submarines is fairly dramatic, Navy sources said, noting that third-generation Russian submarines incorporate advances in quieting and improved propulsion systems, enhancing the submarine's undersea stealth.

Improved Russian submarine performance could greatly impact U.S. and Western views of antisubmarine warfare and lead to a reassessment of needed capabilities to counter this potential threat, Navy sources and military experts said.

''With the improved Akula submarine, they have already achieved acoustic parity with the [U.S. Navy's Los Angeles-class] SSN–688s, and that is frightening,'' retired Vice Adm. Bernard Kauderer, president of the Annandale, VA-based Naval Submarine League, said Feb. 1.

Akula is an attack submarine that incorporates many of the advances the Russians have made in reducing the radiated noise of their submarines.

''We need to continue our research and development programs and produce new submarines,'' Kauderer said.

Mr. CHAFEE. Thankfully, today Russia is not a major adversary, and I am hopeful that this administration and future ones will indeed strengthen U.S.-Russian relations. We are all for that.

However, in these uncertain times, unforeseen political instability or a rise in anti-West nationalism could result in Russia becoming a genuine undersea threat in the future. That is a big nation.

Perhaps more importantly to the United States in the near term is Russia's sale of its very capable submarines to potential United States adversaries abroad, a move that poses a very serious challenge to our Navy.

There are many nations that recognize the cost effectiveness of submarines, even relatively unsophisticated ones: diesel power, for example.

Listen to this statistic, Mr. President. According to the Office of Naval Intelligence, more than 600 submarines are operational in the navies of 44 countries. That is an astonishing statistic. Mr. President, 44 nations have submarines. I must say, I have difficulty adding up what the 44 are.

Iran recently purchased two *Kilo*-class submarines from Russia. These vessels are operational today. Who would ever have thought Iran would have submarines? A third *Kilo* submarine is scheduled for delivery from Russia to Iran this year.

In addition, China—that great inland land-based power—intends to buy as many as 22 diesel-powered submarines from Russia over the next 5 years in its quest to enhance its military capability in the South China Sea.

What about North Korea? Who ever thought of North Korea as a great military power? Who would have thought it is an undersea threat? Yet it possesses, if you can believe it, the world's fourth largest submarine force and could use these submarines in a variety of belligerent coastal missions.

Yes, the cold war is over and we are grateful for that. However, I think we ought to recognize that the world is still a dangerous place. That is why we have this massive defense bill before us.

Undersea threats remain a fact of life that we ask our military forces to address. I am convinced that completion of the *Seawolf* program with its third *Seawolf* will give the United States the ability to respond to these still potent undersea threats.

Contrary to what we sometimes hear in the press, the *Seawolf*'s capabilities are more than the ability to engage the former Soviet Union in open ocean conflict. The *Seawolf* would be used to strike both land and sea targets with its cruise missiles, making it a versatile platform against any potential adversary. It will allow the Navy to covertly and quickly exert special operation forces.

The *Seawolf* will be given a wide variety of missions in our Navy of the future. As the director of submarine plans, Adm. Dennis Jones, said recently, ''We must fundamentally change the way we will fight in the future.'' Included among the undersea missions is a demonstration over the next year to assess how a submerged submarine can control an unmanned aerial vehicle. This new mission and others are described in a June 12 article from the Defense News that I ask be printed in the RECORD, Mr. President.

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

[From the Defense News, June 12, 1995]

U.S. SUBS GEAR FOR BROADER MISSION—FORCE EXPLORES UAVS, COMMUNICATION LINKS

(By Robert Holzer)

WASHINGTON.—Shedding decades of self-imposed isolation patrolling the open ocean, U.S. Navy submariners may soon control unmanned vehicles and stealthily communicate with each other in operations close to enemy shores.

Long accustomed to operating independently and focused almost exclusively on countering the Soviet submarine threat, the U.S. submarine force seeks added capabilities in communications, sensors and weapons to perform shallow-water missions.

''One constant is that things are changing, not only for us, but for our enemies,'' Rear Adm. Dennis Jones, director of submarine plans, said in a June 6 briefing to the Naval Submarine League's annual symposium in Alexandria, Va. ''We must fundamentally change the way we will fight in the future.''

To accomplish this, the submarine force will conduct a demonstration effort over the next year to assess how a submerged submarine can control an unmanned aerial vehicle (UAV), Jones said.

Pentagon officials say the Navy will test the Predator UAV in this role. Built by General Atomics Aeronautical Systems Inc., San Diego, the Predator emerged over the last year as a priority system in U.S. military plans.

The Predator is a high-altitude endurance UAV that can loiter aloft for more than 60 hours without refueling. It can fly as high as 12,100 meters and carry a 180-kilogram payload. The payload can include sensor packages that provide instant imagery, even at night and in bad weather, to tactical commanders.

The Pentagon is dispatching several Predators now to monitor the situation in Bosnia, military sources said.

Because submarines usually are the first weapon systems deployed off a potential enemy's coastline, often conducting clandestine reconnaissance and surveillance days or weeks before a crisis erupts, linking those operations with UAVs makes good tactical sense, military experts said.

''There is a lot of flexibility with that concept,'' Norman Polmar, a naval expert here, said June 7, noting that a submarine could simply leave the UAV operating over an area for an extended period and then come near the surface to tap into the data the system collected during its reconnaissance.

Submarines may even launch UAVs and retrieve them later at sea, Polmar said.

Although the submarine force has augmented its communication capabilities over the last several years, conveying information and data between submerged submarines is a new area of emphasis, Rear

Adm. Richard Buchanan, commander of Submarine Group 2 with the Atlantic Fleet, said June 7.

The service already has conducted several tests of underwater communications, which even included the transmission of imagery, Jones said.

''This is a revolution unto itself,'' Jones said. ''If information doesn't go easily from submarines to joint task force commanders, then we will be bypassed as seeming too difficult.''

To prevent this, the submarine force will field a number of communication improvements over the next few years that will yield tremendous increases in capability, Navy officials said.

These include the capability by 1998 to transmit video to other subs or ships nearly instantaneously, and by 2000, Super High Frequency satellite links that will vastly increase the amount of data that submerged vessels can transmit and receive.

Mr. CHAFEE. I hope I have helped to dispel the myth that the submarine is a relic of the cold war and we no longer need submarines. To the contrary, the *Seawolf* is a very relevant military platform to face the threat of the post-Soviet world. For these reasons, I urge my colleagues to join me in opposing the McCain amendment.

I thank the Chair and thank the Senator from Maine.

Mr. COHEN. Mr. President, I yield 10 minutes to the Senator from Connecticut.

Mr. DODD. I thank my colleague from Maine. I will try and see if I cannot shave off some of those moments to move this along. I want to underscore and support the comments of the Senator from Arizona, trying to move this process along.

I am tempted to repeat what I have repeated on other occasions in this body or elsewhere the words of the famous Congressman from Arizona. Having listened to an extensive debate and been the fourth or fifth speaker, he announced to the audience that everything had been said on the subject but not everyone had said it. So I will take a few moments to share some thoughts about the pending matter.

Let me begin by commending my colleague from Connecticut, Senator LIEBERMAN, who serves on the committee, the chairman of the subcommittee, Senator COHEN of Maine, and of course my colleagues from Rhode Island as well.

My colleagues will be pleased to note that if we can successfully defeat this amendment, this may be the last debate on the *Seawolf* program, because this is the last *Seawolf*. That in itself may cause significant support to move in our direction, having heard for the last number of years on numerous occasions from colleagues across the country of their desire that this issue be resolved once and for all.

So I urge my colleagues to oppose the McCain amendment and once and for all put the *Seawolf* issue to bed, having completed the third program.

Mr. President, I will underscore many things that have been said by my colleagues from Connecticut and Rhode Island about the importance here—and it needs to be emphasized, it would be another matter indeed if we were talking about a world in which this technology had lost its appeal. Unfortunately, or fortunately, depending upon your perspective, that is not the case.

In fact, there are, as the junior Senator from Rhode Island pointed out, 44 nations that possess this technology. In fact, it seems to be growing in its appeal.

Again, I emphasize what has been said about Russia. All of us are deeply pleased with what has occurred in the collapse of the Berlin Wall, the end of the cold war. Again, I think we all appreciate the lack of clarity as to which direction Russia is going in. We all hope that it is going to continue to move in the direction of a democratic State which does not pose a threat to its neighbors or to others.

I do not think anyone would be prepared to stand on this floor today and say with absolute certainty that they were convinced that was going to be the ultimate result. If we cannot state that with absolute certainty, or the degree of certainty that seems to be the prudent course, to be mindful of the kind of technology that is being expanded and developed, and it is significant.

In fact, we are told by those who watch these efforts far more closely than most of us, that today Russia is developing a technology in submarine arenas that will approximate the quietness that we have been able to achieve with our technology, and as my colleagues know, in submarine technology the quietness of a submarine is one of the most critical elements of all.

So, the first point is, of course, that we still see a global threat, that there are nations that never before possessed this technology that are acquiring it.

Second, Mr. President, the industrial base argument which was made in the past but I think needs to be made here as well, there are no less than 10 unique submarine technologies that will perish if this amendment is adopted. I am not talking about large corporations with thousands of workers. I am talking about facilities with literally the last of the craftsmen—men and women—with knowledge and skill to create and build unique components of our Nation's submarine fleet.

Likewise, if this amendment should pass, the final legion of dedicated and professional workers who build the final product will disappear, and that is not an exaggeration.

Let me tell my colleague something about those workers. Some of them have been building submarines literally for decades. Most are members of entire families that have passed that knowledge on between generations. These are craftsmen, I say to my colleagues. They are the final artists of a very unique industry that America must not abandon.

Let me give an example of what I am talking about. It can take up to 7 years to replace a fully qualified Navy nuclear welder capable of welding the 3-inch steel hulls of the *Seawolf* class submarine. Mr. President, 7 years to acquire that technology. That is the apprenticeship, yard time, evaluations, and, finally, qualification to perform the delicate welds in and around the nuclear reactor area of this submarine. Seven years to acquire that skill level.

I suggest to my colleagues, and I think they would agree, we should not abandon that capability.

As for cost, I agree with the Navy plan to go to a smaller, less expensive submarine program. But to get there, we have to finish what we have started. We have to complete this final boat of the *Seawolf* class.

Remember, there were 23 of these boats we talked about. We are now down to three. I say to my colleagues that to complete the program here, to stop the program when it is 45 percent complete, I think, is penny wise and pound foolish.

So, Mr. President, again I underscore the terrific work done by my colleague from Connecticut on the Armed Services Committee in making this case. I appreciate immensely the support of the chairman of the subcommittee, the Senator from Maine, and others who have stood with us on this program over the years. It is obviously important to us in Connecticut.

But my colleague from Connecticut, my colleagues from Rhode Island, could not in good conscience stand here and ask our colleagues from across this country to support a program that did not contribute significantly to the long-term security needs of our Nation. No matter how important it is to us on a parochial level, that is not a justification to ever support one of these programs. As important as that is to us, the importance of this program is its contribution to the long-term national security needs of our Nation.

For those reasons, and with all due respect and affection for the author of this amendment, I urge the rejection of the proposal.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. Mr. President, I yield 5 minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I thank the distinguished chairman of the subcommittee for yielding this time. I want to start out by congratulating the Senators from Connecticut for their fine work on this project, particularly Senator LIEBERMAN, my colleague in the Armed Services Committee, for his outstanding work on this program.

I come here as someone who in the past has been an opponent of the *Seawolf*. In fact, I introduced a bill back in 1991 which called for eliminating the 29 *Seawolf* submarines that were on the boards because I thought it was too costly, that it was a cold war

relic, that 29 of these submarines was far too many, the threat was not out there for that kind of expenditure of, really, tens of billions of dollars.

Having watched what has happened since 1991, and since I introduced that resolution, I have seen the number of *Seawolf* submarines go from 29 to 3, and I have seen the Russian Navy still be the focal point, as was said earlier. What I have seen in response, in the past 4 years since the fall of the Soviet Union, is the Russians keeping their eye on the ball of maintaining their capacity, their submarine capacity as really their focal point as to how they are going to be a world threat, militarily. That is where they have invested their money.

So, while I would not stand up here and support another 27 *Seawolf* submarines, I will say that, given the threat that is out there, given the legitimacy of the dollars invested and the capability of the Russian fleet, nuclear submarine fleet and attack submarine fleet, that this is a wise investment for us.

I repeat what the junior Senator from Connecticut said. We have a situation right now—and I agree with him, I do not think the American public realizes this—where the Russians are in fact ahead of us in a very important military capability and that is submarines. They are ahead of us. They have quieter ships than we do.

That is stealth. You hear so much about stealth technology when it comes to the Air Force. That means you cannot see it on the radar and you can go in there and do things before anybody sees you. Stealth in a submarine is how quiet it is. If you cannot hear them you cannot find them. That is the situation we are in right now. We are sending our submariners out there, into the oceans of this world, in a sense blind—deaf to the threats that the former Soviet Union, the Russians are now putting forward. This is our response and it is an appropriate one. It is an appropriate place to invest those dollars.

We do so recognizing if we pull the plug on the third *Seawolf* we will waste a whole lot of money. Already, as has been said many times, $900 million is already appropriated for this submarine. We have over a third of the costs already in the submarine. To close it down would cost even more.

There are disputes. The Senator from Arizona, whom I greatly respect—I admire his ability to go into this defense budget and try to find areas where he believes there is waste. I respect that. There are some substantial disagreements as to the CBO calculations for the cost savings of the *Seawolf* submarine, discontinuing the *Seawolf* submarine. The Navy, in a document that was transmitted to me, says that they underestimate a lot of the costs, that they do not recognize that by shutting off this third *Seawolf* we will likely end production of any kind of ships at Electric Boat, in Connecticut. They do not count for the shutdown of that facility or the costs that would be incurred in future shipbuilding as a result of having just one shipyard. I think it is a substantial one, not just for our industrial base—which I happen to believe is important—but for the competitiveness that is necessary to get high-quality, low-cost ships in this country.

I want to mention just one final thing. I want to talk about the industrial base, not from a State that has a huge submarine industrial base, although we have some. I will say one of the other reasons I support this third *Seawolf* is because I do believe we do need an industrial base of skilled technicians and companies that can produce this kind of very high-quality, demanding, and very specific high-quality work. If we do not continue this bridge, which the third *Seawolf* turns out to be, into the new attack submarine, we will not only have that new attack submarine cost more as a result, but I think we may not end up with as good a product.

So I come here as a reformed *Seawolf* opponent who understands this is a project, an investment that is worthwhile to combat a serious threat to preserve an industrial base that is essential to the military capability, production capability of our country. I support it wholeheartedly and oppose the amendment of the Senator from Arizona.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I yield myself 3 minutes.

Mr. President, the GAO report was before the Armed Services Committee on May 16, 1995 as follows: On page 6:

> . . . there is disagreement about a number of issues including Russia's defense spending priorities, Russia's ability to maintain its operating tempo and readiness and maintenance levels, and the future Russian force structure levels and production programs.

The GAO report goes on to say:

> The ONI report [Office of Navy Intelligence report] does not address other factors that should be considered in determining the overall superiority of United States and Russian submarines, such as sensor processing, weapons, platform design, tactics, doctrine and crew training.

Public reports, news accounts and, more importantly, other DOD publications, including the Annual Director of Naval Intelligence Posture Statement, present other information on some of the factors that affect submarine superiority. For example, these reports note:

> . . . a decline in the operating tempo of Russian submarines, order of battle, and construction programs.

They also note:

> Morale and discipline have deteriorated, personnel shortages are serious, and the frequency and scope of naval operations, training, readiness and maintenance have declined.

Somebody said earlier, one of the Senators from Connecticut, I believe, we ought to use common sense here. Let us use common sense. Common sense shows us the condition of Russia today, the state of their military. This military could not even defeat the Chechnyans. To believe, somehow, they come from some kind of superior shipyard with superior workmanship and with superior quality of personnel flies in the face of common sense.

Mr. President, I yield myself 2 additional minutes.

I will quote the New York Times, Sunday, July 30, 1995:

> To The Editor:
>
> I have a lot of respect for Secretary of the Navy John Dalton. I hate to see him fall prey to the sharks who are trying to justify the spending of $1.5 billion for the third *Seawolf* submarine.
>
> * * * * *
>
> The allegation is like the ''missile gap'' or the ''bomber gap'' or the ''readiness gap.'' . . . Does this ''quietness gap'' exist?
>
> There are two aspects to quieting a submarine. The first takes place when the submarine is built. To say our submarines are not built as well as Russian submarines condemns the very shipyard we are trying to keep operating.
>
> The second aspect of quieting is in the operation of the ship. Is Secretary Dalton telling us that the crews of our submarines are not as well trained or as competent as the Russians?
>
> I never met a submarine officer who did not think our submarines were the best in the world—by far. I am sorry to see this proud group stoop to chicanery to justify an unnecessary weapon.
>
> —John J. Shanahan, Vice Admiral, retired.

Let us use some common sense when we evaluate whether we need to spend another couple of billion dollars on a weapons system for which there is no compelling requirement.

Mr. GRAMS. Mr. President, I rise as a cosponsor and strong supporter of the amendment by Senator McCAIN to terminate the third *Seawolf* submarine.

I want to thank the Senator from Arizona for his leadership on this issue and for his constant and tireless efforts to scour the defense budget—and, indeed, the entire Federal budget—for wasteful and unnecessary spending.

Like the Senator from Arizona, I believe we must build a strong military that can respond to the rapidly changing threats America faces in the post-cold war world.

The *Seawolf* submarine, which was developed to counter a specific Soviet threat during the cold war, is simply outdated and irrelevant in this new era.

Mr. President, if we're going to buy military equipment that's behind the times, the least we could hope for is to get it at a cut-rate price. But this is not the case. The third *Seawolf* will cost $2.4 billion bringing the grand total for this program to more than $7 billion for just three submarines.

I urge my colleagues on both sides of the aisle to terminate the *Seawolf* and save the taxpayers a minimum of $1.3 billion. Moreover, these savings could increase in future years as we determine the most efficient way to construct the next generation of nuclear submarines.

As the Senator from Arizona has repeatedly pointed out, this funding is needed for higher priority defense programs that will truly enhance our military readiness.

The McCain amendment has been strongly endorsed by a number of Government watchdog organizations, including the National Taxpayers Union, Citizens Against Government Waste, and Citizens for a Sound Economy.

Mr. President, let's stand with these groups and show the American taxpayers that the Congress supports responsible spending that will yield a strong and strategically sound national defense.

Mr. COHEN. Mr. President, how much time is remaining on this side?

The PRESIDING OFFICER. Twenty-four minutes and thirty-two seconds.

Mr. COHEN. I yield myself 10 minutes.

Mr. President, I rise in opposition to the Senator from Arizona, who is a good friend and someone I have worked with since I came to the Senate and long before that time. He was advising me on military matters when he was with the Navy.

Bismark once observed that there are two things that do not change in this life: One is history and the other is geography.

Going back historically, we can look at the period of time during World War II. At that time we had over 5,000 ships in our inventory. We are now looking at downsizing to in the neighborhood of 340 or 348 ships.

So we have come from having such an armada of 5,000 ships capable of fighting during World War II down to about 340 to 350 ships. Obviously, they are much more capable today than they were in the past. But as the numbers have come down, we have insisted that the capability increase. And that is because the oceans have not diminished in size and geography has not changed. The oceans are still roughly the same size. Our commitments have not diminished in any significant degree. We still are an island nation.

As my colleague from Rhode Island has said, we are likely to remain a naval power for the foreseeable future, hopefully for the indefinite future. Our commitment is to maintain the sealanes of communication. That is our lifeblood, and no nation should ever have the capability of being able to interrupt that, to cut off that flow, to cut off the blood supply, the oxygen supply. We depend upon having access to the open ocean and having that access unchallenged.

So looking at history and looking at geography, we can say, well, we have downsized. The reality is the cold war is over. It does not mean there are no dangers left in this world. They are of a different magnitude and a different type. But they are dangers nonetheless.

As most of my colleagues who have spoken in opposition to the Senator from Arizona, the one thing we keep reminding ourselves is that the Russians, notwithstanding the state of their economy, continue to produce submarines. Now, they may not be operating at the same tempo that our submarines are operating, the morale of their sailors may be at a much lower level than the morale of our sailors, but that, too, can change.

What has not changed is the number. They are still producing roughly the same numbers of submarines that they were at the height of the cold war. Some of that is no doubt due to fact that it is just inertia and it is a jobs program for the Russians. They have to do something. They might as well do something that they have been working on. They have to build more ships.

But the numbers ought to be of concern to all of us because at some point in time the tides might change. Our relationship with the Russians might change. It might get better. It might get worse. We do not know. We have no way of predicting the future. And we should never structure our forces or our industrial base predicated upon the unknown; that since we cannot foresee the future, we should simply conform our industrial base to what exists currently. That would be a prescription for future disaster.

So we have to plan for the future taking into account the unknown, taking into account history, taking into account geography, and try to plan as best we can given the resources that are available.

That, I believe, is what the Navy has done. The Navy has said we would like to have two nuclear-capable shipyards. We are not prepared at this point in time to say there should be only one yard in America producing nuclear-capable ships—one yard—namely, Newport News. That may be the situation sometime in the future. We may not be able to afford more than one yard.

But the Navy is unwilling, given the unforeseeability of the future, given the sort of chaotic situation which exists in the world today, to take that chance at this point in time. They are saying, ''We are not willing to put all of our eggs in one basket. We do not know whether there will be a surreptitious attack upon that location. We do not know whether it will be a bolt out of the blue. We did not know whether it will be a natural catastrophe. We are unwilling to take the risk to put all of our shipbuilding into one yard.''

We would like to see Electric Boat continue. And make no mistake about it, you cancel the third *Seawolf* and EB is out of business. They will shut down. Their 7,000 or 8,000 or 9,000 workers—whatever that figure is now—will be out of work. That may please the National Taxpayers Union and it may please the various groups that have come out in favor of this amendment saying it will save money. I do not think it will save money. It will put people on the welfare rolls. It will put them out of work. It will increase the deficit, no doubt, because we will simply have to pay for those welfare recipients and not have any income or revenues coming in from the taxpayers themselves.

So I am not sure it would be an appropriate tradeoff. If we were only engaged in one public works program, if we were simply talking about public works or dead-end jobs, sweeping streets, cleaning up garbage, that would be one thing. But we are talking about here highly skilled individuals, people who work for years to develop the capability of designing and then constructing the most complicated ships in the world—nuclear submarines.

It takes, as the Senator from Connecticut, Senator DODD, indicated, 7 years to build a ship.

Ironically, I was just at a launching of the U.S.S. *Maine* in Portsmouth Naval Shipyard in Kittery, ME. That ship, a Trident submarine, was launched. It was built by Electric Boat and commissioned at Portsmouth Naval Shipyard. The president of the EB yard was there and pointed out that in World War II Electric Boat was cranking out about two ships a month, or about one every other week. We are now down to producing one a year, or one and a half a year.

So times have changed, and we have to change accordingly. But it does not mean that we should sever the ability of this country to maintain an industrial capacity of skilled working people who are contributing substantially to our national security.

I can agree with much of what my colleague from Arizona has said. We come to a different conclusion on this. We are trying to keep Electric Boat in competition with Newport News for a little longer, at least because the Navy is unsure at this point whether or not we will ever have to build more than one ship a year, whether we will be able to support two yards. I think they are not prepared to say we can only afford one yard.

I believe Admiral Boorda, or read the writings of Admiral Shanahan and others. But I would put that up against Admiral Boorda. I do not think Mike Boorda would come to the Congress or to the U.S. Senate and misrepresent the facts. I do not think that he would suggest that this is something that is really necessary when it is not, that it is simply a jobs program for the Navy or for EB. I think that he is persuaded that the Navy does in fact need this ship in order to get us to the follow-on.

If you terminate the *Seawolf* right now, EB is not going to be in competition. That is very clear. We might as well say that Newport News will be the only yard that will then build the follow-on to the *Seawolf*, the *Centurion*, or whatever it is going to be called.

That is a policy decision that we will be making here on the floor of the Senate, and some are prepared to make it. I do not for 1 minute question my friend from Arizona. He is someone who is expert in the field. He is someone who has dedicated himself to the

Navy. We just come out on a different end of the judgment on this one.

But I do not for a moment want to put us in the position of making the policy judgment that we only need one yard in this country to produce aircraft carriers and submarines. That is what it ends up being. Newport News will be the only shipyard in the country producing all of our nuclear-capable ships into the future.

I think that is a risk that the Navy is not willing to bear at this point in time. I think it is a risk that we as Senators should not be willing to bear at this time. And I think in view of the fact that we have spent the $900 million on the third *Seawolf*, in view of the fact we have come down from 23 to 3, in view of the fact that we would have termination liabilities, we at least ought to get a ship out of it which allows EB to be in a competitive position to compete head to head with Newport News on the follow-on ships.

For those reasons, Mr. President, I hope that we defeat the amendment of my friend from Arizona.

Mr. McCAIN. Mr. President, I yield myself 3 minutes.

Mr. President, I always respect and appreciate, and even enjoy, the comments of my old and dear friend from Maine. Usually he and I are on the same side on most issues. On this side, I pay careful attention to his words since they are always well thought out and extremely edifying.

Again, we find, as he mentioned, ourselves on opposite sides of this issue.

Mr. President, if we had a defense budget that we had all during the 1980's, I would still have some questions about this weapons system, primarily because I still believe that our money could be spent much more wisely in other areas. But we really do not have the kinds of funds that I believe would allow us to afford this ship.

I received a letter on July 28 from the Congressional Budget Office, so I can illuminate my friends as to what kind of money we are talking about.

After briefly reviewing those savings, the accompanying attachment focuses on the implications of consolidating construction of all nuclear powered ships at a single shipyard.

CBO's analysis suggests that such a consolidation could result in savings of between $2.4 billion and $3.7 billion (in 1996 dollars) over the life of the new attack submarine program, which is currently slated to acquire some 30 ships between 1998 and 2020. That amount is less than one contractor claims could be saved through consolidation, but more than the Navy's own estimate. Consolidation could also lead to a somewhat smaller shipbuilding work force: CBO estimates that at most 3,300 shipyards jobs are at issue, and the reduction resulting from consolidation might be substantially less. Essential skills for producing nuclear-powered ships—many of which reside in the suppliers and subcontractors to the shipyards—would be retained whether or not production was consolidated.

Signed by June O'Neill, who, as we all know, is the Director of the Congressional Budget Office.

Mr. President, I wish to make one additional comment. That is that I think we ought to look at history also, and the history of Russia is that they have primarily been a land empire. They have concentrated their focus on expansion of their empire to adjacent areas. It was not until well into the cold war that the Soviet Union began to build a fleet and when they built that fleet, it was primarily for strategic purposes and for the delivery of strategic weaponry. I do not believe that the Russians contemplate a strategic confrontation with the United States any time soon. Again, it is common sense, as has been said on this floor on many occasions.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 24 minutes 55 seconds.

Mr. ROTH. Mr. President, a $1½ billion vote deserves serious consideration by this body in this time of fiscal crisis. Throughout the defense budget debates in the 6 years since the cold war ended, I have been routinely amazed—and disappointed—that the Senate cannot bring itself to terminate one of the most expensive, outdated, poorly managed, cold war programs in the entire budget—namely, the *Seawolf* submarine program.

Mr. President, there are several reasons to support the amendment that Senator McCAIN and I are offering. First, the *Seawolf* is a cold war weapon with no modern mission. It was originally conceived as the ultimate United States weapon against Soviet ballistic missile submarines. It would operate 1,000 feet beneath the seas, quieter than the seas themselves. Its special sensors and computer systems would detect Soviet nuclear submarines well before the *Seawolf* could be observed.

If this Nation were still in the grip of the cold war, we would probably be justified in procuring further *Seawolf* submarines. But, the cold war is over, and the system has no mission in the post-cold war world. Consequently, it should be terminated immediately.

Second, this program is poorly managed and the problems are such that I have little faith in the Navy's estimate of how much money the taxpayers will be required to spend. The General Accounting Office now says that average cost of the first two subs will be well over $5 billion. Moreover, there are significant cost overruns in virtually every aspect of this program. According to the GAO, the design contract was overrun by 131 percent, the production contract on the first sub is overrun by about 80 percent, and the average unit cost is overrun by about 250 percent.

Giving this hog more feed is not going to make it any leaner. The design for the first submarine is currently in its fifth revision and is more than half a million hours behind schedule, even though production began several years ago. With the proposed design changes in the SSN–23, additional delays and cost overruns are inevitable.

A third reason to terminate the *Seawolf* program is to restore accountability for the Navy's poor acquisition management. There is no incentive for industry to perform efficiently as long as funding is guaranteed. The guise of the submarine industrial base should not remove the Navy's accountability for the *Seawolf's* 250 percent cost overrun. This program is a dud, and we ought to let it fizzle out.

A fourth reason to kill the *Seawolf* program is that funding a third *Seawolf* submarine takes money away from more important needs. It is untenable to require service men and women to live off food stamps so that $100,000 a year defense contractors can remain employed in an endeavor that does not add to our national security. We have all heard stories of shortfalls in military readiness, due to lack of funds.

A fifth reason not to fund a third *Seawolf* submarine is that there are more cost-effective means of protecting the industrial base. One alternative approach to maintaining the submarine industrial base is allowing it to work on commercial projects, which Electric Boat is currently pursuing and should do so more aggressively in the future. The Congressional Budget Office estimates that the costs of other alternatives, such as overhauls and modernization efforts, are much less than building and maintaining a third *Seawolf*.

We must also keep in mind that engineering expertise is being protected by work on the new attack submarine and design changes on the first two *Seawolves*. Furthermore, the submarine deactivation workload will ensure an industrial base well into the future. Finally, the Navy announced its intent to increase its reliance on commercial technologies in building the new attack submarine, and reduce its reliance on the submarine industrial base.

Several years ago, when Senator McCAIN and I have moved to stop funding for the *Seawolf*, we garnered very few votes. Then, 2 days later, President Bush terminated the program in recognition that the cold war was over. Time and again, the program has been kept alive for political, rather than military, purposes. We can no longer afford to spend $1.5 billion for such reasons. I encourage my colleagues to vote to support our amendment.

Mr. McCAIN. Mr. President, due to the exigencies of the hour and the efficiency of my friend from Connecticut, and, as my other friend, Senator LIEBERMAN, said, much of this debate has been covered in years past, I am prepared to yield back the remainder of my time if my colleagues are so prepared. Senator COHEN is prepared to yield it back.

Mr. COHEN. I am prepared to yield back the remainder of my time.

Mr. McCAIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. DODD. Mr. President, I would move to table the——

Mr. McCAIN. I say to my friend, if we do, we will bring up the amendment again and again until we get an up-or-down vote.

Mr. DODD. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. McCAIN. Mr. President, I ask unanimous consent that the motion be a tabling motion, as in keeping with the previous unanimous-consent agreement.

The PRESIDING OFFICER. The Senator can make a motion to table.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I ask unanimous consent that further proceedings under the quorum call be rescinded.

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

The Senator from Arizona.

Mr. McCAIN. Mr. President, I have been asked to announce that the vote on this amendment—I ask unanimous consent that it be an up-or-down vote——

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

Mr. McCAIN [continuing]. Will occur at 8:10. In the meantime, Mr. President, I would like to announce that on this side we have all of the amendments. We would appreciate it if those on the other side would complete their list of the amendments so that the distinguished chairman can move forward with the unanimous consent, at least so that we can finalize the list of amendments. We hope to be able to do that between now and 8:10, when the vote will take place. Also, Mr. President, I ask unanimous consent that the vote occur at 8:10.

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

Mr. McCAIN. I ask my friend from Maine if he is ready to move forward?

Mr. COHEN. No.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. I ask unanimous consent that the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. FRIST). Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, I also ask unanimous consent that my leader time be extended by an additional 15 minutes.

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

(The remarks of Mr. DASCHLE pertaining to the introduction of S. 1117 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

VOTE ON AMENDMENT NO. 2090

The PRESIDING OFFICER. Under the previous order, the question occurs on the McCain amendment No. 2090.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 30, nays 70, as follows:

[Rollcall Vote No. 356 Leg.]

YEAS—30

Ashcroft	Domenici	Lautenberg
Baucus	Dorgan	Leahy
Bingaman	Feingold	Lugar
Bond	Gorton	McCain
Bradley	Gramm	Murray
Brown	Grams	Pressler
Bumpers	Grassley	Roth
Burns	Harkin	Shelby
Coats	Hatfield	Stevens
Conrad	Kohl	Wellstone

NAYS—70

Abraham	Glenn	Moseley-Braun
Akaka	Graham	Moynihan
Bennett	Gregg	Murkowski
Biden	Hatch	Nickles
Boxer	Heflin	Nunn
Breaux	Helms	Packwood
Bryan	Hollings	Pell
Byrd	Hutchison	Pryor
Campbell	Inhofe	Reid
Chafee	Inouye	Robb
Cochran	Jeffords	Rockefeller
Cohen	Johnston	Santorum
Coverdell	Kassebaum	Sarbanes
Craig	Kempthorne	Simon
D'Amato	Kennedy	Simpson
Daschle	Kerrey	Smith
DeWine	Kerry	Snowe
Dodd	Kyl	Specter
Dole	Levin	Thomas
Exon	Lieberman	Thompson
Faircloth	Lott	Thurmond
Feinstein	Mack	Warner
Ford	McConnell	
Frist	Mikulski	

So the amendment (No. 2090) was rejected.

Mr. DODD. Mr. President, I move to reconsider the vote.

Mr. LIEBERMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the chair.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS-CONSENT AGREEMENT

Mr. DOLE. Mr. President, I wonder if I could have the attention of all Members here so I can tell them where we are.

It is my understanding we might be able to line up three votes here—or three amendments, which will be debated tonight and voted on first thing in the morning if votes are necessary.

I think the first will be an amendment by the Senator from Arizona, which will be second-degreed by the Senator from Connecticut. I am not sure that will require a vote. It may or may not require a vote.

Then there is a DOE matter which will take, I understand, about 2 hours of debate.

Then Senator BUMPERS, we want to accommodate him because he has a personal problem tomorrow. We would like to take at least one of his, debate one of his amendments tonight and the other the first thing in the morning.

Will that be satisfactory?

Mr. BUMPERS. That will be satisfactory.

Mr. DOLE. So if that took that much time, it would be about 11:30.

It would seem to me, those who are involved can stay here and debate those and then have those two votes first thing tomorrow morning, if that is all right with the Senator from South Carolina.

Mr. THURMOND. That will be all right if we can get through the debate—all but the voting. We have a lot of amendments tonight to act on.

Mr. DOLE. I understand that.

Mr. BUMPERS. If the majority leader will yield for a question, I have one amendment I would like to offer tonight. I am willing to settle for a 30-minute time agreement. I would like very much to go in front of the DOE amendment, which will take 2 hours, if that will be all right. It will be very helpful to me.

Mr. COHEN. Which one is it?

Mr. DOLE. Can you give us some indication of what the amendment was?

Mr. BUMPERS. There is a provision in the bill that sets up a new method—directs the Department of Defense to set up a new method for financing arms sales. My amendment will strike that provision. It is a very simple amendment. Everybody will understand it.

Mr. DOLE. If I can get consent, Senator BUMPERS offers his amendment regarding export loan guarantees. There will be 30 minutes for debate divided in the usual form, with no second-degree amendments to be in order, and following the conclusion or yielding back of the time the Senate lay aside the amendment. That will follow the amendments by Senator McCAIN and——

Mr. McCAIN. If the leader will yield, I think the majority leader's unanimous consent is excellent. But I would point out we still do not have the list of amendments from the other side. I hope we could, at least by the close of business, get a complete list of amendments which would then be propounded as a unanimous-consent agreement before we leave tonight. So at least it will narrow down the total number of amendments if we are to have any prospect whatsoever of finishing tomorrow night.

Mr. NUNN. If the leader will yield, we are working on that list. We will have a copy of it in another hour or so.

Mr. DOLE. Hopefully you are working it down.

Mr. NUNN. We are doing our best to work it down.

Mr. DOLE. Because let me indicate again, on Saturday we start off with the Treasury-Post Office appropriations bill, and I am not certain when this bill will be back again. So, hopefully, if we can accommodate the manager, who has been working very hard—he lost 5 hours yesterday. We had 7 hours today on one amendment. They are trying to catch up here. So if we can keep our amendments to a minimum, I am certain it will help the managers, who have done a good job.

We do want to accommodate the Senator from Arkansas. He has a funeral to attend tomorrow.

Mr. BUMPERS. Mr. President, let me correct that. I am sorry, I misled the leader. I am leaving here tomorrow night.

Mr. DOLE. That is fine. We still want to accommodate the Senator from Arkansas.

Is there any objection to the request on his amendment?

Mr. CHAFEE. He goes first under the request?

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, is the Thurmond amendment going to come before the Bumpers amendment?

Mr. DOLE. The amendment by Senator MCCAIN will be next. That will be second-degreed by Senator DODD. Following disposition of that, it will be Senator BUMPERS' amendment, 30 minutes. Following that will be the DOE amendment which will take about 2 hours.

Mr. MCCAIN. And amendments to the DOE bill will be in order?

Mr. DOLE. Amendments to the DOE bill will be in order but we would like to have the votes on those tomorrow morning.

Mr. REID. Reserving right to object, I have no objection to the unanimous-consent request as far as it relates to the amendment of Senator MCCAIN or the amendment of Senator BUMPERS. But I do not consent to anything relating to the Thurmond amendment, the DOE.

Mr. DOLE. Let us get this part and then I will make the next request. Is there objection to this?

Mr. GORTON. Reserving the right to object, I say to the majority leader, on the DOE amendment I have some severe reservations.

Mr. DOLE. I have not made that request yet. That is going to be next. All right?

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOLE. Now, if I can have the DOE.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DOLE. Mr. President, I understand we are not going to be able to get an agreement. I will propose the consent agreement. So it may be we will have to have additional votes this evening. But I am going to ask consent, when Senator THURMOND offers an amendment regarding title 31 of the bill, and immediately after reading of the amendment, Senator EXON be recognized to offer a second-degree amendment to the Thurmond amendment, and there be 45 minutes of debate under the control of Senator THURMOND and 90 minutes under the control of Senator EXON.

Further, following the expiration or yielding of time, the Senator from Nevada, Senator REID, be recognized to offer an amendment in the second degree regarding tritium, on which we will have 60 minutes, 40 minutes to Senator REID, 20 minutes to Senator THURMOND, and that the Senate proceed to vote on or in relation to the Exon amendment and on or in relation to the Reid amendment followed immediately by a vote on the Thurmond amendment, as amended, if amended.

Mr. GORTON. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DOLE. We cannot get an agreement.

Does anybody else have any amendments that we can get agreements on?

Why do we not go ahead? Let us go ahead and have the debate on this amendment and go ahead and have a vote on the first Bumpers amendment. Then we will try to determine what we can figure out in the next 30 minutes.

AMENDMENT NO. 2091

(Purpose: To limit the total amount that may be obligated or expended for procurement of the SSN–21, SSN–22, and SSN–23 Seawolf class submarines)

The PRESIDING OFFICER. Under the previous order, the Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I have an amendment at the desk and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 2091.

Mr. MCCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 30, after the matter following line 24, insert the following:

SEC. 125. SEAWOLF SUBMARINE PROGRAM.

(a) LIMITATION OF COSTS.—Except as provided in subsection (b), the total amount obligated or expended for procurement of the SSN–21, SSN–22, and SSN–23 Seawolf class submarines may not exceed $7,187,800,000.

(b) AUTOMATIC INCREASE OF LIMITATION AMOUNT.—The amount of the limitation set forth in subsection (a) is increased after fiscal year 1995 by the following amounts:

(1) The amounts of outfitting costs and post-delivery costs incurred for the submarines referred to in such subsection.

(2) The amounts of increases in costs attributable to economic inflation after fiscal year 1995.

(3) The amounts of increases in costs attributable to compliance with changes in Federal, State, or local laws enacted after fiscal year 1995.

Mr. MCCAIN. Mr. President, I make a point that the Senate is not in order.

The PRESIDING OFFICER. May we have order?

AMENDMENT NO. 2092 TO AMENDMENT NO. 2091

(Purpose: To propose an alternative limitation on the amount that may be obligated for procurement of the *Seawolf* class submarines.)

The PRESIDING OFFICER. Under the previous order the Senator from Connecticut is recognized to offer a second-degree amendment.

Mr. DODD. Mr. President, I send a second-degree amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut (Mr. DODD) proposes an amendment numbered 2092 to amendment No. 2091.

On page 1, line 7, strike out ''$7,187,800,000'' and insert in lieu thereof ''$7,223,659,000''.

Mr. FORD. Mr. President, I make a point of order that the Senate is not in order. I know the Chair has a problem. But these are important amendments, and I hope the Chair will keep order.

The PRESIDING OFFICER. The Senate will come to order.

Mr. DODD. I yield to my colleague from Arizona.

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

Mr. MCCAIN. Mr. President I know what my amendment is about. I would be prepared to ask my friend from Connecticut what his is. But I would like to briefly explain mine.

Last year the Congress adopted an amendment to the DOD bill which caps the procurement cost for the first two *Seawolf* submarines at $4.75 billion, the total amount identified by the Department of Defense as necessary to complete construction of these two systems.

The amendment was necessary to control escalating costs of the program. Therefore, I offer an amendment to expand the existing cost caps to include the third *Seawolf* submarine, the provision establishing a procurement cost cap of $7.2 billion on the three *Seawolf* submarines.

The provision allows for the same automatic increases for inflation and labor law changes as the existing cap. It also exempts the future costs of outfitting in postdelivery for the submarines.

These are costs which will undergo congressional review and require authorizations and appropriations in the future.

For reasons which are not clear to me, the other body this year is recommending a repeal of the cost cap on

SSN–21 and SSN–22. I do not believe we can allow a return to the uncontrollable cost escalations we have seen on the first two submarines. I believe that imposing the same strict cost controls on the third *Seawolf* would be to the advantage of the American taxpayer.

I yield to my colleague from Connecticut.

Mr. DODD. Mr. President, I thank my colleague from Arizona.

Let me make this very brief. I happen to agree with my colleague from Arizona on this amendment. We disagreed obviously on the previous amendment. But the Senator from Arizona is absolutely correct in what he is trying to do here.

We have a second-degree amendment that absolutely modifies the amendment being offered by the Senator from Arizona—modifies it up by $30 million, which I think we can reach agreement on here.

This is a mature program. I think a case can be made about cost containment provisions on defense procurement. In the early stages you ought to be somewhat careful about it when you are dealing with a mature program. That is what this is. This is a mature program. I think injecting some fiscal discipline into these programs can be helpful.

I am confident that this amendment will offer no problems at all. We have talked to the contractors and to the Navy. We ought to be able to complete the program with caps that are suggested by these two amendments.

So, Mr. President, I hope that there will be no need for a rollcall vote on this. We think it does the job.

Again, I support what our colleague from Arizona is doing. It is the proper and appropriate approach that should be taken on matters such as this.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, very briefly, we disagree with our friend from Arizona whether or not to finish the third *Seawolf*. We do not disagree on the question of whether or not there should be a cost cap. There should be. I hope we will agree to the second-degree amendment. We disagree on the question of whether we should complete the third *Seawolf*. The Senate has spoken now on that question.

On the question that the Senator from Arizona now raises as to whether there should be a cost cap, there is no disagreement. Senator DODD and I and all the others who support the *Seawolf* feel probably even more strongly that there should be a cost cap.

So I hope we can agree on a number and leave it at that.

I thank the Chair.

Mr. McCAIN. Mr. President, before we voice vote this, because it has been accepted on both sides, I would like to extend my congratulations to the two Senators from Connecticut and to the Senator from Maine on a significant victory in maintaining the *Seawolf* submarine. I obviously strongly disagree. But their arguments and the work they did indicated that a clear majority of the Senate chooses to maintain the procurement of this weapons system. And I congratulate them on their success.

The PRESIDING OFFICER. Do the Senators yield back the remaining time?

Mr. McCAIN. I yield back the time.

Mr. LIEBERMAN. Mr. President, I would like to thank my friend from Arizona for his gracious statement and say to him that, given a choice, I would much rather have him on my side than against me, having real strength and conviction, and this is one of those cases where I end up after a fight respecting somebody more than I did before.

Mr. DODD. Mr. President, I want to associate myself with the remarks of my colleague from Connecticut.

My friend from Arizona and I have been with each other over these many years. And there is no better fighter, no more honest Member of our body, no person who brings more integrity to a debate, and I appreciate how fairly he raised this issue and gave us an opportunity to address it.

Mr. President, I would also like to commend our respective staffs, my colleague from Connecticut for his staff, and mine, Bob Gillcash, who has done a tremendous job over the years on these issues, this one particularly and many others as well.

I urge adoption of the amendment.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Connecticut in the second degree.

The amendment (No. 2092) was agreed to.

The PRESIDING OFFICER. The question now occurs on amendment No. 2091, as amended.

The amendment (No. 2091), as amended, was agreed to.

Mr. DODD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LIEBERMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2094

(Purpose: To strike the bill's provision concerning Defense Export Loan Guarantees)

Mr. BUMPERS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS], for himself, Mr. FEINGOLD, Mr. SIMON, and Mrs. BOXER, proposes an amendment numbered 2094.

Mr. BUMPERS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

Strike line 1 on page 353 through line 16 on page 357.

The PRESIDING OFFICER. Who yields time?

Mr. BUMPERS. Mr. President, we have a 30-minute agreement on this, but perhaps because it is a very straightforward, simple amendment, we may be able to do it in less time than that, and I hope we can.

Right now, the United States totally dominates the foreign arms market. We sell 53 percent of all the arms in international trade. We also have four separate methods of financing these sales which help maintain our position of dominance.

First of all, the Arms Export Control Act allows the President to commit the U.S. Government to a loan guarantee or a grant.

Second the Export-Import Bank can finance any sale of technology as long as it is nonlethal. So we sell a lot of military hardware to countries that are financed by the Export-Import Bank.

Third we have foreign military financing which is a part of the foreign aid bill. We pick out the countries and give them grants to buy our weapons. We say here is $1 billion for you and $1 billion for you. Come and buy whatever weapons you want until you use up that $1 billion. We can also subsidize loans with this program.

Fourth we have foreign military sales. Under this program the U.S. Government or a U.S. company sells arms to a foreign government.

The bill we are debating says four methods of financing arms are not enough. We have to have another one. And it directs with virtually no guidance the Defense Department to set up a program exactly like OPIC. Senators know what OPIC is. You pay a little fee and you get your loan guarantee.

That is all there is to this amendment. I say four is enough. Let me read you though just for entertainment purposes a list of the countries that arms sales merchants in this country will be selling arms to by simply paying a small fee to this new organization that the Defense Department is ordered under the bill to set up.

You are not looking at another S&L scandal, but you are looking at something that has the potential for a mini-S&L. We just got through writing off $7.1 billion to Egypt and $300 million to Jordan.

I do not want to refight those battles, but how do you feel about Burundi? Do you want to give loan guarantees to them? They already buy weapons from us.

Here is a list of roughly 100 countries that the contractors, the arms merchants of this already country sell arms to.

Now, the arms merchants are hot for this, and I do not blame them. How would you like to be able to sell $100 million worth of weapons to some Third World nation where 50 percent of the people are starving to death for a

little simple fee you pay on the front end?

Incidentally, there is not even a prohibition in this against financing the fee. Let us assume you have a $10 million sale. Let us assume the fee is $500,000. Just add that on. Make it a $10.5 million loan. Finance the whole thing. There is no prohibition against it.

But here is Burundi, Chad, Djibouti, Mali, Niger, Nigeria, Namibia, Senegal, Zambia, Zimbabwe—100 of them. And someday in the future they will pay a little fee, and we will sell arms to them on credit. And the American taxpayer will assume the risk.

Now, Mr. President, I have a moral compunction about this. I make no bones about it. I have some moral reservation about how many arms we sell abroad. We keep forgetting that our weapons last longer than our friendships.

Do you know where the contras down in Nicaragua got most of their arms? They were the arms we left in Vietnam. The Vietnamese inherited a cache of weapons that would choke a mule, and a lot of them went to the contras in Nicaragua. What happened to all the Stingers we sent to Afghanistan? Why, our good friends the Iranians have about 30 of them.

As I said, we sell 53 percent of all the arms sold in the world, and the Pentagon estimates by the year 2004 we will be selling 59 percent. That is 59 percent of all the arms sales, and somebody will say, ''Well, if we don't do it, somebody else will.'' I heard that argument the first year I was in the Senate, and I still hear it. I say let someone else then.

This may influence some of you—The White House strongly supports this amendment. The administration does not want another method of financing weapons. And the Pentagon says this can only marginally affect the number of weapons that we are going to be selling abroad.

Mr. President, in 1993–1995, that time period, we sold $53 billion worth of weapons. Let me ask you this: Who here believes that this Nation is safer and stronger because we are selling anywhere from $10- to $20 billion worth of weapons abroad each year?

Now, Mr. President, let me say to my colleagues this is not the biggest item in this bill, but it is just another provision in which we ought not to get involved. I promise you we are going to be financing weapons to countries, and we are going to be forgiving the debts. We are going to be picking up all these bad loans. It is a very generous method. And there are a lot of Third World countries that will jump on this thing like a chicken after a June bug, and obviously the arms merchants will be tickled to death to sell the weapons.

The PRESIDING OFFICER. The Senate will be in order.

Mr. BUMPERS. Mr. President, I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I yield myself 5 minutes.

Mr. President, the Bumpers amendment proposes to strike the language in the bill creating a self-financing defense export loan guarantee program at the Department of Defense. I underscore the fact that it is self-financing. All of the Members who support this measure also have a moral compass. The program provides financing to a very select list of countries for defense sales that meet all, all of the existing export controls and nonproliferation policies of the United States.

It is also important to note that this authority is not limited strictly to arms. In many cases American companies lose bids to maintain or upgrade previously sold U.S. military equipment because they cannot offer financing. The program in the defense authorization bill will allow U.S. companies and American workers to compete on a level playing field with our international competitors.

Today, almost every major arms exporter provides financing to support the export of their domestic products and services. Indeed, some purchasers now make financing a requirement before a company can bid on a proposed purchase. The program is financed by fees paid by the buyer or the seller.

The list of eligible countries—and it was interesting Senator BUMPERS went down a list of a number of countries, but the list of eligible countries is limited to our NATO allies, nonmajor allies, Central European countries moving toward democracy, and selected members of the Asian-Pacific Economic Cooperation Group. Of the 185 members of United Nations, we only allow 37 countries to be eligible for these loan guarantees.

I would ask unanimous consent that the list of these 37 countries be printed in the record.

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

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

LIST OF ELIGIBLE COUNTRIES

1. Albania.
2. Australia.
3. Belgium.
4. Brunei.
5. Bulgaria.
6. Canada.
7. Czech.
8. Denmark.
9. Egypt.
10. France.
11. Germany.
12. Greece.
13. Hong Kong.
14. Hungary.
15. Iceland.
16. Indonesia.
17. Israel.
18. Italy.
19. Japan.
20. Luxembourg.
21. Malaysia.
22. Netherlands.
23. New Zealand.
24. Norway.
25. Philippines.
26. Poland.
27. Portugal.
28. Romania.
29. Singapore.
30. Slovakia.
31. Slovenia.
32. South Korea.
33. Spain.
34. Taiwan.
35. Thailand.
36. Turkey.
37. U.K.

Mr. KEMPTHORNE. When similar legislation was proposed 2 years ago, the Commerce Department and the Department of Defense expressed support for the export loan guarantee program. The American companies continue to lay off thousands of defense workers each month. This program will help us avoid paying unemployment to defense workers and help us preserve the U.S. defense industrial base.

That is a winning combination. At a time when U.S. procurement of military equipment has reached all-time lows and we are all familiar with that in basics such as ships, planes, and trucks, it makes sense to sell these systems to our friends and our allies assuming those countries qualify for the equipment under our existing export controls.

Now, the House-passed defense authorization bill includes similar language, and in a strong bipartisan vote the House voted 276–152 to keep the language in the bill. So, I urge my colleagues to reject the Bumpers amendment and allow us to have this sort of bridge for our defense contractors and American workers.

With that, Mr. President, I would reserve the balance of my time.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. Who yields time to the Senator from Connecticut.

Mr. THURMOND. How much time do you want?

Mr. DODD. Three minutes, 4 minutes.

Mr. THURMOND. Mr. President, I yield the Senator from Connecticut 3 minutes.

Mr. DODD. Mr. President, I rise to oppose the amendment offered by the Senator from Arkansas [Mr. BUMPERS].

Mr. President, I do not believe that section 1053—defense export loan guarantees—should be deleted or amended in any way.

I believe the language in the bill strikes the right balance. It authorizes the Secretary of Defense to establish a program to issue export guarantees for financing of sales or long term leases of defense articles or services to certain countries.

Under the provision contained in the bill, U.S. companies would be eligible to seek export financing guarantees to countries that are members of NATO, to countries designated as major non-NATO allies, to countries in Central

Europe, provided the Secretary of State has first designated such country as having a democratic government, and to certain non-communist member countries of the Asia Pacific Economic Cooperation [APEC] organization.

This financing won't be free. Companies will be required to pay appropriate fees and interest charges comparable to those that non-defense exporters are charged by the U.S. Export/Import Bank.

During a period of reduced funding for purchases of weapons systems and other defense equipment, I believe that defense exports can make a significant difference with respect to whether our domestic industrial base will be sustained at levels sufficient to protect our national security.

I would remind my colleagues that we are not going to be the first country to offer such a program. We are way behind our allies and major trading partners on that score. Many of them make no distinction between defense and non-defense exports in their export assistance programs.

The international defense market is incredibly competitive. Despite the fact that the U.S. defense industry produces some of the best equipment in the world, competitive financing can make or break the sale.

Since 1989, I have been trying to convince my colleagues that we have got to equip our defense exporters so that they can compete on a level playing field.

In 1989, I was successful in getting a much narrower defense export financing program operational for 1 year—fiscal year 1990. During the brief life of that program, a United States company—Sikorsky won a highly competitive contract to sell Black Hawk helicopters to Turkey.

That sale totalled $1 billion and enabled some people in my State to remain employed who might otherwise have lost their jobs—that is not to say that significant numbers of Connecticut workers haven't been severely impacted by defense spending cut backs.

The time has come to stop treating Americans employed in the defense industry like second class citizens. They deserve comparable support from their Government as they struggle to feed their families and pay their bills.

The provision that the Arms Services Committee included in the pending bill has been carefully crafted so as not to impinge on U.S. Export/Import Bank financing. It will be a program operated in the Department of Defense.

Nor should my colleagues be concerned that somehow we will be fueling the arms race with this program. No sale under this program will go forward until it has been fully vetted by all appropriate agencies to ensure that the sale is in the national interest.

Mr. President, I believe that it is long past time for such a program to exist and I strongly oppose the amendment offered by Senator BUMPERS to prevent that from happening.

To sum up, for my colleagues, this is an area where the Senator from Idaho and I are in full agreement. In fact, before he arrived in the Senate this was an issue of great interest to me. As I mentioned earlier, in 1989, I was successful in having a very modest, 1 year, defense export financing provision included in the fiscal year 1990 Foreign Operations Appropriations Act. In the 1 year that this provision was in effect it made a significant difference.

I believe we have to be pragmatic about these matters. If every other country would back away from this kind of financing, then there would be no reason for us to be establishing such a program. But that isn't likely to happen anytime soon. I can personally tell my colleagues that other nations engage in very supportive financing schemes to assist their defense industries.

As to the assertion that this provision will permit the sales of arms all around the world, I would say to my colleagues that is not accurate. I personally would not support a blanket authorization to finance the sale of defense equipment to every country around the globe.

The provision in the bill does not propose that approach. As I said earlier, the provision limits access to such financing to a select number of countries, including NATO allies, major non-NATO allies, certain non-communist members of APEC, and several democratic countries in Central Europe, provided they remain on the democratic track.

Moreover, I would say to my colleagues, at a time when we are reducing defense expenditures for obvious reasons, an intelligent, well-thought-out financing scheme makes sense. It allows us to market defense equipment to nations with strong democratic institutions, who are our allies. It is a way of maintaining an industrial base without having to go the taxpayers in this country to support it.

The Senator from Idaho has been involved in this for some time. My colleague from Connecticut and I have met with numerous people over the years on this issue. I will tell you, in 1989, had this body not supported the particular effort we made, we would have lost a $1 billion contract to the French or the Germans. I am telling you from personal experience, that a program such as the one proposed in this bill can make a difference.

So with all due respect to my colleague from Arkansas, these are not Third World countries and not a wholesale financing scheme to any corporation that comes along. Nor is it meant to be in competition with the Export-Import Bank.

If we fail to approve this program, we put in possible jeopardy the industrial base of our country. So for those reasons, I respectfully urge the rejection of the amendment offered by Senator BUMPERS.

Mr. THURMOND. Mr. President, I rise to oppose the amendment offered by my distinguished colleague, Senator BUMPERS, of Arkansas. It would remove a very important program from the bill we have discussed in our committee and on the floor for the last several years.

According to studies conducted by the Office of Technology Assessment and others, the defense industry is laying off 20,000 workers every month and will continue to do so every month throughout the decade. One way to preserve these jobs is to help our industries export more defense products to our friends and allies. Export loan guarantees is the one way to put U.S. defense contractors on a level playing field with our foreign competitors.

Other countries such as France and Great Britain provide such finance guarantees to their industries, and we should do likewise. The loan guarantee program establishing section 1053 is a no-cost program for U.S. taxpayers. The eligible countries are restricted to 37 of our allies and friends, and the controls on the sales of sensitive technologies are in no way relaxed.

I urge my colleagues to reject this amendment.

Mr. LIEBERMAN. Mr. President, will the Senator from South Carolina yield?

Mr. THURMOND. How long?

Mr. LIEBERMAN. No more than 5 minutes.

Mr. THURMOND. Can you go with less than that?

Mr. LIEBERMAN. I will try my best.

Mr. THURMOND. I yield 3 minutes.

Mr. LIEBERMAN. The Senator is a tough negotiator. I thank the Senator from South Carolina.

As my colleagues before me have said, I thank the Senator from Idaho for his leadership on this.

I oppose the amendment offered by Senator BUMPERS. The point is that this is an attempt to help the defense industry of our country and our defense workers whose jobs are endangered for a reason that we are happy about, the end of the cold war. But they are not happy about it. And we ought to try the keep that base alive by helping them sell abroad.

The fact is that there is no source of export financing for arms exports available to American firms except at high commercial rates. The fact is that other countries are helping their firms dramatically with financing. I can give you one example. In Connecticut, where a Connecticut company actually moved over 70 good jobs from Connecticut to Canada in order to qualify for the export financing that the Canadian Government offers.

Mr. President, this program is not only self-financing but it is limited. Let me come back to the references that my friend from Arkansas made to Burundi and Chad and Senegal and Zambia, et cetera, et cetera. High-risk countries are ruled out of participation in this program under this law. I refer my friend from Arkansas to section

2540 of the bill. You have to be a member of NATO. You have to be a country designated as a major non-NATO ally. I think we are thinking here of countries like Israel. You have to be a country in Central Europe that has changed its form of government, and you have to be a non-communist country that was a member nation of the Asian Pacific Economic Cooperation group, which includes countries like Korea, Singapore, et cetera. This is a good program: self-financing; protect jobs; protect the military industrial base.

I urge my colleagues to vote against the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

PRIVILEGE OF THE FLOOR

Mr. REID. I would ask if everyone would withhold while I ask for the unanimous-consent request.

I ask unanimous consent that Larry Ferderber a congressional fellow assigned to my office be allowed floor privileges during the pendency of the action.

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

Mr. BUMPERS. Mr. President, in just a moment I will yield to my good friend from Maryland, but I just want to make a couple of points.

You know, the Senator from Connecticut just talked about jobs. I have to tell you this is one place where I consider that the worst of all arguments is to create jobs so we can sell weapons abroad.

As I said, those weapons always have a tendency to get into terrorist hands. They get into all kinds of hands. They wind up half the time being used against us. And in addition to that, an awful lot of the arms sales in this country are quid pro quo. We will sell you so many weapons, but we will also create so many jobs in your country that would otherwise be in the United States. It is a trade-off.

And when it comes to who is creditworthy, you have Mexico. We are bailing them out right now. They are eligible to buy weapons under this. Chile, they are eligible. All of the Pacific rim, 37 nations on here. I promise you even some of those nations in Central Europe are lousy credit risks. They are fine and we wish them well, but they are a lousy credit risk. We have no business setting up yet a fifth way to sell weapons in addition to the four we already have.

Finally, let me just read this White House position for whatever this is worth to my colleagues.

''The bill would require the Secretary of Defense to establish a program to issue loan guarantees and surety against losses arising from the financing of defense exports to certain countries. The administration opposes this program because the administration has not found it necessary given the availability of existing authority for transactions of this type and the substantial American presence in international markets for military equipment.''

Mr. President, I yield 4 minutes to my distinguished friend from Maryland, Mr. SARBANES.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I rise in very strong support of the Bumpers amendment. I hear all these assertions by the opponents of this amendment that it is necessary in order to make the United States competitive in the arms market. The fact of the matter is, the United States absolutely dominates the international arms market right now—right now—and the U.S. percentage of the world's arms market has increased markedly over the last few years, ever since the implosion of the Soviet Union and other developments that have taken place.

So I say to my colleagues, first of all, the assertion that you need this program in order to be able to sell the arms does not square with the facts. The reality is we dominate the international arms market.

Second, I hear it asserted in some way as though there is no risk here. I think the term ''self-financing'' was used as though this thing is absolutely certain to pay its way. Clearly, that is not the case. Why are they seeking a Government guarantee? They are seeking a Government guarantee in order to insure against the risk which they otherwise would encounter in the private market. So, obviously, there is some risk connected with these arms sales; in some instances, potentially very heavy and substantial risks.

As my colleague from Arkansas has pointed out, there are a series of programs right now to encourage these arms sales. Others say what these other countries do. None of these other countries have anything like a foreign military loan program and a foreign military gift program the way the United States does. So we are already making very substantial provision for arms sales. Of course, those programs are very tightly controlled and circumscribed to ensure that the national interests of the United States are provided for.

The administration has not sought this. It is my understanding that the Pentagon—in fact, I will ask my colleague from Arkansas, is it, in fact, correct that the Department of Defense is resistant to this proposal?

Mr. BUMPERS. Absolutely. The Defense Department says it is not needed, and the administration says it is not needed. As the Senator said, we have 53 percent of the arms market now, headed for 59. It is not as though we are not competitive.

Mr. SARBANES. That is the worldwide market. If you isolate some of the areas, including some of the areas that are covered in this bill, the U.S. percentage rises substantially over that.

Mr. BUMPERS. Exponentially.

Mr. SARBANES. A lot of the places that it does not, a lot of the NATO producers make their own arms. You standardize their products and you direct that to meet their standardization purposely.

Some of the countries provided for here are high-risk countries—a country in Central Europe that recently changed its form of national government. Financially, those are high-risk countries. Some of the Asian countries carry risks with them.

I am not quite clear where this comes from. The administration does not want it. They are not proposing it. They are resistant to it. We dominate the arms market. I can understand the makers of arms want as many underwrites as they can possibly find. I think that is a given, and Members will recognize that. But whether it is wise to use money this way and to incur these kinds of risks by these guarantees, obviously there is a risk connected, and the provision recognizes that. To get up and assert somehow that this is a freebie, in every respect defies the basic rationale of the provision that is in the bill.

So I urge my colleagues to support the Bumpers amendment. We ought not to start down this path. We have dealt with this issue before.

Let me simply say this. The last time we had such a provision in the law, it was extended out to cover other countries as well. When it first comes before you, it gives you a short list. Then the next year that list gets added to. Then the year after that, it gets added to. And pretty soon they say, ''Well, we have to make this comprehensive now. We have covered so many countries that there is an insult connected with leaving a country out from this program.'' So then you make it comprehensive.

That is exactly what will happen—I am prepared to predict that on the floor tonight—if this provision stays in the legislation. I hope my colleagues will support the Bumpers amendment.

Mrs. FEINSTEIN. Mr. President, I rise today to oppose the amendment offered by the Senator from Arkansas [Mr. BUMPERS] that would eliminate the defense export loan guarantee provision in this bill.

I believe that the loan guarantee provision will help maintain and may help to create jobs as our Nation reduces defense spending here at home. By aiding the sale of ''made in the USA'' military items to our close allies, we can lessen the pain of defense downsizing for hundreds of thousands of defense and aerospace workers across the country.

The entire Nation and, in particular, my home State of California, has been hard hit by defense downsizing, not to mention the recent base realignment and closure list. Hundreds of thousands of defense related jobs have been lost in California in the last 2 years, and this number is sadly expected to rise.

Continued exports of defense goods is vital to maintaining California's industrial resources. We can help to ease the transition for defense and aerospace

workers by providing these loan guarantees, by establishing defense conversion programs, and through other initiatives. It is our duty to help in any way we can to provide good, high-quality jobs for the hundreds of thousands of dedicated workers who have contributed to U.S. national security.

The defense export loan guarantee provision in this bill does not, in any way, eliminate the many existing safeguards that protect against risky proliferation. Loan guarantees would be limited to friendly countries specified in the bill—including our NATO allies, major non-NATO allies, the democratic states of Eastern Europe, and the member nations of Asia Pacific Economic Cooperation [APFC]. Further, congressional oversight of these foreign military sales would not be lessened. All foreign military sales would still have to be reviewed by Congress as required by the Arms Export Control Act.

This defense export loan guarantee program offers an opportunity to assist our defense workers and improve our economy. I strongly believe that this provision is vital to our defense and aerospace industry and is essential to the preservation of hundreds of thousands of high-quality, good paying jobs in California and throughout the Nation.

I urge my colleagues to support this provision and oppose the Bumpers amendment.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, I yield 2 minutes to the Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I thank the chairman of the Armed Services Committee for his courtesy.

We continually hear references to a variety of countries. I just want to drive the point home. The list of the 37 countries that are eligible for these loan guarantees are allies and friends—allies and friends. You can keep reading all the countries all night long, but there are only 37 that are eligible, and also those 37 countries come under the entire export control and nonproliferation policy of the United States.

This language simply grants the authority to the administration to allow the loan guarantees. It does not require the administration to do so. It is an authority to do so.

So, Mr. President, again, I urge my colleagues to reject this amendment because the language is here that is going to finally accomplish what we have been setting out to do for a number of years.

With that, I yield back the remainder of my time.

Mr. THURMOND. Mr. President, I yield the remaining 3 minutes to the distinguished Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank the distinguished chairman of the Senate Armed Services Committee.

I must say that I do not understand the opposition to this program that the Senator from Idaho and I and the Senator from Colorado have sponsored. We have the model for this in the private sector. It is the Eximbank, and it works very well to put American companies on a level playing field and protect American jobs.

Look, if somehow we were on the verge of achieving disarmament worldwide, I would say we should not be the only country out there selling weapons. The fact is, there is an active arms market worldwide. Why tie one hand behind our manufacturers when they go out to compete with other countries' manufacturers for contracts?

The fact is that we have a lot on the line. We have some defense companies that could close up and make our country less secure in the future, undercut our industrial base. The fact is, we could lose thousands of jobs without this kind of support. So I do not apologize. I think this is just giving the Department of Defense an asset to protect defense companies and the people who work for them and put us on an even playing field with other manufacturers around the world.

My friend from Idaho is absolutely right. Everything done here must be licensed under the Export Administration. There is no danger of proliferation in that sense. And I come back and say, Mexico was mentioned by the Senator from Arkansas, Chile was mentioned. They simply would not qualify. Of those 37 countries, the program mechanics are structured so that defaults are very, very unlikely.

I think this bill is good for America's national security and good for those who work in America and will not at all increase the proliferation of weapons throughout the world.

I thank the Chair. I hope my colleagues will vote against the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Since time has expired on both sides, I ask for the yeas and nays on this amendment.

Mr. BUMPERS. How much time do I have remaining?

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Arkansas has 1 minute.

Mr. BUMPERS. Mr. President, I heard some ingenuous arguments, but the Senator from Connecticut saying we need to level the playing field when we already have 53 percent of the market headed for 60 percent is ingenuous. I do not know how much more you can level this field.

But I would like to ask, on my time, the Senator from Idaho to tell me one country that we are going to finance under this provision that cannot buy weapons right now and to which you would want to provide loan guarantees. Name one.

Mr. KEMPTHORNE. If the Senator will yield, Greece and Turkey are two countries.

Mr. BUMPERS. Why can they not buy weapons now?

Mr. KEMPTHORNE. They need to finance it, and they are allies.

Mr. BUMPERS. They cannot afford the weapons so we are going to sell them with loan guarantees under this new program?

Mr. SARBANES. If the Senator will yield, both of those countries receive financing under the foreign military loan program, with all of the conditions and restraints of that program. Both of those countries receive financing under that currently.

Mr. BUMPERS. And military financing. We have given both of those countries billions of dollars of weapons over the years under the foreign aid bill.

Mr. KEMPTHORNE. Mr. President, to conclude, Greece and Turkey are allies, and I am proud to stand with the American workers that would provide necessary materials to our allies.

Mr. BUMPERS. The whole reason this provision should be struck from the bill is because the only countries that need it are those whose credit is so bad that they cannot get weapons under the four existing programs for selling military equipment.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the Bumpers amendment No. 2094.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from North Dakota [Mr. DORGAN] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote.

The result was announced—yeas 41, nays 58, as follows:

[Rollcall Vote No. 357 Leg.]

YEAS—41

Akaka	Ford	Leahy
Baucus	Glenn	Levin
Biden	Gramm	McCain
Bingaman	Grassley	Mikulski
Boxer	Harkin	Moseley-Braun
Bradley	Hatfield	Moynihan
Bryan	Hollings	Murray
Bumpers	Johnston	Pryor
Byrd	Kennedy	Reid
Conrad	Kerrey	Rockefeller
Daschle	Kerry	Sarbanes
Domenici	Kohl	Simon
Exon	Kyl	Wellstone
Feingold	Lautenberg	

NAYS—58

Abraham	Frist	Nickles
Ashcroft	Gorton	Nunn
Bennett	Graham	Packwood
Bond	Grams	Pell
Breaux	Gregg	Pressler
Brown	Hatch	Robb
Burns	Heflin	Roth
Campbell	Helms	Santorum
Chafee	Hutchison	Shelby
Coats	Inhofe	Simpson
Cochran	Inouye	Smith
Cohen	Jeffords	Snowe
Coverdell	Kassebaum	Specter
Craig	Kempthorne	Stevens
D'Amato	Lieberman	Thomas
DeWine	Lott	Thompson
Dodd	Lugar	Thurmond
Dole	Mack	Warner
Faircloth	McConnell	
Feinstein	Murkowski	

NOT VOTING—1

Dorgan

So the amendment (No. 2094) was rejected.

Mr. KEMPTHORNE. Mr. President, I move to reconsider the vote.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, as we debate the fiscal year 1996 National Defense authorization bill, I want to join with my friend and colleague, the distinguished junior Senator from Idaho, in commending the Navy for its successful utilization of the Small Business Innovation Research Program in its development of the multipurpose processor. The multipurpose processor will be used to reduce risk and provide affordable technology for the new nuclear submarine, which will be developed within the next few years, as well as for the current U.S. submarine fleet.

Mr. KEMPTHORNE. Mr. President, I agree with my colleague, the distinguished senior Senator from Virginia. The American people demand that we continually look for the most cost effective solutions to our problems. That fact is particularly true with regard to Defense spending. The multipurpose processor is truly a cost effective and worthwhile program. It will provide our submarine fleet with a common open system processor which allows rapid insertion of advancing technologies while also protecting our previous investments in complex software. I therefore join with Senator WARNER in commending the Navy for its initiative and leadership in this area.

Mr. WARNER. Mr. President, I thank the distinguished Senator from Idaho, with whom I have the distinct pleasure of serving on both the Armed Services and the Small Business Committees. It is indeed noteworthy that the two of us are engaging in this colloquy because the multipurpose processor program combines the best interests of our Nation's defense with those of American small business. Many innovative products developed by small business have contributed significantly to the strength of our Armed Forces over the years and I trust, with continued congressional support for the Small Business Innovation Research Program, they will continue to do so well into the future.

Mr. KEMPTHORNE. Mr. President, I agree with my colleague on that point as well. The continued success of American small business is vitally important to the economic health of our Nation. The multipurpose processor program is an important example of how a small business, Digital System Resources, Inc., has made an important contribution to the Nation's defense. Appropriately, American small business should be given every opportunity to continue to make contributions to the national defense as well as to the other sectors of our economy.

MEDICARE—ELIGIBLE MILITARY RETIREES

Mr. COCHRAN. Mr. President, the Defense authorization bill now before the Senate contains the following provision:

''(1) * * * the Secretary of Defense should develop a program to ensure that covered beneficiaries who are eligible for Medicare * * * and who reside in a region in which the TRICARE program has been implemented have adequate access to health care services after the implementation of the TRICARE program in that region; and

''(2) to support strongly, as a means of ensuring such access, the reimbursement of the Department of Defense by the Secretary of Health and Human Services for health care services provided such beneficiaries at the medical treatment facilities of the Department of Defense.''

Our military retirees are entitled to the medical benefits which they have been promised. When the TRICARE system is fully implemented, Medicare-eligible military retirees can receive care in military hospitals only on a space available basis. Consequently, these retirees are being put at the back of the line and in some cases must change health care providers after years of care in military treatment facilities. I am very concerned about this.

There must be an alternative to the current situation. Medicare funds should be transferred from the Department of Health and Human Services to the Department of Defense, so Medicare-eligible retirees will be able to use military health care facilities, with the costs covered by their Medicare benefits. I urge the approval of this legislation.

CIVILIAN MANPOWER AND AIRLIFT OPERATIONS

Mr. DODD. Mr. President, I rise to enter into a colloquy with the distinguished majority leader and the chairman of the committee.

Mr. DOLE. Mr. President, if my friend from Connecticut would yield. I am aware of the issue the Senator seeks to discuss and would be happy to enter into a colloquy on this matter.

Mr. DODD. I thank my colleague for his time. It is my understanding that the committee staff has reviewed the measure and has approved it. Specifically, this amendment seeks to restore funding to the Air Force Reserve operations and maintenance account for restoration of funds for civilian manpower and airlift operations support.

The U.S. Air Force Reserve has historically provided service-wide critical airlift and logistics support to our national defense. A perfect example of this effort is the medical airlift capability for our forces. With over 70 percent of our national medical aircrew manpower coming from the active Air Force Reserves, reductions in operation and maintenance at this point seems unreasonable.

Mr. DOLE. I have to agree with my colleague. I think Members would be interested to know that almost 45 percent of all heavy lift performed by the Air Force is provided by Air Force Reserves crewmembers. Another 25 percent occupy tactical airlift cockpits. There is no question where our Nation turns in time or need for airlift support.

Mr. DODD. I could not agree more. The Air Force Reserve is the very backbone of our national airlift and I ask my colleagues to join with me in this amendment to restore the necessary and requested funds to maintain this vital program.

Mr. THURMOND. Mr. President, I thank my colleagues for raising this important issue. I had previously directed the respective committee staff to review this matter and have included a funding adjustment in the manager's amendment. This adjustment would add $10 million to the Air Force Reserve account and reduce the Department of Defense wide activities by $10 million.

Mr. DODD. I thank my colleague and good friend from South Carolina.

Mr. DOLE. Mr. President, I join my friend from Connecticut in thanking the distinguished Senator and chairman of the committee for his cooperation.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, if I could have my colleagues' attention?

If I can just suggest the absence after quorum for 1 minute, we are about to type out the consent agreement. If we can reach an agreement there will be no more votes this evening. If not, we will just have to work through it.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DOLE. Mr. President, let me indicate to my colleagues that there will probably be additional votes tonight. There will be an amendment by Senator COHEN, 30 minutes equally divided—15 equally divided.

Mr. FORD. On what?

Mr. COHEN. This is on the ABM Treaty.

Mr. NUNN. I did not hear the request.

Mr. DOLE. Fifteen minutes equally divided on a Cohen amendment.

Is there any objection to that?

Mr. NUNN. I would suggest 30 minutes because most people on this side have not read the amendment.

Mr. DOLE. Thirty minutes equally divided.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DOLE. No second-degree amendments. That would be followed by an amendment by the Senator from Georgia, Senator NUNN. As I understand, there is not any time agreement on

that so we do not know when that vote will come. So that we will do those two tonight at least.

UNANIMOUS-CONSENT AGREEMENT

This is the time agreement we wanted to obtain earlier. We could not do that. So I ask unanimous consent that tomorrow morning, after consultation with the managers—they can determine when to bring it up—Senator THURMOND be recognized to offer an amendment regarding title XXXI of the bill; that immediately after the reading of the amendment, Senator EXON be recognized to offer a second-degree amendment to the Thurmond amendment, and that there be 45 minutes of debate under the control of Senator THURMOND and 90 minutes of debate under the control of Senator EXON; further, that following the expiration or yielding of time, the Exon amendment be laid aside and Senator REID be recognized to offer his amendment on tritium on which there be 60 minutes, to be divided 40 minutes under the control of Senator REID and 20 minutes under the control of Senator THURMOND; and following that debate, the amendment be laid aside and Senator MCCAIN be recognized to offer an amendment on competition, on which there be 10 minutes for debate, to be equally divided in the usual form; to be followed by a vote on or in relation to the Exon amendment, to be followed by a vote on or in relation to the Reid amendment, to be followed by a vote on or in relation to the McCain amendment, to be followed by a vote on the THURMOND amendment, as amended, if amended.

So we are talking about four amendments.

Mr. REID. Mr. President, reserving the right to object, everything is right except in the transcription, 45 should be 70 under the control of Senator THURMOND— 90 and 70.

Mr. DOLE. I said 90—

Mr. BRYAN. Seventy, Mr. Leader, under the control of Senator THURMOND.

Mr. DOLE. Did I short him? Good. I gave him 45 minutes.

He wants 70.

Mr. REID. We talked about that all night.

Mr. DOLE. Make that 70 instead of 45.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. DOLE. Hopefully, when this happens tomorrow sometime, we will not take all this time, but we may. That would be 3 hours plus four votes. You are talking about a big, big time.

I would also ask consent—to accommodate Senator BUMPERS —that following the disposition of this agreement, whenever it occurs, the previous unanimous consent, Senator BUMPERS offer his amendment on defense firewalls, 1 hour of debate to be equally divided in the usual form, no second-degree amendment be in order, and that following the conclusion or yielding back of time, the Senate vote on or in relation to the amendment.

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

Mr. DOLE. Now, I might say to my colleagues, I know there are dozens of amendments out there. We are trying to accommodate those who have the shortest times. If we have 20 minutes equally divided or 30 minutes, we will try to rotate back and forth. It seems to me, if we are going to finish the bill, if everybody gets 2 hours, 3 hours, 4 hours, it is going to be 4 o'clock tomorrow afternoon before we take up 2 or 3 amendments here, and we cannot be on this bill Saturday.

I am not certain when we will get back on the bill. Senator THURMOND needs to leave tomorrow for an important family matter on Saturday. We will have votes on Saturday. We will be on at least one or two appropriations bills. If we should, by some miracle, finish this bill early tomorrow, we could go to Treasury-Postal tomorrow evening. If not, that will begin hopefully about 9 o'clock on Saturday morning. And there are two amendments there that may require some debate. Beyond that, it should not take very long, according to the managers.

Following that, it would be our intention either to move to welfare or to the Work Opportunity Act, or the Interior Appropriations bill.

So somebody asked me, what about Saturday. We have been saying for the last 2 weeks there will be votes on this Saturday and tomorrow. The day after tomorrow is Saturday, and there will be votes on Saturday, August 5.

AMENDMENT NO. 2089

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. Mr. President, I have an amendment at the desk which originally was designated as being cosponsored by Senator NUNN. That was in error. Senator NUNN is not a cosponsor of the amendment that I sent to the desk, and so I would ask unanimous consent that his name be withdrawn as a cosponsor.

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

Mr. COHEN. Mr. President, I have requested that the entire amendment not be read, but let me just point to the basic purpose behind the amendment and some of the pertinent language.

Mr. President, we had extended debate during the course of the morning and afternoon dealing with the ABM Treaty. Senator LEVIN spent, I believe, roughly 6 or 7 hours debating this issue. And I think it has been resolved on a close vote but nonetheless resolved.

I had intended and now do offer this amendment for the purpose of at least clarifying what my intent was in supporting the legislation as it was developed by the Armed Services Committee in the DOD authorization bill.

Basically, I believe it should be our policy to develop a defensive capability against a limited or accidental launch of a nuclear weapon against the United States. I believe we have an absolute obligation to the American people to say that in the event that anyone were so mad as to launch an ICBM toward the United States or one should be launched accidentally, we ought to have some minimum capability of destroying that missile before it arrives on U.S. soil.

I find it really quite astonishing to think that we would represent to the American people that a missile somehow has been fired, whether by accident or by miscalculation or madness, it is on its way to New York City, Washington, DC, Los Angeles, you name the city or town, and we have absolutely no way of stopping it. The best we can do is tell you that we will try to minimize the casualties; we will try to evacuate as quickly as possible after catastrophic damage has been done.

I think that is unacceptable to the American people given the fact that we are now witnessing the proliferation of missile technology on a fairly pervasive basis. And so what this amendment does is to express the sense of Congress on this matter.

Given the fundamental responsibility of the Government of the United States to protect the security of the U.S., the increasingly serious threat posed to the United States by the proliferation of weapons of mass destruction, ballistic missile technology, and the effect this threat could have in constraining the options of the United States to act in time of crisis, it is the sense of Congress that—

(1) it is in the supreme interest of the United States to defend itself from the threat of limited ballistic missile attack, whatever its source;

(2) the deployment of a multiple-site ground-based national missile defense system to protect against limited ballistic missile attack can strengthen strategic stability and deterrence;

(3) the policies, programs and requirements of subtitle C of title II of this Act can be accomplished through processes specified within, or consistent with, the ABM Treaty, which anticipates the need and provides the means for amendment to the treaty.

Mr. President, what I am saying in this amendment is that whatever we do, we can do it consistent with the treaty. I want to stay within the limits of the treaty. The treaty allows us to seek to negotiate changes.

Originally we had a multiple-site ABM Treaty, two sites. We renegotiated it down to one site. With the changes of circumstances throughout the world, what we are asking is that we encourage the President to go to the Russians to seek to renegotiate the ABM Treaty for the purpose of allowing the Russians and the United States to have a effective capability against limited ballistic missile threats.

And so in this amendment the President is urged ''to initiate negotiations with the Russian Federation to amend the ABM Treaty as necessary to provide for the national missile defense system as specified in section 235'' to protect us from a limited ballistic attack.

And ''(5)''—and here is another key point—

If the negotiations fail, the President is urged to consult with the Senate about the option of withdrawing the United States from the ABM Treaty in accordance with provisions of article XV of the treaty.

Mr. President, basically what this amendment says is, there is a potential threat that we ought to be facing and that we should seek to negotiate amendments to the ABM Treaty. That is contemplated by the treaty itself. So I am urging the President to seek to negotiate with the Russians, and in the event he is unsuccessful in those negotiations to gain amendments allowing the deployment by each party of a limited system, that he then come back to the Senate and consult with the Senate about whether we should stay in the ABM Treaty as it originally stands now or whether we ought to opt out as the treaty allows us to do.

So this is a sense of the Senate that we ought to proceed with this system, that we ought to encourage the President and urge him to go and meet with the Russians and their negotiators to renegotiate the ABM Treaty to allow the deployment of a land-based system with multiple sites that would protect us against accidental launch or miscalculation, certainly not against an all-out attack by the Russians, but a limited type attack, so we can have the capability to defend ourselves.

We urge the President to do this, seek this. In the event he is unsuccessful, we ask that he turn to the Senate and at least consult with us as to whether we should stay in the treaty or get out of the treaty.

Mr. President, I believe that is a fair expression of the sentiment that was expressed during the debates within the Armed Services Committee. I believe it is a fair expression of the sentiment on this side of the aisle. I reserve the remainder of my time.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. NUNN. Mr. President, I urge all Members on both sides of the aisle to read this, of course, because some people may disagree with it, parts of it, particularly on my side of the aisle.

I do not disagree with anything in the Cohen resolution. I think it is helpful in the sense that it points in the right direction for the President to negotiate changes rather than simply assert changes. And that is clear in paragraph 4. I think also that it is the correct procedure for the negotiations. If the negotiations fail with the Russians, the President is urged to consult with the Senate about the option of withdrawing from the ABM Treaty under provision of article XV of the treaty.

I agree with some of the findings. Some of the people on this side of the aisle may not agree with the findings. I do. This is very close to what we had in the Missile Defense Act that Senator WARNER and I sponsored 2 or 3 years ago in the Missile Defense Act.

What is the problem with it? There is no problem with it that would keep me from voting for it, but it does not correct any of the things that we pointed out as being what we considered —most of us on this side and a few on that side of the aisle—to be fatal flaws with the bill itself. What it does not do because it is a sense-of-the-Senate resolution, it does not change any of the operative provisions in the underlying bill. And the operative provisions have the force of law. So we have got sense-of-the-Senate legislation that cannot by its very nature change the force of law.

So anyone who thinks there are problems in the underlying bill would not be comforted by this. This does not cure the problem. That is the reason I have not cosponsored it, not because I am not going to vote for it, not because it is not in the right direction, because it is. But it does not change the operative provisions of the bill which establish a number of legal restrictions on the President. This is, I believe, the first time I have seen provisions that restrict the President as to what he can negotiate. The underlying bill restricts the President of the United States in terms of his ability to negotiate.

Now, I believe that will be challenged by many as unconstitutional. I do not try to make a judgment on it. But I imagine that those in the executive branch would assert it is unconstitutional on its face. Whether that is the case or not, in my view it is bad policy, because if the President of the United States cannot negotiate, who can? We do not have a negotiating team from the U.S. Senate that I know of. We have an arms control observer group, but we make it clear we never negotiate; we simply discuss. So if the President cannot negotiate these changes, even if they are changes that the majority wants, how do we get changes in the treaty?

The Cohen amendment deals with one set of changes. And I think it appropriately says the President should negotiate the amendments to the ABM Treaty as necessary to provide for the national missile defense system specified in section 235. So the sense-of-the-Senate resolution does urge him to move in that direction.

The restrictions on negotiations of the President, however, do not relate to that section; they relate to the section that we talked about at length earlier in the debate which gets to the demarcation point between theater ballistic missiles and strategic ballistic missiles. And the defense against strategic ballistic missiles is that restricted by the ABM Treaty. The provision on theater ballistic missiles is not. And that demarcation point is defined in the underlying bill as a matter of law, and the President in the underlying bill is told that he cannot negotiate on that point. He cannot do anything on that point. And, therefore, I do not see how the Russians would ever accept that.

Now, maybe no one cares whether they accept it or not. But as I said earlier today, I do not think they have the option to go to defenses at this stage because of their economic condition. What they do have the option to do, and what they have said repeatedly they will do. So unless you believe they will not do what they said they are going to do, there is nothing in this amendment that changes the problem of the bill. And that is, it encourages, in fact it makes it clear to the Russians that we are going to move forward notwithstanding any concerns they may have on the ABM Treaty and that we will not comply with ABM Treaty in certain respects. And if they want to take action, then they will take action.

What action will they take? In my opinion they will simply not ratify START II. They will not, in my view, continue to draw down their missile forces under START I.

So, inadvertently, in the name of defending the United States and the people in the United States, the underlying bill, in my view, almost, not quite, because you cannot ever predict with certainty a foreign country's behavior, but it almost assures that the United States will end up with thousands of more missiles pointed at this country than we would otherwise have. I do not see how that improves our defense.

We are basically saying we want to move forward in 10 years to defend against threats that may be here in 10 years, that are not here now. But the threat that is here now, that is, the SS–18's the SS–24's that are pointed at us now that we want to take down, and the two Republican presidents have negotiated successfully to get the Russians to take down, we do not worry about that threat. It is now being dismantled. We put provisions in here that are likely to require or at least to encourage the Russians to keep those missiles pointed at us. I do not see how I can go home and tell my people that I voted for an underlying provision in a bill that is likely to keep thousands of missiles that we have described as the foremost threat that is aimed at the United States that we spent 15 to 20 years trying to figure out how to either negate through a deterrence policy, through a policy of negotiations, one way or the other, either through defenses or negotiation that we finally had two Republican Presidents, President Reagan and President Bush, successfully concluded the negotiations—one of them is now being implemented, START I, the other is pending in the Russian Duma and in the Senate.

So we are going to put a provision in here that says to the Russians, ''We are going to go ahead anyway. And we are going to disregard the ABM Treaty. But you do what you choose.'' I think what they are going to choose to do is keep those missiles pointed at us. Now maybe 10 years from now we will be able to defend against them. 2003 is the date. But understand, we are only talking about a thin defense, a thin defense against a few missiles and a Third

World country or an unauthorized launch or terrorist group that gets ahold of a ballistic missile or cruise missile. I want a defense against those. I am in favor of defense. I am in favor of amending the ABM Treaty, but I think we ought to do it through the procedure of international law and the procedure of American law, because a treaty is American law, and we are the ones who signed up for the ABM Treaty. It is our law now. It is the law of the land.

A treaty is the law of the land. We are saying disregard it in the underlying bill. I do not understand the logic, Mr. President. I cannot understand the logic of taking a step in the name of defending the people of America that is likely to end up having thousands of warheads pointed toward us while we spend 10 years and billions of dollars to figure out how to defend against a threat that is not yet here. I do not understand that logic.

Mr. President, I will vote for the Cohen amendment. It does not cure the underlying defects in the bill. I will have another amendment, in all likelihood. It depends on whether I have a chance to get it adopted. If I do not, then I will simply leave the bill as it is now and people can make their choice. But if I do have a chance to have it adopted, I will have an amendment that sets forth very clearly what our policy is. Succinctly what that would be is a policy, first of all, of coming forth with a defensive system in this country that protects against unauthorized launches, that protects against accidental launches, that protects against a third country defense, but that does so in compliance with the ABM Treaty.

Second, we ask the President to try to amend the ABM Treaty with amendments that would allow us to deploy that kind of system.

Third, if he fails to be able to amend it with the Russians—that is, if the Russians refuse—that we then consider our option of terminating our ABM obligations in accordance with article XV of the treaty itself, which says we can give 6 months' notice and terminate those obligations.

Mr. President, to me, that is a sensible policy. In the meantime, we should not tie the hands of the President of the United States to negotiate. We ought to insist that anything that has the nature of a treaty come before us for approval. We should not let treaties be amended by the executive branch, but we should not prevent the President from negotiating. We should not prevent him from negotiating a demarcation point.

I happen to agree with the demarcation point in the bill. I think it is perfectly reasonable. I do not mind putting it as a matter of findings. I do not mind saying this is the policy of the demarcation point. But I do not want the President to be prevented from saying to the Russians, ''This is what the Congress thinks and I would like for you to sign up to this.'' We preclude him from even doing that. He cannot negotiate anything.

I do not believe that provision will stand, because I do not think it will become law. But if it does become law, I think it probably will be challenged on constitutional grounds. Nevertheless, that is where we are.

I urge my colleagues to agree with the findings in the Cohen amendment, to vote for it, because I think the provisions make sense. I think they are a step in the right direction, but it does not cure what I consider to be fatal flaws of the underlying provisions.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Senator COHEN has 12 minutes; Senator THURMOND 4 minutes.

Mr. NUNN. How much time do I have?

The PRESIDING OFFICER. Four minutes and 40 seconds.

Mr. NUNN. I yield 3 minutes to the Senator from Michigan.

Mr. LEVIN. Mr. President, in addition to the fact this amendment highlights the flaws in the underlying legislation because of what it does not address, it still leaves the President's hands tied. He cannot negotiate. It still commits us to deploy a system which is in violation of the ABM Treaty. That all remains. But in addition to actually highlighting the flaws of the underlying bill and not curing it, this resolution raises two questions, in my mind.

First, it says that the President is urged to initiate negotiations with the Russian Federation to amend the ABM Treaty. The underlying bill also has sense-of-the-Senate language which is exactly the opposite, which says the President should cease all efforts to modify U.S. obligations under the ABM Treaty.

The Cohen language says initiate it, presumably as soon as you can. In section 4, the President is urged to initiate negotiations to amend the treaty. The bill, which is left untouched, has sense-of-the-Senate language which says cease all efforts until the Senate has completed its review process. It is just totally inconsistent with the underlying language. That is No. 1. But No. 2 is a question to my good friend from Maine.

When the resolution says that it is in the supreme interest of the United States to defend itself from the threat, if one votes for this resolution, does one thereby commit himself or herself to withdrawing from the ABM Treaty under the supreme interest provision in the ABM Treaty? In other words, would this vote be looked back at as a statement on the part of people voting for your resolution that, in fact, we should withdraw from the ABM Treaty because of a supreme national interest?

Mr. COHEN. The answer to my friend is no. What the language of my amendment says is the President should, in fact, initiate negotiations. I believe we should seek to negotiate a provision to the ABM Treaty to allow for the construction and deployment of a multisite limited system. And you will see the second part of that is, if the President is unsuccessful, he is to return and consult with the Senate to see whether we should stay in the treaty or get out of the treaty under article XV.

Mr. LEVIN. The language urging the President to negotiate in one part in your resolution, and the underlying bill says cease and desist all negotiations as to modify the treaty, do you view those as inconsistent?

Mr. COHEN. I believe there is an appearance of an inconsistency that came about as a result of an attempt by the majority to prevent the President negotiating to apply the ABM Treaty to the theater missile defense system. That is where that confusion came about.

I believe it is in our interest to urge negotiation on the part of the President to seek to revise the ABM Treaty in order to allow for deployment of a multiple site system here in this country and in Russia.

I might point out that I disagree with the statement of my friend from Georgia——

The PRESIDING OFFICER. Senator LEVIN's time has expired.

Mr. COHEN. I yield myself 1 minute. That with respect to section 238, I do not believe you can point to that language as preventing the President from negotiating. It simply says that the appropriated funds may not be obligated or expended by any official of the Federal Government for the purpose of prescribing, enforcing, or implementing. It does not prevent him from negotiating, but he could not implement any changes that would apply the ABM Treaty to theater missile defenses. The difference, he could not negotiate, he could not implement under the language of section 238.

Mr. LEVIN. I wonder if the Senator will yield, because there is a subsection (B) that says take any other action.

The PRESIDING OFFICER. Who yields time?

Mr. COHEN. At the direction of the majority leader, I yield back my time.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I think after this vote, I talked to the managers and what they would like to do, and I say this to all my colleagues, is to stay here. There are probably 25, 35 amendments that can be accepted, some on each side of the aisle. They are willing to stay here, and that will take a big amount of the amendments that are pending.

We now changed our list and, hopefully, before we go out tonight or tomorrow morning, we will have an agreement these will be the only amendments in order. That will at least give us a finite list. It is pretty long. We have 190-some amendments and everybody wants 2 hours. So I do not think we can make that by tomorrow night, the way I look at it. But you have to be optimistic around here. I

know Senator THURMOND is, he is going to finish it by 6 tomorrow night, or earlier, more or less.

This will be the last vote tonight, but I say to my colleagues on both sides, the managers are here, the staffs are here. A lot of the amendments have great merit and are going to be accepted. This is an opportunity to have your amendment accepted. Then the managers will determine what time we start tomorrow morning and whether we start on the agreement we have or some other amendment. That will be up to the managers.

I thank my colleagues.

The PRESIDING OFFICER. Senator COHEN has 8 minutes, and Senator NUNN has 1 minute.

Mr. COHEN. I yield the remainder of my time.

Mr. NUNN. I yield the remainder of my time.

Mr. THURMOND. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maine [Mr. COHEN].

The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from North Carolina [Mr. HELMS] and the Senator from New Hampshire [Mr. SMITH] are necessarily absent.

Mr. FORD. I announce that the Senator from Connecticut [Mr. DODD], the Senator from Hawaii [Mr. INOUYE], and the Senator from Louisiana [Mr. JOHNSTON] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 69, nays 26, as follows:

[Rollcall Vote No. 358 Leg.]

YEAS—69

Abraham	Feinstein	Mack
Ashcroft	Ford	McCain
Baucus	Frist	McConnell
Bennett	Gorton	Mikulski
Bond	Graham	Murkowski
Breaux	Gramm	Nickles
Brown	Grams	Nunn
Bryan	Grassley	Packwood
Burns	Gregg	Pressler
Campbell	Hatch	Pryor
Chafee	Heflin	Reid
Coats	Hollings	Robb
Cochran	Hutchison	Roth
Cohen	Inhofe	Santorum
Conrad	Jeffords	Shelby
Coverdell	Kassebaum	Simpson
Craig	Kempthorne	Snowe
D'Amato	Kerrey	Specter
DeWine	Kohl	Stevens
Dole	Kyl	Thomas
Domenici	Lieberman	Thompson
Exon	Lott	Thurmond
Faircloth	Lugar	Warner

NAYS—26

Akaka	Daschle	Kerry
Biden	Dorgan	Lautenberg
Bingaman	Feingold	Leahy
Boxer	Glenn	Levin
Bradley	Harkin	Moseley-Braun
Bumpers	Hatfield	Moynihan
Byrd	Kennedy	
Murray	Rockefeller	Simon
Pell	Sarbanes	Wellstone

NOT VOTING—5

Dodd	Inouye	Smith
Helms	Johnston	

So the amendment (No. 2089) was agreed to.

Mr. COHEN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, at this time the manager of the bill, the distinguished chairman of the Armed Services Committee, Senator THURMOND, together with the ranking member, were anxious to accept a number of amendments which have been cleared on both sides. I anticipate we will undertake to do that in just a matter of a minute or two.

Mr. President, if I could draw the attention of my distinguished colleague to an amendment by the Senator from Rhode Island [Mr. CHAFEE] which I believe has been cleared on both sides.

Mr. NUNN. The Senator from Virginia is correct. That amendment has been cleared. If you will give us just one minute, we want to make sure we have the right amendment.

AMENDMENT NO. 2095

(Purpose: To improve the section establishing uniform national discharge standards for the control of water pollution from vessels of the Armed Forces)

Mr. WARNER. On behalf of the Senator from South Carolina, Mr. THURMOND, I send to the desk an amendment which is submitted by the Senator from Rhode Island [Mr. CHAFEE].

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. CHAFEE, for himself, and Mr. WARNER, proposes an amendment numbered 2095.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. WARNER. Mr. President, I ask the clerk note that I am acting on behalf of the chairman of the Armed Services Committee, Mr. THURMOND, and all amendments will be sent to the desk in Mr. THURMOND's name.

Mr. CHAFEE. Mr. President, this bill includes an amendment to the Clean Water Act based on a 5-year effort by the Navy to develop environmental standards that would apply to the nonsewage discharges from its ships. The Navy has a goal of building and operating environmentally sound ships and this amendment to the Clean Water Act will help them reach that goal.

The Clean Water Act amendment in his bill was developed by the Navy and sent to the Senate by the administration in early June. In addition to consideration by the Armed Services Committee, this proposal was also reviewed by the Committee on Environment and Public Works which has jurisdiction over the Clean Water Act. As chairman of that committee, I sought comment on this administration proposal from members of the committee, the coastal States, the Coast Guard, EPA and the National Oceanic and Atmospheric Administration and from other organizations with an interest in coastal pollution problems.

There was general support for this approach. It is seen as a net environmental improvement, because it provides for treatment of discharges from vessels that are not controlled today.

Some concerns were expressed by the States. They wanted to be consulted before the rules are issued. They wanted to be sure that treatment systems used to control these discharges are the most effective, consistent with the mission of the Navy. And they wanted assurance that current environmental requirements like section 311 dealing with oil spills would not be overridden.

The Environment and Public Works Committee developed a set of amendments to the administration proposal to address those concerns. The committee then reported an original bill, S. 1033, on July 13. The amendment that Senator WARNER and I are offering to the DOD authorization bill today is the text of the bill reported by the Environment and Public Works Committee. The committee also filed a report on S. 1033 which explains the provisions of our amendment and is to be looked to for legislative history on this amendment.

We have agreed to move this amendment to the Clean Water Act on the DOD authorization bill to facilitate the Navy's efforts to develop environmentally sound ships. The Navy has taken the lead in this area and they should be rewarded for their initiative with speedy enactment of this proposal.

With that said, let me address the substance of this amendment for a moment.

Even though vessels are considered point sources of pollution under the Clean Water Act, EPA regulations have exempted many discharges from the permit requirements of the act. Currently, sewage discharges are regulated under section 312 of the Clean Water Act. It requires that each vessel be equipped with a marine sanitation device to treat sewage before it is discharged.

But many of the other wastewaters like graywater from showers and sinks, bilge water from the hold of the ship, wastewater from the boiler or water from cleaning the deck or equipment are not regulated under the Clean Water Act. Some coastal States have taken an interest in these discharges, but there is no comprehensive Federal program.

The amendment we are offering requires the Secretary of Defense and the Administrator of EPA to act jointly to

identify the non-sewage discharges from ships that need attention.

For each discharge that has a significant adverse impact, EPA and DOD would identify an appropriation pollution control technology or management practice to reduce the pollution.

These standards would only apply to ships of the Armed Forces and the Coast Guard.

Once the Federal regulations are in place, the States would be preempted. A State could not impose its own, inconsistent, regulations. But if a State identified a particularly sensitive coastal or marine area, it could establish a so-called ''no-discharge zone'' where all discharges of a particular type would be banned.

Mr. President, the Navy is to be congratulated for this effort. It will improve water quality in our estuaries and ocean waters. I am pleased that the Senate has moved this legislation quickly to assist the Navy in its efforts.

Mr. NUNN. Mr. President, this amendment has been cleared on this side of the aisle. I urge its adoption.

Mr. WARNER. Mr. President, I think it is appropriate now to call for the vote.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2095) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

The PRESIDING OFFICER. Without objection, the motion to table is agreed to.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2096

(Purpose: To make funds available for the Troops to Teachers program and the Troops to Cops program)

Mr. NUNN. Mr. President, I inquire of my friend from Virginia. We have two amendments I would like to present. I believe they have been cleared, but I want to check with my friend before I send them to the desk, by Senator PRYOR and Senator FEINSTEIN.

The two amendments coupled together are the ''Troops to Teachers'' and the ''Troops to Cops'' program. The amendments provide $42 million for the ''Troops to Teachers'' program, offset from excess military personnel funds, and provides $10 million for the ''Troops to Cops'' program, offset from the same source. Mr. President, ''Troops to Teachers'' was created by the National Defense Authorization Act for fiscal year 1993 as part of the Transition Assistance Program, designed to help service members affected by downsizing.

Troops to Cops was added to the National Defense Authorization Act for fiscal year 1994. Individuals can receive a $5,000 stipend to assist in obtaining the necessary training and certification.

In addition, if a service member is part of an early 15-year retirement, the individual will receive time or credit for up to 5 years if he or she completes 5 years of teaching or law enforcement assignment.

That was an amendment that I proposed that became law, and I think it is working very well.

The school systems or law enforcement agencies that hire a participant receives funds to assist in paying the salary ranging from up to $25,000 for an individual's first year down to $2,500 for an individual's fifth year.

There is a win-win program benefiting separating service members, helping them get employment, and helping our Nation. Frankly, we will never have this reservoir of talented people coming out into the job market from the military in this number of people in any period in the future that I can envision at this point because this is part of the drawdown in our military. We have literally tens of thousands of people in the military that are extremely well qualified in math and science and languages, and encouraging them and facilitating them going into teaching and going into law enforcement at the local level and helping the States and local governments, to me, is not only helping the State and local government but helping the military and strengthening our Nation.

So these amendments provide for prudent steps.

Troops to Teachers receives $65 million in fiscal year 1995. This amendment calls for $42 million, which is a reduced program. The drawdown is being reduced.

These will not be permanent programs. After you get through the drawdown and you level off the military personnel, then you would not, in all likelihood, have these programs.

The Troops to Cops program receives $15 million in fiscal year 1995. This amendment calls for $10 million, which is a substantial reduction.

Mr. NUNN. Mr. President, I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. PRYOR for himself, and Mrs. FEINSTEIN, proposes an amendment numbered 2096.

On page 137, after line 24, add the following:

SEC. 389. FUNDING FOR TROOPS TO TEACHERS PROGRAM AND TROOPS TO COPS PROGRAM.

(a) FUNDING.—Of the amount authorized to be appropriated under section 431—

(1) $42,000,000 shall be available for the Troops-to-Teachers program; and

(2) $10,000,000 shall be available for the Troop-to-Cops program.

(b) DEFINITION.—In this section:

(1) The term ''Troops-to-Cops program'' means the program of assistance to separated members and former members of the Armed Forces to obtain employment with law enforcement agencies established, or carried out, under section 1152 of title 10, United States Code.

(2) The term ''Troops-to-Teachers program'' means the program of assistance to separated members of the Armed Forces to obtain certification and employment as teachers or employment as teachers' aides established under section 1151 of such title.

TROOPS TO TEACHERS

Mr. PRYOR. Mr. President, I rise today to offer an amendment to continue funding for the Troops to Teachers Program in the Department of Defense.

Troops to Teachers is a Department of Defense Transition Program designed to assist separated military service members and other former DOD employees to become certified and obtain employment as teachers or teacher's aides. Congress established this program in 1992, and it has always enjoyed strong bipartisan support.

Troops to Teachers provides up to $5,000 stipends to selected participants to help them become certified to teach, and grants of up to $50,000, paid over 5 years, to local education agencies for each former military service member they agree to hire.

Troops to Teachers is helping former service members find productive, meaningful employment after leaving the military. By tapping the skills and experience these individuals possess, Troops to Teachers is improving the quality of our public school education nationwide. And by placing special emphasis on schools with a high concentration of students from low income families, this program provides teachers in areas where educators are in short supply.

In the Department of Defense, the response to this program has been outstanding. Over 500 Troops to Teachers have recently been hired by school districts in 39 States. In addition, over 1,000 individuals scattered across 46 States are using this program to become certified to teach. Most importantly, there are over 9,000 applicants currently preparing to enter this program.

These 9,000 former DOD personnel awaiting acceptance to this program are counting on these funds to begin a new life after the military. They are counting on our support.

I mentioned earlier that Troops to Teachers has always enjoyed strong bipartisan support. In 1992, I was asked by former Senate majority leader George Mitchell to chair a task force on defense transition. The centerpiece of our task force report was a recommendation for Congress to help former military personnel get training, certification, and job placement required for employment in critical public service jobs, such as education, law enforcement, and medical services. The legislation that resulted from this recommendation created the Troops to Teachers and Troops to Cops Programs.

That same year, a Republican task force convened and made an identical recommendation supporting the creation of Troops to Teachers. The 1992 report of the Senate Republican task force on adjusting the defense base stated,

The Task Force recommends that Congress adopt legislation to encourage states to adopt alternative teacher certification programs for separated and retiring servicemen. Not only will this enable some former military personnel to put their talents to productive use in public service, it will help address the teacher shortage found in some particularly urban, areas.

This report goes on to say, ''The Task Force supports an expansion of the DOD program to pay for coursework of departing servicemen which meets reasonable state certification requirements.'' Finally, the Republican task force report concludes, ''The cost of programs directly responding to problems resulting from the declining defense budget . . . should be paid for out of the defense budget.''

Mr. President, the Troops to Teachers program was designed by Congress, in a bipartisan fashion, in response to the needs of separating military personnel. But the primary responsibility of Troops to Teachers is taking care of the men and women who are leaving the military after years of dedicated service to our country. These individuals should not be penalized because they desire to work in a classroom instead of in a shipyard building submarines.

Perhaps the best reason for continuing funding for this program is that it is a tremendous success. Just listen to what a few of its participants have said about their experiences.

Take Ed Coet for example. Ed is 45 years old. He recently retired from the Army after last serving as a military intelligence officer in the gulf war. Now Ed teaches a class of 10 emotionally disturbed fourth-grade boys at Brookhaven Intermediate School in Killeen, TX. Ed recently said, ''My work as a teacher is every bit as challenging and important as anything I did in the Army. In the past, it was what I was doing for my country. Now all my kids are an extension of me. If they succeed, I succeed.''

And then there is Arthur Moore, a retired Army staff sergeant from Baltimore, MD. Arthur is currently teaching fifth grade at Samuel Coleridge-Taylor Elementary School. About his experience Arthur said, ''Every day I have to prove to them I really care, not just about teaching but about them.''

And listen to what the school districts across America are saying about Troops to Teachers.

The Jackson County Public School System in North Carolina said, ''Our teachers have exceeded all expectations. We are very pleased.''

Beaufort County School District in South Carolina says, ''An outstanding program—all of our participants are excellent.''

Isaac School District No. 5 in Arizona says, ''we are very fortunate to have an experienced, dedicated Troops to Teachers participant who bilingual.

The military training and experience have assisted this individual in making the transition to teaching.''

Mr. President, that is exactly what this program is all about—helping military personnel make the transition into a productive life in public service. These individuals are the centerpiece of the program.

Eliminating funding for Troops to Teachers would mean turning our backs on the military service members who served their country on the battlefield, and who now want to continue their service in the classroom. This program truly deserves our full support.

TROOPS TO COPS

Mrs. FEINSTEIN. Mr. President, I rise today in support of the amendment offered by the Senator from Arkansas which provides $10 million for the Troops-to-Cops Program and $42 million for the Troops-to-Teachers Program. I am happy to be an original cosponsor of this important amendment.

Senator PRYOR has discussed the Troops-to-Teachers Program, and I would like to focus on the Troops-to-Cops Program.

The program—administered by the Justice Department in coordination with the Department of Defense—provides $5,000 per officer for training to local police and sheriffs departments to hire former military personnel as law enforcement officers. This funding can be used to support the following: tuition at a police training academy; costs of local ''compliance'' training if the veteran attended an out-of-state police academy; the costs of specialized training in community policing.

Local law enforcement agencies can use Troops to Cops funds to pay for training of eligible recently separated military personnel.

Troops to Cops was initially authorized in the 1994 DOD authorization bill. Last year, the Appropriations Committee provided $15 million for this program. The fiscal year 1995 funding will provide training assistance for 3,000 former military personnel who elect to become law enforcement officers. I am proposing to provide $10 million more in fiscal year 1996 to provide training for 2,000 more.

For an investment of $25 million over 2 years, Congress has an opportunity to help provide good jobs for our former military personnel and make our streets safer. In my view, few Government programs offer such a win-win scenario as this program does. Troops to Cops fills two important needs: It helps our communities recruit quality law enforcement officers; At the same time it utilizes the tremendous wealth of skilled military personnel who are transitioning to new jobs as a result of defense downsizing.

Troops to Cops is a transitional benefit for troops affected by downsizing. In fiscal year 1994 alone, 291,000 troops were separated from the armed forces.

The Department of Justice is in the process of administering this program as a part of the overall COPS Program. Applications for the funds are due on August 15, 1995, and the COPS office anticipates making its awards by the end of September. The delay in implementation of this program is due to the emphasis on actually getting the crime bill's funding for officers to the police and sheriff's departments. Troops to Cops is follow-on funding to help make the program work.

The Department of Justice is expecting applications for htis program to far exceed the ability they have to provide funding. And, the Department of Defense expects the demand among military personnel to far exceed the funding that is currently available for Troops to Cops.

According to the Defense Department's Office of Transition Support and Services, one of the most asked about post-military careers at DOD job fairs is law enforcement. Many veterans want to work in law enforcment, and police and sheriffs departments are often eager to hire them.

The $52 million authorized by this amendment en toto is fully offset. According to the Congressional Budget Office, section 431 of the bill contains $52 million more than is needed to implement the military personnel programs of the Department of Defense. So, this amendment does not increase spending over the original Armed Services Committee proposal.

The Troops-to-Cops Program is supported by a variety of cities, police departments and veterans organizations, including: National Sheriffs' Association; city of Long Beach, CA; Los Angeles County Professional Peace Officers Association; city of Virginia Beach, VA; city of Los Angeles; city and county of Denver, CO; city of Miami, FL; Non-Commissioned Officers Association of the U.S.; Los Angeles Police Protective League; and The American Legion.

Troops to Cops is a win-win program for defense conversion and law enforcement. We can give something back to our military personnel who served their country, as well as to our communities across the country to make their streets safer.

I urge my colleagues to support this amendment which would authorized $10 million to continue the work of the Troops-to-Cops program.

Mr. ROBB. Mr. President, I rise as a cosponsor of this amendment to support authorizing the Troops-to-Teachers Program. This program is a vital transition benefit for service members leaving the military because of downsizing. In 1993, the Congress authorized this innovative program which benefits both departing service members and school systems across our country which are having difficulty attracting quality teachers.

Troops-to-Teachers has two parts. First, it provides financial assistance to service members to help them get the certification necessary to work as a teacher or teacher's aide. Second, it provides funds over a 5-year time frame to school systems that hire program graduates to defray the individual's

salary costs in decreasing increments. This allows the school system the time to find the means of paying for that teacher's salary.

The statistics back up the value of the Troops-to-Teachers Program. Over 8,000 individuals have applied to the program; Over 800 individuals are currently undergoing certification training in 45 states; Over 300 individuals have been hired so far in 35 States; 150 school districts nationwide are employing participants in this program.

Clearly this program is a winner for all involved, both the men and women who have served their country and our children who are going to benefit from not just their teaching abilities, but their service as role models. I strongly support efforts to make sure that this program continues.

Mr. WARNER. Mr. President, we are prepared to accept the amendment. It is acceptable.

Mr. NUNN. I thank the Senator.

Mr. President, Senator PRYOR is the prime author of the ''Troops to Teachers'' amendment, and Senator FEINSTEIN is the prime author of the ''Troops to Cops'' part of this amendment.

They have both worked diligently in this entire area, and in the transition of our military personnel, which has been a very large success.

Mr. NUNN. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arkansas.

The amendment (No. 2096) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2097

(Purpose: To ensure the preservation of the ammunition industrial base of the United States)

Mr. WARNER. Mr. President, on behalf of the distinguished majority leader, the Senator from Kansas, Mr. DOLE, I offer an amendment which pertains to ammunition procurement and management. I send the amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia (Mr. WARNER), for Mr. DOLE, proposes an amendment numbered 2097.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 314, between lines 11 and 12, insert the following:

SEC. 823. PRESERVATION OF AMMUNITION INDUSTRIAL BASE.

(A) REVIEW OF AMMUNITION PROCUREMENT AND MANAGEMENT PROGRAMS.—(1) Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall commence a review of the ammunition procurement and management programs of the Department of Defense, including the planning for, budgeting for, administration, and carrying out of such programs.

(2) The review under paragraph (1) shall include an assessment of the following matters:

(A) The practicability and desirability of using centralized procurement practices to procure all ammunition required by the Armed Forces.

(B) The capability of the ammunition production facilities of the United States to meet the ammunition requirements of the Armed Forces.

(C) The practicability and desirability of privatizing such ammunition production facilities.

(D) The practicability and desirability of using integrated budget planning among the Armed Forces for the procurement of ammunition.

(E) The practicability and desirability of establishing an advocate within the Department of Defense for ammunition industrial base matters who shall be responsible for—

(i) establishing the quantity and price of ammunition procured by the Armed Forces; and

(ii) establishing and implementing policy to ensure the continuing viability of the ammunition industrial base in the United States.

MUNITIONS INDUSTRIAL BASE

Mr. DOLE. Mr. President, the amendment I propose today requires the Secretary of Defense to initiate a review of the ammunition procurement and management programs of the Department of Defense.

The munitions industrial base has undergone dramatic reductions in the years following the Vietnam war. Built principally during World War II, the base consisted of a large number of expansive, government-owned manufacturing plants combined with hundreds of private sector major component and end-item manufacturing plants, and thousands of second and third tier subcontractor facilities, all designed to produce large volumes of munitions to fight another worldwide conflict. The end of the cold war triggered a comprehensive reassessment and restructuring of the national security strategy. Concurrently, the ammunition requirements of the Armed Forces were precipitously reduced and the production of ammunition declined to the lowest level since before the Vietnam war. This reduced business for the industrial base has decimated what was once a versatile, robust, and energetic industry. Of the 286 major munitions companies which existed in 1978 only 52 are projected to be in business by the end of 1995, an 82 percent reduction. At the same time the Government production base has shrunk by over 40 percent from 32 to 19 facilities. Only 9 of those remaining 19 plants are being actively workloaded with production.

In light of these enormous changes, it is appropriate to review how the Department of Defense plans, budgets, conducts, and manages ammunition procurement and production. My amendment directs the Secretary to initiate such a review, aimed at restructuring the entire munitions infrastructure with three objectives in mind: Elimination of management/review layering in the planning, budgeting, and execution of ammunition programs; fixing the accountability for decisions; and reduction or elimination of Government ownership of production equipment and facilities, while preserving a robust and responsive ammunition production industrial base.

Summed up, the overall objective of the study is to recommend those changes which will reduce the cost to the U.S. Government of providing munitions to our Armed Forces both in peace and during war while making the industrial base more responsive to our war fighters' needs.

Mr. WARNER. I believe this amendment has been cleared by the other side.

Mr. NUNN. Mr. President, this amendment has been cleared on this side. I urge the Senate to approve the amendment.

Mr. WARNER. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas.

The amendment (No. 2097) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2098

(Purpose: To modify the authority to transfer funds regarding foreign currency fluctuations so that the authority does not apply to appropriations for fiscal years before fiscal year 1996)

Mr. WARNER. Mr. President, on behalf of the distinguished Senator from South Carolina, Mr. THURMOND, I offer an amendment to modify section 1006, which is transfer authority regarding funds available for foreign currency fluctuations and eliminate the direct spending costs.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia (Mr. WARNER), for Mr. THURMOND, proposes an amendment numbered 2098.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 328, line 19, strike out ''1994'' and insert in lieu thereof ''1995''.

On page 329, line 18, strike out ''1993'' and insert in lieu thereof ''1995''.

Mr. THURMOND. Mr. President, this amendment modifies section 1106, transfer authority regarding funds available for foreign currency fluctuations to eliminate the direct spending costs. When the committee adopted this provision during our markup, we

did so based on a cost estimate from the Congressional Budget Office which made this provision affordable. Later, after the bill was approved by the committee, CBO revised the cost estimate upward. The revised estimate is that this provision will cost $30 million in direct spending in fiscal year 1996.

The amendment modifies the provision to make the authority effective in fiscal year 1996, eliminating the ability to use prior year funds.

I understand this amendment is agreed to on both sides.

Mr. NUNN. Mr. President, I ask my friend from Virginia if he would go to the next amendment and set this one aside very briefly.

We need to do a little more checking on this amendment.

Mr. WARNER. Mr. President, I understand that the minority is willing to return to the Thurmond amendment.

Mr. NUNN. Mr. President, this amendment has been cleared, and I urge its adoption.

Mr. WARNER. I urge the Chair to ask the question.

The PRESIDING OFFICER. The question is on agreeing to the amendment 2098.

The amendment (No. 2098) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2099

(Purpose: To provide a substitute for section 543, relating to military intelligence personnel prevented by secrecy from being considered for decorations and award)

Mr. NUNN. Mr. President, I have an amendment by Senator AKAKA. I send the amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. AKAKA, proposes an amendment numbered 2099.

Mr. NUNN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

Beginning on page 204, strike out line 8 and all that follows through page 206, line 4, and insert in lieu thereof the following:

SEC. 543. MILITARY INTELLIGENCE PERSONNEL PREVENTED BY SECRECY FROM BEING CONSIDERED FOR DECORATIONS AND AWARDS.

(a) WAIVER ON RESTRICTIONS OF AWARDS.—(1) Notwithstanding any other provision of law, the President, the Secretary of Defense, or the Secretary of the military department concerned may award a decoration to any person for an act, achievement, or service that the person performed in carrying out military intelligence duties during the period January 1, 1940, through December 31, 1990.

(2) Paragraph (1) applies to any decoration (including any device in lieu of a decoration) that, during or after the period described in paragraph (1) and before the date of the enactment of this Act, was authorized by law or under the regulations of the Department of Defense or the military department concerned to be awarded to a person for an act, achievement, or service performed by that person while serving on active duty.

(b) REVIEW OF AWARD RECOMMENDATIONS.—(1) The Secretary of each military department shall review all recommendations for awards of decorations for acts, achievements, or service described in subsection (a)(1) that have been received by the Secretary during the period of the review.

(2) The Secretary shall begin the review within 30 days after the date of the enactment of this Act and shall complete the review within one year after such date.

(3) The Secretary may use the same process for carrying out the review as the Secretary uses for reviewing other recommendations for awarding decorations to members of the armed force or armed forces under the Secretary's jurisdiction for acts, achievements, or service.

(4) The Secretary may reject a recommendation if the Secretary determines that there is a justifiable basis for concluding that the recommendation is specious.

(5) The Secretary shall take reasonable actions to publicize widely the opportunity to recommend awards of decorations under this section.

(6)(A) Upon completing the review, the Secretary shall submit a report on the review to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives.

(B) The report shall contain the following information on each recommendation for an award reviewed:

(i) A summary of the recommendation.

(ii) The findings resulting from the review.

(iii) The final action taken on the recommendation.

(iv) Administrative or legislative recommendations to improve award procedures with respect to military intelligence personnel.

(c) DEFINITION.—In this section, the term ''active duty'' has the meaning given such term in section 101(d)(1) of title 10, United States Code.

MILITARY INTELLIGENCE PERSONNEL AWARDS

Mr. AKAKA. Mr. President, I rise to offer an amendment that would improve section 543 of the pending measure, which concerns awards and decorations for military intelligence personnel.

As my colleagues are aware, recommendations for the Medal of Honor, Distinguished Service Cross, and other awards must be submitted and acted upon within a certain time frame. For example, for the Army and Air Force, the Medal of Honor must be recommended within 2 years of an act, and awarded within 3; for the Navy, the applicable dates are 3 years and 5 years, respectively. These limits were imposed by Congress to ensure that an award, and particularly the Medal of Honor, would be based on the most contemporaneous, and thus accurate, documentation.

While these time limits may be appropriate in the vast majority of cases, they are not always appropriate in the case of military intelligence personnel who, because of the secrecy of their missions, could not be considered for the Medal of Honor or other awards within the 3 or 5 year statutory period. The U.S. Army Intelligence Center, which administers the Military Intelligence Hall of Fame, cites a number of individuals who are members of the Hall who are in precisely this situation.

One example is the legendary COL Car Eifler, who performed extraordinary service during World War II, notably as the leader of the famous Detachment 101 of the Office of Strategic Services in Burma. Under his command, the secret commando unit operated behind enemy lines, harassing Japanese troops and organizing and training Burmese natives in espionage and sabotage.

During the course of the war, Detachment 101 cleared the enemy from a 10,000 square mile area, sabotaged the Japanese railway system, and gathered important intelligence about enemy activities and capabilities. COL Eifler displayed extraordinary personal courage on numerous occasions, including one instance in which he commanded a small, unarmed vessel through 450 miles of Japanese controlled waters to rescue 10 crewmembers of a downed B–24 bomber in the Bay of Bengal.

While COL Eifler received several citations, the covert conditions under which he operated prevented his being nominated for the Congressional Medal of Honor or the Distinguished Service Cross, either of which he clearly merits.

Another example is LTC Richard Sakakida, who served as an Army undercover agent in the Philippines during the Second World War. LTC Sakakida was captured by the Japanese shortly after the fall of Corregidor and subjected to excruciating torture; incredibly, he steadfastly refused to divulge his mission as an American intelligence agent. Later, after gaining the confidence of his captors, he established a spy network within Japanese Army headquarters and was able to send important combat intelligence to the Allies through Filipino guerrillas whom he had recruited as couriers. Some of this information may have led to the destruction of a major Japanese naval task force preparing to invade Australia.

During this period, he also engineered the escape of hundreds of Filipino guerrillas from prison, yet he himself remained behind in order to continue his intelligence activities. Today, because his mission was undertaken in complete secrecy, and because his direct superiors died or were killed during the war, he was never considered for an award for valor. Yet, now that his full story has become known, he is ineligible for awards such as the Medal of Honor or DSC because of the statutory deadlines that apply to such awards.

Mr. President, these are but two examples of military intelligence operatives whose courageous deeds have never been fully acknowledged. The U.S. Army Intelligence Center has

identified other deserving individuals who were overlooked because of secrecy. Undoubtedly there are others, less well known, who have never been recognized for their intelligence-related accomplishments.

Earlier this year, Mr. President, I had the pleasure of working with members of the Armed Services Committee on an initiative to assist deserving individuals such as COL Eifler and LTC Sakakida. Due largely to the efforts of my friend and colleague, Senator COATS, the chairman of the Personnel Subcommittee, the committee approved a provision in the pending measure, section 543, that attempts to address this issue.

In brief, section 543 expresses the sense of the Senate that the military services should conduct a 1-year review of the records of military intelligence personnel to determine if they were prevented by the secrecy of their missions from being appropriately considered for the Medal of Honor, Distinguished Service Cross, and other awards. Based on the review, section 543 authorizes the services to approve awards for deserving individuals notwithstanding the statutory time limitations governing such awards.

However, since the provision was reported from committee, a number of technical shortcomings have been pointed out to me by the military services as well as by military intelligence veterans organizations. I have assembled their suggestions for improving section 543 in the pending amendment. My amendment does several things:

First, it would require, rather than urge, the services to undertake the proposed review. Making the review mandatory is important because many of the affected individuals are veterans of World War II or Korea who are in their 60's, 70's, and 80's and not in the best of health. Mandating that the review be undertaken and completed by a date certain rather than leaving it to the military's discretion, would ensure that the cases of these older veterans will be considered before age takes its toll.

Second, rather than requiring the military services to review the records of all military intelligence personnel, which would involve examining potentially millions of documents and files—a monumental, perhaps impossible task—my amendment would simply require the services to review only the records of those individuals for whom recommendations have been received by the services during the 1-year period. That is to say, the onus would be on the individual, or his or her supporters, to apply for consideration during the review period. This would considerably ease the administrative burden, and cost, that section 543 as currently drafted would impose on the military.

Third, my amendment would allow the service Secretaries to reject an application or recommendation if there is a justifiable basis for concluding that the application is specious. Again, the purpose of this particular provision is to make the services' task easier by giving them the authority to reject at the outset any recommendation for an award that is, on its face, without merit.

Fourth, it would require the services to take reasonable steps to publicize the opportunity to apply for awards during the 1-year review period. It would be a sad state of affairs, Mr. President, if certain deserving individuals were not to take advantage of the review opportunity through lack of notification. The services have an obligation to ensure that potential awardees are informed of the opportunity to apply for an award or decoration.

Fifth, my amendment would require the services, upon completion of the review, to make any legislative or administrative recommendations to improve award procedures with respect to military intelligence personnel. These recommendations will be important in helping Congress and the services develop policies that will obviate problems of the kind which makes this legislation necessary.

Finally, I should note that my amendment is almost identical in form and substance to another provision in the committee bill, section 542, which concerns awards for service during the Vietnam era. Thus, I believe there is ample justification and precedent for the amendment I am offering. Certainly if Vietnam veterans deserve a chance to be reviewed for acts of heroism, military intelligence officers from other wars whose heroism has been long-overlooked should be accorded a similar opportunity.

Mr. President, we will soon be commemorating the 50th anniversary of V–J Day and the end of World War II. I can think of no better way to honor the courage and sacrifice of the men and women who served our country as military intelligence officers during that conflict and in subsequent wars than to enact this amendment.

Thank you, Mr. President. I would like to thank the chairman and ranking member of the Personnel Subcommittee, Senator COATS and Senator BYRD, as well as the chairman and ranking member of the full Committee, Senator THURMOND and Senator NUNN, for their understanding and assistance on this matter. I would also like to recognize the efforts of their staff, including Andy Effron, P.T. Henry, and especially Charlie Abell, for the tremendous support they provided my staff.

I ask unanimous consent that copies of letters in support of this initiative from the commander of the U.S. Army Intelligence Command and the presidents of the Veterans of the Office of Strategic Services and the Association of Former Intelligence Officers, be printed in the RECORD.

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

CHIEF, MILITARY INTELLIGENCE CORPS.,
DEPARTMENT OF THE ARMY,
Fort Huachuca, AZ.

Hon. DANIEL K. AKAKA,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR AKAKA: I appreciate your continued support concerning the Medal of Honor situation faced by Lieutenant Colonel Richard Sakakida, and several other of our unrecognized members of the Military Intelligence Corps from World War II.

I wholeheartedly concur that Lieutenant Colonel Richard Sakakida should be awarded the Medal of Honor for his valorous actions in covert operations during World War II. Unfortunately, Lieutenant Colonel Sakakida is not alone in his unrecognized heroism. Due to the sensitivity and classified nature of their missions, several other members and nominees of the Military Intelligence Corps Hall of Fame would certainly benefit from your legislation. These individuals include Master Sergeant Lorenzo Alverado, Specialist Harry Akune, Sergeant Peter de Pasqua, and Colonel Carl Eifler. I support your efforts for legislation S. 566 that requires review of all World War II Military Intelligence personnel. Recognition for their accomplishments is long overdue.

If you require further assistance or background information, please contact Jim Chambers or Captain Vivian Santistevan, Office of the Chief of Military Intelligence, (502) 533–1178/1181.

Sincerely,

CHARLES W. THOMAS,
Brigadier General.

VETERANS OF OSS,
New York, NY, June 20, 1995.

Hon. DANIEL K. AKAKA,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR AKAKA: As President of the Veterans of the Office of Strategic Services (VSS), which represents the men and women who carried out the majority of US secret intelligence and special operations activities during WW II that were outside the traditional military structure, I am writing to express our organization's strong support for your efforts to secure appropriate recognition for certain former military intelligence personnel who deserve same.

As you know, there are many deserving individuals who served in intelligence capacities during wartime who, because of the classified nature of their missions, were never appropriately considered for the Congressional Medal of Honor, Distinguished Service Cross, or other awards prior to the statutory deadline for official consideration for these medals.

Among others of our group who were unfairly precluded from receiving appropriate consideration include from Col. Carl Eifler, (who could not be put in for a Medal of Honor) to Camille Lelong, known then as Lt. Jacques P. Pavel, a Jed teammate of William Colby (who he put in for a Legion of Merit, but was never awarded) and nisei Kay Sugahara (who after internment, joined the OSS's Moral Operations Branch and did extraordinary work in the Pacific before and immediately after VJ Day, is now buried in Arlington, but never received any recognition whatsoever).

VSS wholeheartedly supports legislation that would waive the time limits pertaining to the CMH and other medals for those individuals who, because of the secrecy of their operations, could and/or were not otherwise considered for these awards within the prescribed normal military limitation.

With all best wishes,

Yours truly,

GEOFFREY M.T. JONES,
President.

ASSOCIATION OF FORMER INTELLIGENCE OFFICERS,
McLean, VA, July 25, 1995.

Hon. DANIEL K. AKAKA,
U.S. Senate, Hart Building, Washington, DC.

DEAR SENATOR AKAKA: As Executive Director of the Association of Former Intelligence Officers (AFIO), I endorse your efforts to secure recognition for military intelligence veterans.

I wholeheartedly encourage proposed legislation that would require the military services to review the records of military intelligence personnel who, because of the secrecy of their work, were never appropriately considered for the Medal of Honor, Distinguished Service Cross, or other award.

The military should be required to review the records only of those individuals who apply to be reviewed or whose applications are submitted on their behalf. These individuals could then be considered on a case-by-case basis. To ensure that the military reviews the applications in a timely manner, a statutory delimiting deadline for making a final determination should be imposed, perhaps one year from the date an application is received.

Thank you again for your work on behalf of military intelligence veterans.

Sincerely,

DAVID D. WHIPPLE,
Executive Director.

Mr. NUNN. Mr. President, this amendment establishes congressional findings concerning the potential for overlooking meritorious acts by those whose activities necessarily require secrecy.

This establishes a 1-year period for review of recommendations and requests for awards for the period from 1940 to 1990. While the bill recognizes that persons deserving of awards may have been overlooked because their intelligence activities were necessarily secretive, it contains no provisions for review of existing procedures which are time consuming and not oriented toward cases which contain a presumption against reviewing cases more than 3 years old.

The provision establishes a limited time of 1 year and limits review to those requesting or recommended for such a review.

I urge adoption of the amendment.

Mr. WARNER. Mr. President, the amendment is satisfactory.

I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Hawaii.

The amendment (No. 2099) was agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2100

(Purpose: To require the Secretary of the Army to review the records relating to the award of the Distinguished Service Cross to Asian-Americans and Native American Pacific Islanders for service in the Army during World War II to determine whether the award should be upgraded to the Medal of Honor)

Mr. NUNN. Mr. President, I have another amendment by the Senator from Hawaii, Senator AKAKA. This amendment would require a review of awards to Asian-Americans and native American Pacific Islanders during World War II. It requires the review of awards to African-Americans to determine whether they should be upgraded.

The Army has undertaken a review of World War II awards of the Distinguished Service Cross to determine whether any should be upgraded to the Medal of Honor. The review is requested based on a concern that some awards may have been downgraded due to prejudice.

The amendment requests a similar review of awards to native American Pacific Islanders in view of the possible prejudice at that time against these groups.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. AKAKA, proposes an amendment numbered 2100.

Mr. NUNN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 206, between lines 4 and 5, insert the following:

SEC. 544. REVIEW REGARDING AWARDS OF DISTINGUISHED-SERVICE CROSS TO ASIAN-AMERICANS AND PACIFIC ISLANDERS FOR CERTAIN WORLD WAR II SERVICE.

(a) REVIEW REQUIRED.—The Secretary of the Army shall—

(1) review the records relating to the award of the Distinguished-Service Cross to Asian-Americans and Native American Pacific Islanders for service as members of the Army during World War II in order to determine whether the award should be upgraded to the Medal of Honor; and

(2) submit to the President a recommendation that the President award a Medal of Honor to each such person for whom the Secretary determines an upgrade to be appropriate.

(b) WAIVER OF TIME LIMITATIONS.—The President is authorized to award a Medal of Honor to any person referred to in subsection (a) in accordance with a recommendation of the Secretary of the Army submitted under that subsection. The following restrictions do not apply in the case of any such person:

(1) Sections 3744 and 8744 of title 10, United States Code.

(2) Any regulation or other administrative restriction on—

(A) the time for awarding a Medal of Honor; or

(B) the awarding of a Medal of Honor for service for which a Distinguished-Service Cross has been awarded.

(c) DEFINITIONS.—In this section:

(1) The term ''Native American Pacific Islander'' means a Native Hawaiian and any other Native American Pacific Islander within the meaning of the Native American Programs Act of 1974 (42 U.S.C. 2291 et seq.).

(2) The term ''World War II'' has the meaning given that term in section 101(8) of title 38, United States Code.

REQUIRING THE REVIEW OF DISTINGUISHED SERVICE CROSS AWARDS TO ASIAN AMERICANS AND NATIVE AMERICAN PACIFIC ISLANDERS DURING WORLD WAR II

Mr. AKAKA. Mr. President, I rise to offer an amendment to S. 1026, the fiscal year 1996 Department of Defense authorization bill. The amendment directs the Secretary of the Army to review the service records of Asian-Americans and Native American Pacific Islanders who received the Distinguished Service Cross to determine whether the award should be upgraded to the Medal of Honor.

Under the direction of then-Acting Secretary John Shannon, the Army is reviewing all Distinguished Service Cross [DSC] awards given to African-American soldiers during World War II to determine whether any of these cases merited an upgrade to the Congressional Medal of Honor [CMH].

Mr. President, I offer my amendment to ensure that the Army conducts a similar study for Asian-Americans and Pacific Islanders who served during World War II. I am deeply concerned that this group of Americans may have also been discriminated against in the awarding of the CMH. The internment of Japanese-Americans during World War II is a clear indication of the bias that existed at the time. This hostile climate may have impacted the decision to award the military's highest honor to Asians, particularly Japanese-Americans.

The famed 100th Infantry Battalion/442 Regimental Combat Team, which performed extraordinary deeds in Europe, still has the unique distinction of being the most highly decorated unit of its size in American history. In fact, 47 individuals of the 442d Regimental Combat Team received the DSC. However, only one Japanese-American who served during World War II received the CMH; this award was given posthumously after the war only when concerns were raised that not one American of Japanese descent who served in World War II had received the medal.

Mr. President, my amendment only serves to ensure fairness for Asian-Americans and Pacific Islanders who so gallantly served their country during World War II. As we celebrate the fiftieth anniversary of the Allied victory over the Axis powers, I think it is timely and appropriate that we undertake such a initiative. I hope that my colleagues will support this important amendment.

Mr. WARNER. Mr. President, we find the amendment satisfactory and urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Hawaii, No. 2100

The amendment (No. 2100) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2101

(Purpose: To revise section 723, relating to the applicability of CHAMPUS payment rules to health care provided by CHAMPUS providers to members of the uniformed services enrolled in a health care plan of a Uniformed Services Treatment Facility)

Mr. WARNER. Mr. President, on behalf of Senator COATS, I offer an amendment which modifies section 723 by striking the current section and replacing it with a new section which accomplishes the intended result of protecting Uniformed Services Treatment Facilities from being charged more than the CHAMPUS allowable costs for services provided by CHAMPUS providers to USTF enrollees who are treated when they are outside the USTF catchment area.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. COATS, proposes amendment numbered 2101.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

Beginning on page 290, strike out line 12 and all that follows through page 291, line 14, and insert in lieu thereof the following:

SEC. 723. APPLICABILITY OF CHAMPUS PAYMENT RULES IN CERTAIN CASES.

Section 1074 of title 10, United States Code, is amended by adding at the end the following:

''(d)(1) The Secretary of Defense, after consultation with the other administering Secretaries, may by regulation require a private CHAMPUS provider to apply the CHAMPUS payment rules (subject to any modifications considered appropriate by the Secretary) in imposing charges for health care that the provider provides outside the catchment area of a Uniformed Services Treatment Facility to a member of the uniformed services who is enrolled in a health care plan of the Uniformed Services Treatment Facility.

''(2) In this subsection:

''(A) The term 'private CHAMPUS provider' means a private facility or health care provider that is a health care provider under the Civilian Health and Medical Program of the Uniformed Services.

''(B) The term 'CHAMPUS payment rules' means the payment rules referred to in subsection (c).

''(C) The term 'Uniformed Services Treatment Facility' means a facility deemed to be a facility of the uniformed services under section 911(a) of the Military Construction Authorization Act, 1982 (42 U.S.C. 248c(a)).''.

Mr. COATS. Mr. President, this amendment modifies section 723, amount payable by uniformed services for health care services provided outside the catchment areas of the facilities, to perfect the provision.

The amendment strikes the current section and replaces it with a new section which accomplishes the intended result of protecting the Uniformed Services Treatment Facilities from being charged more than the CHAMPUS allowable costs for services provided by CHAMPUS providers to USTF enrollees who are treated when they are outside the USTF catchment area.

The Uniformed Services Treatment Facilities and the Department of Defense concur in this change. I understand this amendment is agreed to on both sides.

Thank you, Mr. President.

Mr. NUNN. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Indiana.

The amendment (No. 2101) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2102

(Purpose: To change a date in section 712)

Mr. WARNER. Mr. President, on behalf of the Senator from Indiana [Mr. COATS] I offer an amendment which would change the date after which USTF enrollees are subject to the TRICARE uniform benefits. This change will enable the USTF's to enroll eligible personnel in the August-September 1995 enrollment period under the current benefit program. Any enrollment after October 1, 1995, would be subject to the TRICARE uniform benefit.

Mr. President, I send to the desk the amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. COATS, proposes an amendment numbered 2102:

On page 285, line 14, strike out ''January 1, 1995'' and insert in lieu thereof ''October 1, 1995''.

Mr. COATS. Mr. President, I send an amendment to the desk and ask for immediate consideration.

This amendment modifies section 712, provision of TRICARE uniform benefits by uniformed services treatment facilities, to change the date before which those enrolled in a USTF program would not be required to convert to the uniform benefit.

Section 712 currently would grand father those enrolled in a USTF health care program on or before January 1, 1995. This amendment would change this date to October 1, 1995. This change will enable the USTF's to enroll eligible personnel in the August–September 1995 enrollment period under the current benefit program. Any enrollment after October 1, 1995, would be subject to the TRICARE uniform benefit.

I understand this amendment is agreed to on both sides.

Mr. NUNN. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. NUNN. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Indiana.

The amendment (No. 2102) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2103

Mr. WARNER. Now, Mr. President, on behalf of the Senators from Oklahoma, Mr. NICKLES and Mr. INHOFE, I offer an amendment which will require the General Accounting Office to review the Department of Defense depot maintenance policy required in this bill.

Mr. President, I believe this amendment has been cleared by the other side. I think that is correct.

Mr. NUNN. Mr. President, that is correct. I have a brief statement I would like to make on behalf of the amendment.

Mr. WARNER. Mr. President, I now ask the clerk to read the amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. NICKLES, for himself and Mr. INHOFE, proposes an amendment numbered 2103.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 76, insert the following after line 4:

''(f) REVIEW BY THE GENERAL ACCOUNTING OFFICE.—(1) The Secretary shall make available to the Comptroller General of the United States all information used by the Department in developing the policy under subsections (a) through (d) of this section.

(2) Not later than 45 days after the Secretary submits to Congress the report required by subsection (a), the Comptroller General shall transmit to Congress a report containing a detailed analysis of the Secretary's proposed policy as reported under subsection (a).

Mr. NICKLES. Mr. President, I want to thank the Senate Armed Services Committee members and staff for working closely with me and my staff on this amendment. I also want to thank my friend and colleague Senator INHOFE and his staff who played a key role in getting this amendment adopted.

This amendment adds the requirement that once the Department of Defense submits its report to Congress regarding depot maintenance as required in this bill, the GAO be given 45 days to review the information and the conclusions from the Pentagon's recommended depot policy and submit that analysis to Congress.

In my view this is an appropriate and non-controversial amendment. By providing the Congress with an analysis of the Pentagon's proposal for depot maintenance the Congress will have an independent viewpoint on the recommended changes.

This analysis will be critical as the Congress decides whether to adopt the

recommendations of the Pentagon or stay with the existing depot policy.

Once again, I wish to thank the members and staff of the Senate Armed Services Committee and Senator INHOFE for their cooperation and assistance in having this amendment included in this bill.

Mr. NUNN. Mr. President, I support the Nickles amendment, which will strengthen the bill's provisions on depot maintenance workload.

Section 311 of the bill requires the Secretary of defense to submit to Congress a comprehensive policy on the performance of depot-level maintenance and repair not later than March 31, 1996.

The policy must: First, define purpose of public depots; second, provide for performance of core capabilities at public depots; third, provide sufficient personnel, equipment, and facilities at public depots; fourth, address environmental liability; fifth provide for public private competition when there is sufficient potential for realizing cost savings based on adequate private sector competition and technical capabilities; sixth require merit-based selection when workload of a depot is changed; seventh provide transition provisions for persons in DOD depots; and eighth address related issues on exchange of technical data, efficiency, and effects on the Federal workforce.

The bill makes it clear that no changes may be made in the statutes requiring that at least 60 percent of the workload be preformed in public depots, and the requirements to for public/private competition for any change in workload requirements unless Congress enacts separate legislation approving or modifying the DOD policy.

The Nickles amendment would require a detailed analysis by the General Accounting Office of DOD's proposed depot maintenance policy.

GAO oversight is necessary to assess the validity of DOD data and studies.

The importance of GAO report has been demonstrated in the base closure process, where their data provided important perspective to the BRAC Commission.

While there may well be opportunities for increased contractor participation, these should be developed on the basis of careful analysis, not theoretical beliefs. Depot-level maintenance and repair activities are essential to wartime readiness and sustainability. The current system has proved to be highly effective in meeting national security needs, and should not be subjected to significant changes without a clear understanding of the consequences of a new policy.

At the confirmation hearing for Deputy Secretary of Defense John White, he was closely questioned about the recommendations of the Roles and Missions Commission concerning privatization of depot workload.

He acknowledged that the Commission did not conduct a comprehensive analysis of specific DOD functions to determine which should be privatized; that the recommendation reflected a general philosophical approach; that Commission did not develop a specific definition of the inherently governmental functions that should not be privatized; that the Commission had not developed a specific concept of what core capabilities should be retained; that there had been no analysis of the efficiency and effectiveness of current depots; and that the Commission did not have a specific plan for transitioning from public to private entities.

He also agreed that it was very important to ensure that any workload assigned to the private sector be subject to adequate private sector competition.

GAO review is needed to ensure that any changes in policy are developed on the basis of sound analysis rather than abstract philosophy.

Mr. INHOFE. Mr. President, I wish to express my thanks to Senator THURMOND and the staff of the Armed Services Committee for their diligence in working with Senator NICKLES and me and our staffs on this amendment.

This amendment requires the General Accounting Office to review the DOD report on depot maintenance required in the National Defense Authorization Act of 1995 (S. 1026.), and report their findings to Congress within 45 days of the date of the report.

This is a common sense, noncontroversial amendment. It simply provides a second opinion for members of Congress when the time comes to review the Department of Defense's recommended changes. This additional review will help Members sort through this complicated subject.

Again, I thank the members and staff of the Armed Services Committee for their assistance in having this amendment included in the bill.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment of the Senator from Oklahoma.

The amendment (No. 2103) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2104

(Purpose: To make various amendments to the provisions relating to the Naval Petroleum Reserves)

Mr. WARNER. Mr. President, on behalf of the Senators MCCAIN and BINGAMAN and CAMPBELL, I send an amendment to the desk. This amendment further strengthens the safeguards established to ensure minimum value—excuse me, that would be maximum value, to ensure maximum value, Mr. President, to the taxpayers as a consequence of the sale of the Naval Petroleum Reserve. It is my understanding this amendment has been cleared on the other side.

Mr. NUNN. Mr. President, it is cleared as long as that word is ''maximum'' value.

Mr. WARNER. That is correct.

The PRESIDING OFFICER. The clerk will report.

Mr. NUNN. I urge it be adopted.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. MCCAIN, for himself, Mr. BROWN, Mr. BINGAMAN, and Mr. CAMPBELL, proposes an amendment numbered 2104.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 572, line 19, strike out ''three months'' and insert in lieu thereof ''five months''.

On page 573, line 11, strike out ''fair market''.

On page 574, beginning on line 9, strike out ''In setting that price, the Secretary, in consultation with the Director, may consider'' and insert in lieu thereof ''The Secretary may not set the minimum acceptable price below''.

On page 574, at the end of line 19, insert the following: ''Notwithstanding section 7433(b) of this title, costs and fees of retaining the investment banker shall be paid out of the proceeds of the sale of the reserve.''.

On page 574, line 22, insert ''or contracts'' after ''contract''.

On page 575, line 3, insert ''or contracts'' after ''contract''.

On page 575, line 11, insert ''or contracts'' after ''contract''.

On page 575, line 17, insert ''or contracts'' after ''contract''.

On page 576, line 11, by inserting ''or purchasers (as the case may be)'' after ''purchaser''.

On page 578, line 17, by inserting ''or purchasers (as the case may be)'' after ''purchaser''.

On page 579, line 4, strike out ''a contract'' and insert in lieu thereof ''any contract''.

On page 579, line 12, insert after ''reserve'' the following: ''or any subcomponent thereof''.

On page 579, line 16, insert ''or parcel'' after ''reserve''.

On page 584, strike out line 11, and insert in lieu thereof the following:

the committees.

''(m) OVERSIGHT.—The Comptroller General shall monitor the actions of the Secretary relating to the sale of the reserve and report to the Committee on Armed Services of the Senate and the Committee on National security of the House of Representatives any findings on such actions that the Comptroller General considers appropriate to report to such committees.

''(n) ACQUISITION OF SERVICES.—The Secretary may enter into contracts for the acquisition of services required under this section under the authority of paragraph (7) of section 303(c) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)), except that the notification required under subparagraph (B) of such paragraph for each contract shall be submitted to Congress not less than 7 days before the award of the contract.

''(o) RECONSIDERATION OF PROCESS OF SALE.—(1) If during the course of the sale of the reserve the Secretary of Energy and the Director of the Office of Management and Budget jointly determine that—

''(A) the sale is proceeding in a manner inconsistent with achievement of a sale price that reflects the full value of the reserve, or

''(B) a course of action other than the immediate sale of the reserve is in the best interests of the United States,

the Secretary shall submit a notification of the determination to the Committee on Armed Services of the Senate and the Committees on National Security and on Commerce of the House of Representatives.

''(2) After the Secretary submits a notification under paragraph (1), the Secretary may not complete the sale the reserve under this section unless there is enacted a joint resolution—

''(A) that is introduced after the date on which the notification is received by the committees referred to in such paragraph;

''(B) that does not have a preamble;

''(C) the matter after the resolving clause of which reads only as follows: 'That the Secretary of Energy shall proceed with activities to sell Naval Petroleum Reserve Numbered 1 in accordance with section 7421a of title 10, United States Code, notwithstanding the determination set forth in the notification submitted to Congress by the Secretary of Energy on _____.' (the blank space being filled in with the appropriate date); and

''(D) the title of which is as follows: 'Joint resolution approving continuation of actions to sell Naval Petroleum Reserve Numbered 1'.

''(3) Subsection (k), except for paragraph (1) of such subsection, shall apply to the joint resolution described in paragraph (2).''.

On page 584, strike out line 20 and all that follows through page 586, line 12, and insert in lieu thereof the following:

SEC. 3302. FUTURE OF NAVAL PETROLEUM RESERVES (OTHER THAN NAVAL PETROLEUM RESERVE NUMBERED 1).

(a) STUDY OF FUTURE OF PETROLEUM RESERVES.—(1) The Secretary of Energy shall conduct a study to determine which of the following options, or combination of options, would maximize the value of the naval petroleum reserves to or for the United States:

(A) Transfer of all or a part of the naval petroleum reserves to the jurisdiction of the Department of the Interior for leasing in accordance with the Mineral Leasing Act (30 U.S.C. 181 et seq.) and surface management in accordance with the Federal Land Policy and Management Act (43 U.S.C. 1701 et seq.).

(B) Lease of the naval petroleum reserves consistent with the provisions of such Acts.

(C) Sale of the interest of the United States in the naval petroleum reserves.

(2) The Secretary shall retain such independent consultants as the Secretary considers appropriate to conduct the study.

(3) An examination of the value to be derived by the United States from the transfer, lease, or sale of the naval petroleum reserves under paragraph (1) shall include an assessment and estimate, in a manner consistent with customary property valuation practices in the oil industry, of the fair market value of the interest of the United States in the naval petroleum reserves.

(4) Not later than December 31, 1995, the Secretary shall submit to Congress and make available to the public a report describing the results of the study and containing such recommendations as the Secretary considers appropriate to implement the option, or combination of options, identified in the study that would maximize the value of the naval petroleum reserves to or for the United States,

(b) IMPLEMENTATION OF RECOMMENDATIONS.—Not earlier than 31 days after submitting to Congress the report required under subsection (a)(4), and not later than December 31, 1996, the Secretary shall carry out the recommendations contained in the report.

(c) NAVAL PETROLEUM RESERVES DEFINED.—For purposes of this section, the term ''naval petroleum reserves'' has the meaning given that term in section 7420(2) of title 10, United States Code, except that such term does not include Naval Petroleum Reserve Numbered 1.

Mr. MCCAIN. Mr. President, I wanted to commend the Senator from New Mexico for his diligent work regarding this amendment. It takes another important step toward ensuring that the taxpayer receives a fair value for the reserve.

The debate regarding the sale of the Naval Petroleum Reserve is not a new one. As my colleagues know, the sale of the reserve was proposed by the Reagan, Bush, and now Clinton administration. President Clinton's budget reads ''Producing and selling this oil and natural gas is a commercial, not a governmental activity, which is more appropriately performed by the private sector.'' The sale of the reserve is advocated by groups like the National Taxpayers Union, the CATO institute and the Heritage Foundation. Furthermore, this year's Budget Act directs the sale of the reserve in fiscal year 1996.

I want to make it clear that my goal, Senator BINGAMAN's goal and the goal of the committee has always been to sell this asset in a manner that protects the taxpayer and disposes the asset in a completely fair and open process that gives advantage to no one. To achieve this, the bill includes several provisions to ensure the Federal Government receives the maximum value for the field.

Specifically, the bill directs the Secretary of Energy to hire five independent assessors to establish a value for the reserve. The Secretary, in consultation with the Office of Management and Budget, must use these assessments when establishing a minimum bid. The Secretary is not permitted to accept an offer below the minimum bid price.

The independent assessors are required to include in the value of the field factors such as the equipment and facilities to be included in the sale, the estimated quantity of petroleum and natural gas in the reserve, and the anticipated revenue stream that the Treasury would receive from the reserve if it were not sold, as well as all other considerations affecting the value of the reserve.

The legislation also requires consultation with several other agencies with expertise in these matters. It directs the Secretary to consult with the General Services Administration to ensure that the bidding process is open. In identifying the highest offer, the Secretary is required to consult with the Secretary of the Treasury and the Director of the Office of Management and Budget.

The Senate bill also includes a provision to address compliance with deadlines. In the event the Secretary is unable to comply with the timeliness identified in the bill, the Secretary in consultation with the Office of Management and Budget [OMB] is required to notify both the House National Security and Senate Armed Services Committees and submit a revised plan to complete the sale.

It has been suggested that the sale of reserves in pieces may yield a better return to the Federal Government. The committee language allows for the Secretary to sell the reserve in pieces or as one unit, whichever returns the best value to the taxpayers.

Finally, the legislation requires a 31-day delay before the Secretary can finalize an agreement to accept the highest responsible offer. This delay allows the Congress to stop the sale if it is deemed not to be in the best interest of the taxpayer and the Federal Government. In the event there is only a single bidder, a joint resolution of Congress would be required before approval of the sale.

It has always been the committee's intention to do everything possible to ensure that the legislation results in the highest return for the Federal Government and dispenses of this property in the fairest manner possible. The committee reported legislation, contains many safeguards to help ensure that the interests of the taxpayer and the Nation are protected in the disposition of this asset.

The amendment which I have crafted with Senator BINGAMAN goes even further. The amendment provides increased oversight of the sale by directing the General Accounting Office to monitor all aspects of the sale and report to the Armed Services Committee and the House National Security Committee.

We have also clarified the process for establishing the minimum bid. The value established by the five independent assessors is based on the net present value of the reserve adjusted for any anticipated increases in tax revenues that would result if the reserve were sold. The Secretary is restricted from selecting a minimum bid price less than that value. This will ensure that the value received for the Elk Hills site is fair to the Federal Government.

It also directs the Secretary of Energy in conjunction with the Director of the Office of Management and Budget to notify the House National Security Committee and the Senate Armed Services Committee if the sale is not proceeding in manner that will yield the maximum value for the Federal Government or if they determine that another course of action will receive a better value for the Federal Government.

Once that notification has been made, the sale could not be completed unless the Congress approves a joint resolution in support of the bill. This would allow the administration the opportunity throughout this process to suggest an alternative way to deal with the reserve.

Mr. President, the overriding concern of the committee was to ensure that

the taxpayers receive the maximum value for the reserve. We have taken several steps to accomplish this goal. The sale of this asset involves five Federal agencies in the sale of the reserve. It allows Congress to review the sale of the reserve for a month before it is finalized. In the event of a single bidder it requires our approval. Finally, it directs the Secretary and the Director of OMB to notify us if the sale is proceeding properly or if they have a better way of dealing with the reserve.

As I said earlier, the debate regarding the Naval Petroleum Reserve has been going on for a long time. The passage of the Defense Authorization Act will not end this debate. We still have to work this bill out in conference with the House. In addition, we will have to address this issue during the budget reconciliation debate because this provision still falls short of the budget instructions. During the course of debate I look forward to the suggestions of my colleagues on how to further improve this bill. I hope my colleagues will join Senator BINGAMAN and me in supporting this amendment.

Mr. BINGAMAN. Mr. President, I want to thank the senior Senator from Arizona for his willingness to work with me on this amendment. This amendment basically puts every safeguard the Armed Services Committee staff or Senator McCain's staff or Senator Campbell's staff or my staff has come up with on the Elk Hills sale into the bill while remaining responsive to the mandate in the fiscal year 1996 concurrent budget resolution to sell the Elk Hills oil reserve in fiscal year 1996.

As many of our colleagues know, the sale of the Nation's naval petroleum reserves was not initiated by the Armed Services Committee. The sale was initially recommended by the administration to take place over the next 2 years. The budget committees noted this and nevertheless decided to score the administration's proposal in such a way that the sale will have to take place during the coming fiscal year instead of over the next 2 years.

Many of us on the Armed Services Committee have serious reservations about the pace of this sale. The National Academy of Public Administration has testified to serious concerns about selling the reserve in 1 year and about whether the taxpayers will get their money's worth if this sale is rushed. R. Scott Fosler, president of the National Academy of Public Administration, wrote Senator THURMOND on July 20 with his comments on the provision in the current bill. Let me cite the key paragraph in that letter:

> Every study of the management or privatization of Elk Hills has documented the complexity of the process of divestment. There are stubborn issues involving equity finalization, California claims, and the establishment of true values which are not likely to be disposed of in time to effect an advantageous sale in one year. We, therefore, believe that the most prudent and efficacious course would be (1) establish the corporation as a management structure, (2) direct the corporation to develop a plan to sell Elk Hills (and possibly other reserves) within two or three years after the activation of the operation. This approach would permit an orderly, well-managed divestment process and would help assure that the government received full value for the assets sold.

Mr. President, this option or any other option which would not result in the sale of Elk Hills and other reserves in fiscal year 1996 is not available to the Armed Services Committee under the budget resolution. I regret that. We only can sell these assets once. We should do it the right way. The Budget Committee should not be making the choices as to both the policy on selling the asset and the timing of that sale.

So I support this amendment. It is the best we can do under current reconciliation instructions. Indeed it probably goes to the limit of those instructions and I commend the Senator from Arizona and the Senator from Colorado for doing that. But I will continue to question those instructions and urge that the Armed Services Committee seek the flexibility from the Budget Committee that would allow the Secretary of Energy to dispose of these fields in the way that will bring maximum benefit to the taxpayers, the current owners of these assets. When the Armed Services Committee discusses reconciliation next month, perhaps we can offer two options to the Budget Committee, the provision we are adopting today which meets their mandate to sell the reserve in 1 year and a second provision that would allow the Secretary to sell it over a more extended time period.

Mr. President, this sale involves the 10th largest oil field in the Nation. Each year this oil field provides approximately $400 million into the public treasury. This is a very significant sale.

Mr. President, I have been told that there are many uncertainties about this sale that would make a potential bidder very cautious. The exact share of the field which the Government owns and which Chevron owns is in question. The amount of oil in the field is in question. The State of California has a suit in the courts regarding that State's interest in the field.

For all of these reasons, Mr. President, Senator MCCAIN and I and others placed a number of safeguards into this legislation that protect the interests of the taxpayers when it was before the Armed Services Committee. This amendment, which is sponsored by Senators MCCAIN, CAMPBELL, and myself adds even further safeguards to ensure that we get a fair price in any sales that may take place of Elk Hills or its components if the Secretary chooses to sell the field in parcels.

This amendment gives the Secretary of Energy the authority to stop the sale and report to the Congress if the sale is turning out to be a bad deal. It gives the Secretary the authority to recommend alternatives to the sale if the sale is turning out to be a giveaway. The amendment also sets up similar procedures for the sale of the oil shale reserves. Finally, Mr. President, this amendment contains several provisions to streamline the sale which have been requested by the Department of Energy to allow the sale to proceed as closely as possible to the schedule mandated by the Budget Committee.

Mr. President, in conclusion, I wish to commend Senator MCCAIN again for his effort to make the best of this situation. Decisions were made for his Readiness Subcommittee by the Budget Committee. He now has to implement those decisions and the provision in our bill as reported and the improvements being made today by this amendment represent his and the committee as a whole's best effort to do that given the information we had available in late June and now in early August.

The Armed Services Committee does not normally deal with selling Government assets and certainly we are not experts in oil field transactions. We have produced a provision that I believe is a significant improvement on the provision in the House version of this bill. And perhaps with the help of the budget committees, we will be able to improve it further in conference on this bill or in the reconciliation bill where this matter will also be dealt with.

Mr. President, I urge the adoption of the amendment.

Mr. CAMPBELL. Mr. President, I want to thank the committee chairman, Senator THURMOND, and the ranking member, Senator NUNN, for working with me and with the senior Senator from Colorado to craft an amendment to the bill concerning the Naval Oil Shale Reserves.

Section 3302 of the bill before us today would direct the Secretary of Energy to study the Naval Oil Shale Reserves and the Naval Petroleum Reserves, with the exception of the NPR 1 at Elk Hills, for the purpose of determining how the Federal Government, and the U.S. taxpayer, would best be served in the management and disposition of these reserves.

I support that goal. Last year the Energy Committee, of which I am a member, passed my bill which would have directly transferred jurisdiction over the Naval Oil Shale Reserves from the Department of Energy to the Department of the Interior. Since that time the Armed Services Committee has raised a concern that we may not have the appropriate scale of information to determine how we best maximize the Federal interest in these resources. These are federally owned resources; in these days of tough, difficult decisions on how we reduce the federal deficit, it is critical to me that the Federal interest be protected.

I commend the committee for addressing this issue. However I believe that this bill should take the next step. The amendment that I have worked out with the chairman and ranking

member of the Armed Services Committee simply provides the Secretary of Energy with the authority to take that next step and implement whatever course of action is recommended by the study. Indeed, the Department of Energy asked, and I strongly agreed, that the time for endless study of the oil shale reserves must end and we should move expeditiously to develop these resources.

I have worked very carefully with the Department of Energy, whose staff requested nearly a dozen changes in the amendment, virtually all of which I made.

Under my amendment, three options for disposition of these resources could be considered. The reserves could be competitively leased by the Department of the Interior just the same as the other millions of acres of federally owned, energy resource lands in America. They could be leased by the Department of Energy. And they could be sold by the Department of Energy.

Some background may be appropriate. Two executive orders, in 1916 and 1924, withdrew public lands for the purpose of establishing three Naval Oil Shale Reserves. The purpose of the reserves was to ensure the military sufficient oil from the oil shale in the event of a cutoff of strategic oil supplies during a war.

Naval Oil Shale Reserve 1 (40,760 acres) and 3 (14,130 acres) are located in northwest Colorado near Rifle, and Naval Oil Shale Reserve 2 (90,400 acres) is in eastern Utah. Ironically, the critical resource within these properties is not oil shale, but natural gas. Profitable development of shale oil currently is considered to be decades away.

Management of the reserves was transferred from the Department of the Navy to the Department of Energy by the Department of Energy Organization Act in 1977. The Department of Energy has a cooperative agreement with the Bureau of Land Management to manage the surface resources of the reserves.

The reserves located in Colorado are situated on portions of three large natural gas producing fields, the Parachute, Rulison, and Grand Valley, and are estimated to contain substantial natural gas hydrocarbons. There has been significant private natural gas drilling and extraction activity on the southern border of the third reserve since 1978. Since 1980, 277 private wells have been drilled contiguous to the boundaries of Reserve 1 and 2; and through fiscal year 1992, 89 commercial producing gas wells were drilled by private industry within one mile of the boundary of the reserves.

The Department of Energy determined in 1983 that the potential existed for drainage of natural gas from the reserves due to the private development outside of the reserves. To prevent drainage of public resources, the Department of Energy began a protection program, drilling 35 offset and communitization wells. According to the Department of Energy's Annual Report of Operations for fiscal year 1992, natural gas production between fiscal years 1977 and 1992 totalled 5.4 billion cubic feet. Revenues from the reserves totalled $5 million between fiscal years 1977 and 1992; expenditures for the same period totalled $24.8 million.

Clearly, this is a giant money loser under Department of Energy stewardship. These reserves should be revenue raisers, not simply a black hole for Energy Department spending and bureaucracy.

Under the Naval Petroleum Reserves Production Act of 1976, the Secretary of Energy has discretionary authority to undertake certain activities, such as oil and gas development in the reserves, but only as necessary to protect, conserve, maintain or test the reserves. Production for other purposes may take place only with the approval of the President and Congress. That production—for commercial purposes—is the business we are doing today.

Mr. President, I have worked closely with the Department of Energy these past months. The DOE leadership wants very badly to be able to end the study phase and get on with the development phase.

Again, I want to thank the chairman of the Armed Services Committee for working with me on an amendment which will move us forward toward the actual development of these important natural resources in my State.

Mr. WARNER. I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arizona.

The amendment (No. 2104) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2105

(Purpose: To extend the fiscal year 1993 project authorization for the JP–8 fuel facility at the Los Alamitos Reserve Center, California)

Mr. NUNN. Mr. President, I send an amendment to the desk on behalf of Senator from California, Mrs. FEINSTEIN.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mrs. FEINSTEIN, proposes an amendment numbered 2105.

Mr. NUNN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 433, in the table relating to the extension of 1993 project authorizations for the Army National Guard, insert after the item relating to the project at Union Springs, Alabama, the following:

California.	Los Alamitos Armed Forces Reserve Center.	Fuel Facility.	$1,553,000

Mr. NUNN. Mr. President, I believe this amendment has been cleared by both sides.

This amendment by the Senator from California extends for 1 year, fiscal year 1993 project authorization for a $1.553 million fuel facility project at Los Alamitos Reserve Center in California.

Mr. WARNER. Mr. President, the amendment is acceptable. We urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California.

The amendment (No. 2105) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2106

(Purpose: To make the authority under section 648 subject to the availability of appropriations)

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of the senior Senator from South Carolina, Mr. THURMOND.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. THURMOND, proposes an amendment numbered 2106.

Mr. WARNER. I ask that further reading of the amendment be dispensed with.

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

The amendment is as follows:

Beginning on page 275, strike out line 19 and all that follows through page 277, line 18, and insert in lieu thereof the following:

(a) STUDY REQUIRED.—(1) The Secretary of Defense shall conduct a study to determine the quantitative results (described in subsection (b)) of enactment and exercise of authority for the Secretary of the military department concerned to pay an annuity to the qualified surviving spouse of each member of the Armed Forces who—

(A) died before March 21, 1974, and was entitled to retired or retainer pay on the date of death; or

(B) was a member of a reserve component of the Armed Forces during the period beginning on September 21, 1972, and ending on October 1, 1978, and at the time of his death would have been entitled to retired pay under chapter 67 of title 10, United States Code (as in effect before December 1, 1994), but for the fact that he was under 60 years of age.

(2) A qualified surviving spouse for purposes of paragraph (1) is a surviving spouse who has not remarried and who is not eligible for an annuity under section 4 of Public Law 92–425 (10 U.S.C. 1448 note).

(b) REQUIRED DETERMINATIONS.—By means of the study required under subsection (a), the Secretary shall determine the following matters:

(1) The number of unremarried surviving spouses of deceased members and deceased former members of the Armed Forces referred to in subparagraph (A) of subsection (a)(1) who would be eligible for an annuity under authority described in such subsection.

(2) The number of unremarried surviving spouses of deceased members and deceased former members of reserve components of the Armed Forces referred to in subparagraph (B) of subsection (a)(1) who would be eligible for an annuity under authority described in such subsection.

(3) The number of persons in each group of unremarried former spouses described in paragraphs (1) and (2) who are receiving a widow's insurance benefit or a widower's insurance benefit under title II of the Social Security Act on the basis of employment of a deceased member or deceased former member referred to in subsection (a)(1).

(c) REPORT.—(1) Not later than March 1, 1996, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the results of the study.

(2) The Secretary shall include in the report a recommendation on the amount of the annuity that should be authorized to be paid under any authority described in subsection (a)(1) together with a recommendation on whether the annuity should be adjusted annually to offset increases in the cost of living.

Mr. THURMOND. Mr. President, I send an amendment to the desk and ask for immediate consideration.

This amendment modifies section 648, annuities for certain military surviving spouses to eliminate the direct spending costs. When the committee adopted this provision during our markup, we did so based on a cost estimate from the Congressional Budget Office which made this provision affordable. Later, after the bill was approved by the committee, CBO revised the cost estimate upward. The revised estimate is that this provision will cost $40 million in direct spending in fiscal year 1996.

The Budget Committee is forcing us to take this action under threat of placing a point of order against our bill. I have looked at every solution available to me to find a way to keep these annuities. I am disappointed that I am unable to retain the provision this year.

The amendment modifies the provision to require the Secretary of Defense to conduct a study to determine how many forgotten widows would qualify for an annuity and to recommend the amount of such an annuity. The required study is to be delivered to the Armed Services Committee not later than March 1, 1996. This will give us time to consider the information in the report and develop legislation next year which will finally authorize providing this group of surviving military spouses the compensation they deserve. Once the committee has this study, we will be able to provide the Budget Committee and the Congressional Budget Office the data necessary to preclude the technical budgetese we faced this year from deterring us next year.

I understand this amendment is agreed to on both sides.

Mr. WARNER. Mr. President, I believe this amendment is acceptable on the other side.

Mr. NUNN. Mr. President, we have no objection to this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Carolina.

The amendment (No. 2106) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2107

(Purpose: To require a review and report on United States policy on the security of the national information infrastructure)

Mr. WARNER. Mr. President, on behalf of Senators KYL and ROBB, I offer an amendment which requires the President to submit an assessment of the policy and plans for protecting the national information infrastructure and assessment of the national communications system.

Mr. President, I believe this amendment has been cleared on the other side of the aisle.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. KYL, for himself, Mr. ROBB, and Mr. BINGAMAN, proposes an amendment numbered 2107.

Mr. NUNN. I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 403, between lines 16 and 17, insert the following:

SEC. 1095. REVIEW OF NATIONAL POLICY ON PROTECTING THE NATIONAL INFORMATION INFRASTRUCTURE AGAINST STRATEGIC ATTACKS.

Not later than 120 days after the date of the enactment of this Act, the President shall submit to Congress a report setting forth the following:

(1) The national policy and architecture governing the plans for establishing procedures, capabilities, systems, and processes necessary to perform indications, warning, and assessment functions regarding strategic attacks by foreign nations, groups, or individuals, or any other entity against the national information infrastructure.

(2) The future of the National Communications System (NCS), which has performed the central role in ensuring national security and emergency preparedness communications for essential United States Government and private sector users, including, specifically, a discussion of—

(A) whether there is a federal interest in expanding or modernizing the National Communications System in light of the changing strategic national security environment and the revolution in information technologies; and

(B) the best use of the National Communications System and the assets and experience it represents as an integral part of a larger national strategy to protect the United States against a strategic attack on the national information infrastructure.

Mr. KYL. Mr. President, I rise to propose an amendment to S. 1026, the Defense Authorization Act. I am pleased to introduce this amendment which will require the President to analyze all issues in developing a progressive, cohesive national policy toward protecting our ability to communicate, our defense structure, and our information.

There is currently no defense against attacks on our Nation's information systems, which include our defense, telephone, public utility, and banking systems. Military officials have no ability to protect our country from cyberspace attacks, and no legal or political authority to protect our information systems against another country's offensive. Current CIA Director John Deutch said, at his Senate confirmation hearing, ''this is a very important subject * * * which we really don't have a crisp answer to.''

We need to start looking for that answer now, since the problem is looming. A June 14 Wall Street Journal article reported that security experts were used to ''hack'' into 12,000 Defense Department computer systems connected to the Internet. The experts ''hacked'' their way into 88 percent of the systems, and 96 percent of the attacks were undetected. According to a June 1995 Federal Computer Week article, computer hackers are breaking into Defense systems by using highly automated tools. The article reported that the DOD's Center for Information Systems Security is receiving two computer attacks a day—twice the rate of last year's intrusions. In 1994, the DOD recorded 255 successful attacks.

The threat is imminent. According to a 1994 report prepared by the National Communications System [NCS], no fewer than 30 countries are working on information warfare techniques. The administration must develop a comprehensive national policy that coordinates national security defense for both U.S. Government and private sector users of our National Information Infrastructure [NII]. My amendment seeks to analyze all critical issues involved in protecting our Nation's information infrastructure. These answers will provide a framework, I believe, toward developing our Nation's policy for defending against strategic attacks against the NII.

As technology changes, we cannot allow ourselves to become vulnerable to attack on the nerve centers of our society and defense structure. We need to modernize our laws to protect against this very real threat. Vice Adm. Arthur Cebrowski, director of C4 systems at the Pentagon, states that, ''a critical policy implication of the revolution in security affairs is the need to treat information and access to information as a vital national interest,'' and ''information warfare must become an important instrument of national security policy.''

Now is the time for Congress to be active. This amendment is intended to place an emphasis on an issue that must be addressed before our country's communications system is attacked. We must begin now to elevate our efforts to protect the national security interest of this country. I urge my colleagues to support my amendment.

Mr. WARNER. I urge the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2107) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2108

Mr. WARNER. Mr. President, on behalf of Senators MCCAIN and LIEBERMAN, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. MCCAIN, for himself and Mr. LIEBERMAN, proposes an amendment numbered 2108.

Mr. WARNER. I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. . IRAN AND IRAQ ARMS NONPROLIFERATION.

(a) SANCTIONS AGAINST TRANSFERS OF PERSONS.—Section 1604(a) of the Iran-Iraq Arms Non-Proliferation Act of 1992 (title XVI of Public Law 102–484; 50 U.S.C. 1701 note) is amended by inserting ''to acquire chemical, biological, or nuclear weapons or'' before ''to acquire''.

(b) SANCTIONS AGAINST TRANSFERS OF FOREIGN COUNTRIES.—Section 1605(a) of such Act is amended by inserting ''to acquire chemical, biological, or nuclear weapons or'' before ''to acquire''.

(c) CLARIFICATION OF UNITED STATES ASSISTANCE.—Subparagraph (A) of section 1608(7) of such Act is amended to read as follows:

''(A) any assistance under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), other than urgent humanitarian assistance or medicine;''.

Mr. MCCAIN. Mr. President, today I am offering an amendment to the Defense Authorization bill to assist the President in his efforts to deal with the growing threat to American interests from Iran. President Clinton clearly sought to address this threat with his May 6 Executive order establishing a full United States embargo of Iran. It is my hope that short of successfully encouraging other nations from trading with Iran, an extremely challenging task, the President will be able to use the authority in this amendment to encourage other countries to at least refrain from contributing to Iranian weapons capability.

The 1992 Iran-Iraq Arms Non-Proliferation Act, which I cosponsored with then-Senator GORE, established sanctions against third parties which assist Iran and Iraq in their efforts to rebuild their weapons capabilities. It was a start, but it did not go far enough. Efforts by Senator LIEBERMAN and me last year to expand the legislation were unsuccessful.

The 1992 bill was intended to target not only the acquisition of conventional weapons, but weapons of mass destruction as well. In the process of amending the bill to the 1993 Defense Act, however, the explicit references to weapons of mass destruction were dropped.

The amendment I am offering today attempts to make these applications absolutely clear. It also removes from the proposed sanctions exceptions for assistance under the Freedom Support Act, thereby removing the benefit of the doubt Congress gave Russia in 1992. I am afraid Russia has used this exception to the detriment of United States policy in the Persian Gulf.

The threat from Iraq is not an immediate concern. The most important aspect of our policy with regard to Iraq must be to remain firm on the U.N. embargo. But given the history of the Iraqi military build-up before the Gulf war, the sanctions included in the Iran-Iraq Act may at a later date be as important with regard to Iraq as they are currently in the case of Iran.

The threat from Iran is more immediate. The Iranian build-up in the Persian Gulf is common knowledge. Its importation of hundreds of North Korean SCUD–C missiles, its intention to acquire the Nodong North Korean missiles currently under development, and its efforts to develop nuclear weapons are well-established—as is its conventional weapons build-up.

Successive CIA directors, and Secretaries Perry and Christopher have all testified to the effect that Iran is engaged in an extensive effort to acquire nuclear weapons. In February, Russia signed an agreement to provide Iran with a 1000 megawatt light water nuclear reactor. The Russians indicate that they may soon agree to build as many as three more reactors—another 1000 megawatt reactor, and two 440 megawatt reactors.

I have raised my concerns regarding this sale with the administration on a number of occasions. Under the amendment I am offering today, the President will be required to either invoke sanctions against Russia as a result of its nuclear deal with Iran or formally waive the requirement out of concern for the national interest. Let me be clear. My intention is not to gut United States assistance to Russia. It is to prevent Russia from providing Iran dangerous technology. If the President determines that invoking sanctions against Russia is a greater potential danger to the national interest than the potential danger of a nuclear armed Iran, then he has the authority under this amendment to waive the sanctions.

We sent our Armed Forces to war in the Persian Gulf once in this decade. They endured hardship to themselves and their families. Some will live with the injuries they suffered in service to our Nation for the rest of their lives. And, as is the case with every war, some never returned. With the cooperation of our friends in Europe, whose own sacrifices to the effort to free Kuwait should not be forgotten, we must see that the service of these brave men and women was not in vain.

Stability and security in the Persian Gulf is vital to the world economy and to our own national interests. Aggressors in the region should know that if we must, we will return to the Persian Gulf with the full force of Operation Desert Storm. At the same time, our friends and adversaries elsewhere in the world should understand that the United States will do everything in its power to preclude that necessity. It is my sincere hope that his legislation will serve as an indication of just how serious we are.

Mr. WARNER. I believe this is acceptable on the other side.

Mr. NUNN. Mr. President, I urge the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2108) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2109

(Purpose: To provide funding for the activities of the Defense Base Closure and Realignment Commission for the remainder of 1995)

Mr. WARNER. Mr. President, on behalf of Senator THURMOND, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. THURMOND, proposes an amendment numbered 2109.

Mr. WARNER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 468, after line 24, add the following:

SEC. 2825. FINAL FUNDING FOR DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION.

Section 2902(k) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by adding at the end the following;

''(3)(A) The Secretary may transfer from the account referred to in subparagraph (B)

such unobligated funds in that account as may be necessary for the Commission to carry out its duties under this part during October, November, and December 1995. Funds transferred under the preceding sentence shall remain available until December 31, 1995.

''(B) The account referred to in subparagraph (A) is the Department of Defense Base Closure Account established under section 207(a) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).''.

Mr. THURMOND. Mr. President, I am pleased to sponsor an amendment that would authorize the Department of Defense to fund the Base Closure and Realignment Commission for the remainder of calendar year 1995.

The law establishing the Base Closure Commission authorized the Department of Defense to fund the operations of the Commission using fiscal year 1991 authorization. Unfortunately, the Department's 1990 estimate of the Commission's operating expenses fell short of actual requirement. This shortfall is due to the extensive travel required of the Commission to visit each base on the Secretary of Defense's closure list and attend the numerous hearings required to make the process as fair and open as possible. Additionally, the Commission had to purchase a new computer system to support its operation.

Mr. President, in my judgment the Base Closure Commission has provided a valuable service to the Nation. The funding, which is estimated to be less than $300,000 is necessary for the Commission to archive at files and prepare the appropriate closeout reports. I am advised that the Department of Defense is prepared to provide the necessary funds from existing authority, but needs this legislation authority.

Mr. President, this is an appropriate use of the Defense Department funds and I urge adoption of the amendment.

Mr. WARNER. Mr. President, this relates to the Base Closure Commission for the remainder of the calendar year for 1995. It is my understanding it has been accepted on the other side.

Mr. NUNN. Mr. President, we have cleared this amendment. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2109) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, as far as I know, this concludes the matters relating to the pending measure. On behalf of the distinguished majority leader, I am prepared to address some wrapup items for the evening.

Mr. NUNN. I thank my friend from Virginia and look forward to further debate on the bill tomorrow morning.

MORNING BUSINESS

Mr. WARNER. Mr. President, on behalf of the majority leader, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 5 minutes each.

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

TRIBUTE TO U.S.S. ''SOUTH DAKOTA'' VETERANS

Mr. PRESSLER. Mr. President, with a sense of pride and honor I rise today to pay special tribute to Floyd Gulbrandson, Al Rickel, Charles Skorpik, Willie Wieland, and the rest of the crew of the U.S.S. *South Dakota*, one of the most decorated battleships during World War II. Commissioned on March 20, 1942, the U.S.S. *South Dakota* quickly became the flagship of Admiral Nimitz's 3rd Fleet, and originally was intended to host the Japanese surrender which ultimately was held on the U.S.S. *Missouri*.

Stretching more than 600 feet and displacing more than 43,000 tons of water, the U.S.S. *South Dakota* defended our Nation in World War II by traveling across 276,000 miles of ocean with massive firepower which included nine 16-inch guns, sixteen 5-inch guns, sixty-eight 40-millimeter guns, and seventy-six 20-millimeter guns. During her years of active service, more than 7,000 brave individuals would serve aboard the *South Dakota*. Collectively, the crew of the U.S.S. *South Dakota* endured her many battles and earned several distinguished awards, including the Navy Unit Commendation, the Asiatic-Pacific Campaign Medal with 13 battles stars, the World War II Victory Medal, and the Navy Occupation Service Medal.

Mr. President, I want to highlight some of many moments of naval combat from the many successful battles experienced by the crew of the U.S.S. *South Dakota*. On October 26, 1942, the U.S.S. *South Dakota* entered its first battle with a freshman crew on deck and was attacked by 180 enemy bombers in what is now know as the Battle of Santa Cruz Island. Defending both the *Enterprise* and *Hornet* aircraft carriers, the U.S.S. *South Dakota* offered a bold retaliation of gunfire that shot down an unprecedented 30 enemy aircraft and helped render two enemy aircraft carriers inoperative. For their valiant action during the repeated attacks and heavy fire, Captain Gatch was decorated with the Navy Cross, the crew was presented with the Navy Unit Commendation and the U.S.S. *South Dakota* received its first of 13 battle stars. That was an extraordinary beginning to an extraordinary vessel that symbolized gallantry, honor, and service at sea.

Mr. President, on October 25, 1962, the first and only U.S.S. *South Dakota*, one of the greatest battleships ever to sail during World War II, was sold for scrap metal. Although gone, the U.S.S. *South Dakota* continues in the memory of those who served on her decks. I am proud of the heritage of the U.S.S. *South Dakota*. She was instrumental during World War II in fighting successfully for the freedoms we now enjoy. I commend the brave crew of the U.S.S. *South Dakota* for their courage and commitment to duty. In honor of the crew, their dedicated service, and the memory of this great battleship, I have asked the Secretary of the Navy to name one of the new attack submarines the U.S.S. *South Dakota*. That would be a fitting tribute—to have one of the next generation's great submarines carry the same name of one of America's truly great battleships.

REPUBLICAN MEDICARE CUTS AND THE SO-CALLED COALITION TO SAVE MEDICARE

Mr. KENNEDY. Mr. President, today, the Republican disinformation campaign on Medicare went into high gear. The leaders of the Republican Party have entered into an unholy alliance with the insurance industry to raid Medicare by raising costs for senior citizens and turning Medicare over to private insurance companies.

The overall Republican goal is to cut Medicare by $270 billion in order to pay for their $245 billion dollar tax cut for the wealthy. To achieve those harsh cuts in Medicare, senior citizens will be forced to pay more—far more—for the Medicare benefits they now receive. To line up the insurance industry on their side, the Republicans are offering the industry the chance to get its hands on Medicare and earn vast additional profits at the expense of senior citizens.

The phony Republican coalition to save Medicare is now clear for all to see. It includes representatives of wealthy individuals and businesses who care about tax cuts, not senior citizens. It includes private insurance companies who want the elderly to be forced to give up Medicare and buy their policies.

Republicans pretend they want to save Medicare. What they really want to save is their tax cut for the wealthy.

Republicans pretend they want to restore the solvency of Medicare and save the trust fund. But I say, you cannot trust Republicans who talk about the trust fund. The Republican cuts in Medicare are deeper—far deeper—than any cuts needed to keep Medicare solvent.

The fundamental issue is not keeping Medicare solvent—it is keeping Republicans away from Medicare.

Democrats know how to keep Medicare solvent, and we will do it. We will do it without raising costs for senior citizens, without forcing senior citizens into HMO's without forcing them to give up their own doctors and without turning Medicare over to the tender loving hands of the private insurance industry.