

three highest offices are occupied by Latinos, Lt. Governor Cruz Bustamante and Speaker of the Assembly Antonio Villaraigosa.

A democratic and prosperous society should not step back from a national commitment to provide assistance to those who strive to achieve the American dream, despite the odds. In particular, I want to emphasize the importance of a quality education for the success of Latino children. Our Latino young people are a great source of strength and hope for the future of this nation and they should be able to participate fully in the American experience.

I am proud to honor California's Hispanic community and to have the opportunity to ensure that Latino contributions and sacrifices do not go unnoticed.

COMPREHENSIVE NUCLEAR TEST BAN TREATY

Mr. CLELAND. Mr. President, there are many important Constitutional responsibilities of United States Senators, but none is more important than providing "Advice and Consent" for treaties with other nations. And among treaties, those involving control of nuclear arms, which continue to be the only instruments capable of threatening the physical survival of the United States, must top the list of our concerns.

Since the landmark Limited Test Ban Treaty of 1963, every American president, no matter his party affiliation, has recognized the value of responsible and verifiable arms control agreements in making the arms race less dangerous and the American people more secure. And each time an American president has entered into negotiations, concluded a treaty and then sought ratification by the United States Senate, the debate in the Senate and in the country has been remarkably similar. For example, when President Kennedy announced the signing of the Limited Test Ban Treaty on July 16, 1963, he responded to the concerns and criticisms then being directed at that proposed first step in the effort to control nuclear weapons:

Secret violations are possible and secret preparations for a sudden withdrawal are possible, and thus our own vigilance and strength must be maintained, as we remain ready to withdraw and to resume all forms of testing if we must. But it would be a mistake to assume that this treaty will be quickly broken. The gains of illegal testing are obviously slight compared to their cost and the hazard of discovery, and the nations which have initialed and will sign this treaty prefer it, in my judgment, to unrestricted testing as a matter of their own self-interest. For these nations, too, and all nations have a stake in limiting the arms race, in holding the spread of nuclear weapons and in breathing air that is not radioactive. While it may be theoretically possible to demonstrate the risks inherent in a treaty—and such risks

in this treaty are small—the far greater risks to our security are the risks of unrestricted testing, the risk of a nuclear arms race, the risk of new nuclear powers, nuclear pollution and nuclear war.

Now, thirty-six years later, the United States Senate is being asked to give its advice and consent on the Comprehensive Test Ban Treaty, a goal first formulated in the Eisenhower Administration. The Treaty itself was approved by the United Nations General Assembly in September of 1996 by a vote of 158 to 3, and signed by President Clinton later that same month. As of today, 153 nations have signed the treaty, with 47 of those formally ratifying it.

Today, in spite of the long history of the treaty's development, in spite of the fact that we now have over a third of a century of experience in negotiating, implementing and monitoring arms control agreements, in spite of the long list of current and former military leaders have endorsed the treaty and in spite of the treaty's widespread support among the American people and other nations, we still confront the same doubts and fears that President Kennedy sought to address so long ago.

While I have heard legitimate concerns voiced about certain aspects of the treaty, I reject the notion that the test this proposal must pass is one of perfection. Rather, in this world of imperfect men and women and laws, the test must be a less absolute one—Will the people of the United States, on balance, be better off if this treaty enters into force than if it doesn't? In other words, is it an acceptable risk, realizing that no possible course is risk free?

In my opinion, this agreement appears to be very much in the best interests of the United States and its ratification will inhibit nuclear proliferation, enhance our ability to monitor and verify suspicious activities by other nations, assure the sufficiency of our existing nuclear deterrent, and inhibit a renewal of the nuclear arms race.

Speaking on behalf of the unanimous view of the Joint Chiefs of Staff, General Henry Shelton, Chairman of the Joint Chiefs, told us on the Senate Armed Services Committee last week that:

The Joint Chiefs support ratification of the CTBT with a safeguards package. This treaty provides one means of dealing with a very serious security challenge, and that is nuclear proliferation. The CTBT will help limit the development of more advanced and destructive weapons and inhibit the ability of more countries to acquire nuclear weapons. In short, the world will be a safer place with the Treaty than without it, and it is in our national security interests to ratify the CTBT Treaty.

In other words, what the Joint Chiefs are telling us is that the fewer fingers on the nuclear trigger, the better.

As reported in an October 8, 1999 New York Times article about a recent conference organized by the United Nations on the CTBT:

Several delegates seemed mystified that hawkish Republicans oppose the treaty. It was negotiated by a Republican president, and polls show that 82 percent of Americans support it. It would freeze the arms race while the United States enjoys a huge lead. And instead of paying 100 percent of the cost of the world's second-most-sophisticated nuclear-test detection system (the current American one), they said, the United States would pay only 25 percent for the world's most sophisticated one, with sensors deep inside Russia, China, Iran and other nations where the United States is not normally encouraged to gather data.

Most of this debate has centered on questions like these, related to the risks of ratifying the treaty, and has been concerned about the verifiability of the proposal, and its impact on the credibility of the U.S. nuclear deterrent. These are indeed important questions, and I stand with the large majority of the American people, of our military leadership, and of our allies in concluding that, on balance, the CTBT is a net plus for our security.

But when weighing the risks involved in the Senate's action on this treaty, we must also examine the risks involved in rejecting the treaty. The leaders of three of our major allies who have already ratified the CTBT, Great Britain, France and Germany—who also represent two of the world's seven recognized countries which have successfully tested nuclear weapons—recently sent an unprecedented joint communication to the United States Senate which concluded:

Rejection of the treaty in the Senate would remove the pressure from other states still hesitating about whether to ratify it. Rejection would give great encouragement to proliferators. Rejection would also expose a fundamental divergence within NATO. The United States and its allies have worked side by side for a Comprehensive Test Ban Treaty since the days of President Eisenhower. This goal is now within our grasp. Our security is involved, as well as America's. For the security of the world we will leave to our children, we urge the United States Senate to ratify the treaty.

The consensus assessment of what will happen if the Senate rejects the treaty is that none of the other nuclear powers—Russia, China, India and Pakistan—will ratify the agreement while all are likely to do so if we ratify.

In May of 1998, in an irresponsible show of strength, both India and Pakistan detonated nuclear devices to demonstrate to the world, but, more importantly each other, their formal initiation in the ranks of nuclear powers. Yesterday's disturbing news that the democratically elected government of Pakistan had fallen victim to a military coup stresses just how important the CTBT is to both the subcontinent and to global security. These events coupled with the recent elections in

India which returned Prime Minister Vajpayee's Bharatiya Janata Party (BJP)—the party which chose to ignite the nuclear arms race on the subcontinent—further underscore the need for sensibility when it comes to testing nuclear weapons. Both India and Pakistan have indicated their unwillingness to consider ending their nuclear arms race and sign the CTBT only if the United States has ratified the treaty. The national security of the United States and, in fact, the security of everyone on the planet, will be enhanced when countries such as India and Pakistan decide to stop testing nuclear weapons.

The United States stands today as the unchallenged military superpower, with by far the largest, most reliable and most versatile nuclear arsenal, as well as the strongest conventional arsenal. Indeed, the trends of the last decade, where the demise of the Soviet Union has led to an ongoing and inexorable decline in the capacity of what had been the only comparable strategic nuclear force and a continuing "technology and investment gap" has led to a circumstance where our conventional forces are vastly more capable than those of even our closest allies as evidenced by the recent war against Serbia, have placed us in the strongest relative military posture we have perhaps ever experienced as a Nation. As such, we are certainly more secure than when John F. Kennedy sought ratification of the Limited Test Ban Treaty in 1963, more secure than when Ronald Reagan sought approval of the Intermediate Nuclear Forces Treaty in 1988, and more secure than when President Bush submitted the START I Treaty for Senate ratification in 1992.

While no course of human action is ever risk free, of all nations in the world, we have the most to gain from slowing the development of more capable weapons by others and the spread of nuclear weapons to additional countries, even if we cannot expect to prevent such developments altogether. In addition, the Treaty cannot enter into force unless and until all 44 nuclear-capable states, including China, India, Iran, North Korea and Pakistan, have ratified it. Should any one of these nations refuse to accept the treaty and its conditions all bets are off. Finally, even if all of the required countries ratify, we will still have the right to unilaterally withdraw from the treaty if we determine that our supreme national interests have been jeopardized.

After debating concerns about verification and the impact on our nuclear arsenal on September 22, 1963, the United States Senate, on a bipartisan basis ratified the Limited Test Ban Treaty by a vote of 80 to 19. On October 7th of that year, President Kennedy signed the instruments of ratification in the Treaty Room at the White House. He said:

In its first two decades, the Age of Nuclear Energy has been full of fear, yet never empty of hope. Today the fear is a little less and the hope a little greater. For the first time we have been able to reach an agreement which can limit the dangers of this age. The agreement itself is limited, but its message of hope has been heard and understood not only by the peoples of the three original nations but by the peoples and governments of the hundred other countries that have signed * * * What the future will bring, no one of us can know. This first fruit of hope may not be followed by larger harvests. Even this limited treaty, great as it is with promise, can survive only if it has from others the determined support in letter and in spirit which I hereby pledge on behalf of the United States. If this treaty fails, and it need not fail, we shall not regret that we have made this clear and national commitment to the cause of man's survival. For under this treaty we can and must still keep our vigil in defense of freedom.

Mr. ABRAHAM. Mr. President, I oppose the Comprehensive Test Ban Treaty, (CTBT). I do so because this accord is, in my view, fatally flawed. While I share the almost universal goal of nuclear nonproliferation, it seems clear to me that this Treaty, as written, will weaken America's national security. I have been strongly influenced in my examination of this issue by the fact that this treaty is opposed by 6 past Secretaries of Defense, 2 past Chairmen of the Joint Chiefs of Staff, 5 past Directors of the Central Intelligence Agency, Former Secretary of State Henry Kissinger, former National Security Advisor Brent Scowcroft, former Ambassador to the United Nations Jeanne Kirkpatrick and a host of other experts in the field.

I took seriously the objection raised by these experts and public servants. And I have come to the conclusion that the CTBT would be dangerous to America, and to the American people. CTBT is not verifiable. It would erode our confidence in the safety and reliability of our own nuclear deterrent. And, perhaps most damning, it would utterly fail to halt the proliferation of nuclear weapons.

Let me explain my reasoning.

First, this treaty is not verifiable. The United States simply does not have the technical means to detect violations of the Treaty at this time. Nor are such technical means currently in development. Thus, it would be entirely feasible for an adversary to conduct significant military testing with little or no risk of detection.

With our current capability, we could not detect, with any significant degree of confidence, any nuclear testing producing yields of less than 1 kiloton. Yet testing that is of real, military significance does not require a 1 kiloton yield. If we are to have effective verification, we must have high and rationally based confidence that we can detect militarily significant cheating.

To make matter worse, potential adversaries can employ evasion techniques of varying complexity that

would make nuclear tests with yields as large as 10 kilotons extremely difficult to detect and identify with any confidence. In addition, we should not forget that a country determined to develop a nuclear arsenal could do so without any testing whatsoever. The resulting nuclear capability might be unreliable. But it would be no less dangerous for that fact.

Throughout the last several decades of test ban negotiations it has consistently been United States policy that our nation would not sign any treaty unless it were effectively verifiable. This position has been based on solid reasoning: any adversary that covertly tests—while the United States foregoes testing—could gain significant military advantage over us. Based on this fault alone, I would recommend against ratification of CTBT.

But there are other serious flaws in this treaty that, in my view, dictate its rejection. Among these is the simple fact that reliability requires testing. Our nation's national security strategy is based on the policy of deterrence. CTBT will jeopardize our policy of nuclear deterrence by undermining the reliability of our nuclear weapons and by foreclosing the addition of advanced safety measures to our warheads.

Mr. President, for deterrence to be effective, the nuclear stockpile must be safe and reliable. By banning testing, the CTBT would permanently deny the US the only proven means we have for ensuring the safety and reliability of our nuclear deterrent.

The Administration is pursuing various new experimental techniques as part of its Stockpile Stewardship Program (SSP) to replace actual nuclear testing with sophisticated computer modeling and simulations. However, these new techniques are not yet proven and there is no way to confirm that even the best models will be able to predict, with adequate precision, the condition of weapons systems.

In fact, Dr. James Schlesinger, the former Secretary of both Defense and Energy, has testified before the Senate that "it will be many, many years before we can assess adequately the degree of success of the Stewardship Program and the degree to which it may mitigate the decline of confidence in the reliability of the stockpile." It would be irresponsible for us to bet something as critical to national security as the safety and reliability of our nuclear weapons on unproven technology. We have no right to take such a leap of faith where the safety and very survival of the American people are involved. We must keep open the option of future testing.

Finally, the CTBT will neither stop nor slow nuclear proliferation. As I have mentioned, nuclear testing is not a prerequisite to acquiring a workable arsenal. Simple nuclear weapons can be designed with high confidence without

nuclear testing. For example, South Africa designed and developed nuclear weapons without testing. The CTBT will not create a significant or meaningful obstacle to nuclear proliferation. A nation that attempts to build complex nuclear weapons will encounter problems with reliability. But it is entirely feasible for a nation to design, build, and stockpile effective nuclear weapons without nuclear testing.

CTBT, as its name implies, is simply a ban on nuclear explosions of any yield exceeding zero. It is not a treaty by which states which currently have nuclear weapons agree to give them up, reduce their numbers, even stop their development or agree not to give them to others. It simply would not provide any added safety in our dangerous world. Indeed, by reducing the reliability of our own nuclear deterrent and encouraging the secret development of nuclear weapons, it would significantly reduce the level of safety currently enjoyed by citizens of the United States, and of the world.

I am convinced that it would be a tragic disservice to the American people for this body to approve the Comprehensive Test Ban Treaty. I urge my colleagues to vote for safety by voting against this treaty.

Ms. LANDRIEU. Mr. President, I came across a quote from a Senate treaty debate, and I thought it was important to restate it for my colleagues. The quote reads:

I am as anxious as any human being can be to have the United States render every possible service to the civilization and the peace of mankind. But I am certain that we can do it best by not putting ourselves in leading strings, or subjecting our policies and our sovereignty to other nations.

It struck me how familiar the passage sounded. It is similar in tone and substance to the remarks made during the debate on the Comprehensive Test Ban Treaty these last few days. However, the quote is almost exactly 80 years old, because it was nearly 80 years ago today, that this body took its first steps towards rejecting the Treaty of Versailles, and preventing our entry into the League of Nations.

The statement is from the distinguished Republican Majority Leader, Henry Cabot Lodge. Senator Lodge had a very real distaste for the President at the time. He, and a small minority of Senators used this treaty to send a political message to then President Wilson. The President had worked very hard to establish the League of Nations, he was very popular with the American people, and so was this treaty. However, through red herring arguments, and political arm twisting, Senator Lodge was able to block ratification. He thought he had embarrassed the President; he thought he had outmaneuvered the Democratic party; he thought he was laying the groundwork for the Presidential election of 1920.

But Senator Lodge did not beat President Wilson that day, he beat America. Senator Lodge did not believe America needed to lead. In his view, America could withdraw across the Atlantic, and the world events would take care of themselves.

Detractors of this world view called its adherents "little Americans." In other words, the proponents of isolation and withdrawal, saw the United States as a country with no particular place in history, and with no important place in world events. Twenty years later, millions around the world would pay the price for Senator Lodge's short-sightedness. The United States never did join the League, and that fact undermined its credibility from the word go. First, neighboring states in the western hemisphere withdrew from the League: Brazil, Honduras, Costa Rica and a host of others. The trend continued until finally Germany and Japan left the organization. Having abandoned our place at the table, the power vacuum was filled by other forces, in this case the ultra-nationalist and fascist regimes of Germany, Italy and Japan.

To put that mistake into a little greater perspective, about 7 million soldiers lost their lives in World War I. That was a shocking figure at the time, it was greater than the combined total of all the wars in Europe for the previous 100 years. However, the horrors of World War I, were completely overshadowed by what came next. The U.S. withdrew into isolation, the League of Nations failed, and World War II was the direct result. World War I was the worst disaster humanity had known in 1919, the losses in World War II were three times worse. This is a very high price to pay for a little presidential politics, and the false security of isolationism.

Mr. President, we have an often repeated axiom in the Senate, that politics stops at the waters edge. The axiom is there to remind us of exactly the kind of mistake this body made 80 years ago. To play politics with international agreements is to invite disaster. The headlines were the same all over last night, the Senate handed the President a major defeat last night by rejecting the Comprehensive Test Ban Treaty. There is no defeating the President, he will be out of office in 18 months, his legacy will not rise or fall with the passage of this treaty. However, the members of this body can undermine America's standing in the world, and last night they did just that.

As a member of the Armed Services Committee, I sat through several hearings, listened to testimony on the CTBT, and weighed the merits of the agreement. I understood the perspective of my Chairman, Senator WARNER and others with respect to this agreement. There were legitimate concerns

expressed by the directors of our national laboratories, there were serious questions about our ability to monitor this agreement, and I understand how reasonable minds can disagree about the merits of the treaty. However, what occurred last night was willful disregard for the leadership role that this nation plays in the world. That vote need not have occurred. We could have waited for a stronger consensus on the science of the stockpile stewardship program. Had we delayed consideration, we would have benefitted from the revised national intelligence estimate. We might also have negotiated with the Russians and Chinese to address some of the more difficult treaty monitoring questions. However, all such potential benefits of time are lost to us. All of this despite the fact that a clear majority of Senators would have preferred to delay consideration of the treaty. Sadly, I must conclude that the drive to bring this treaty to a vote was not a question of merit, it was a political exercise.

We have numerous treaties sitting before the Senate Foreign Relations Committee that might be brought up, and dealt with the same way. I'll give just one example—the Convention on the Elimination of all forms of Discrimination Against Women or CEDAW. There are many in this body who oppose particular provisions of this treaty, and I am not certain that if we brought it to the floor, there would be sufficient votes to ratify it. The reason we do not bring it to the floor, is because the United States is not going to send a message to the world that the United States tacitly endorses discrimination, by actively rejecting this treaty. However, on something as important as nuclear proliferation, the majority felt compelled to do exactly that.

Mr. President, I believe that a small group of the members of this body took aim at our President with last night's vote. Unfortunately, like Senator Lodge before them, they missed the President and hit the American people. President Wilson was fond of saying that American power, was moral power. He was right. The United States does not, and cannot rely on its nuclear weapons to convince the nations of the world to follow our example. The only real weapon that we have to combat nuclear proliferation is our world leadership and the power of American moral authority. With last night's vote, I am afraid that we unilaterally disarmed.

SKILLED NURSING FACILITIES

Mr. DOMENICI. Mr. President, I want to speak for a moment about a crisis going on in our nursing home industry. Today, a very large nursing home with headquarters in my home State of New Mexico filed for Chapter