

## SENATE—Thursday, May 25, 2000

The Senate met at 9:31 a.m. and was called to order by the Honorable LINCOLN CHAFEE, a Senator from the State of Rhode Island.

### PRAYER

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

Gracious God, all through our history as a nation, You have helped us battle the enemies of freedom and democracy. Many of the pages of our history are red with the blood of those who paid the supreme sacrifice in just wars. Lord God of Hosts, be with us yet. Lest we forget, today has been designated as the Day of Honor 2000, to give special recognition to the living minority veterans of World War II throughout our Nation. May we never forget the patriotism of these brave men and women who fought to liberate humankind from the evil grip of Axis tyranny. Enable us to express our debt of gratitude to these gallant Americans by pressing on in the ongoing battle against racial division in our society. Cleanse all prejudice from our hearts and give us courage to work for equality in education, housing, job opportunities, advancement, and social status for all Americans. Help us to honor these minority veterans today as we press on to banish vociferous expressions of hostility and hatred in our society. Shed Your grace on us, crown Your good with brotherhood from sea to shining sea. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable LINCOLN CHAFEE, a Senator from the State of Rhode Island, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, May 25, 2000.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable LINCOLN CHAFEE, a Senator from the State of Rhode Island, to perform the duties of the Chair.

STROM THURMOND,  
President pro tempore.

Mr. L. CHAFEE thereupon assumed the chair as Acting President pro tempore.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now begin a period for the transaction of morning business until 10:30 a.m., with Senators permitted to speak therein for up to 5 minutes each. Under the previous order, the time until 10 a.m. shall be under the control of the Senator from Delaware, Mr. BIDEN, or his designee.

The Senator from Delaware.

### NATIONAL MISSILE DEFENSE

Mr. BIDEN. Mr. President, I rise this morning to speak about an issue that is going to consume, over the next couple years, a fair amount of this body's time. If there were a contest to name a foreign policy issue that just won't go away, national missile defense would surely be a top contender.

The United States has been researching, developing, and sometimes deploying ballistic missile defense systems for almost 40 years now. Throughout this period, the issues of whether to deploy such a system and what system to deploy have prompted intense and often partisan debate. That debate continues today.

Two events this week argue strongly, however, for a pause in the partisan wrangling that so often accompanies this debate. The first event was Gov. George W. Bush's call on Tuesday for the President of the United States "not to make a hasty decision, on a political timetable" regarding amendments to the Anti-Ballistic Missile Treaty and deployment of a national missile defense.

Anyone on this floor knows that we voted in the last year, assuming that funds are provided and consistent with a policy of continued strategic arms reductions, to deploy a limited national missile defense system "as soon as technologically feasible," and the majority of the Senate voted for that. There has been a bit of a rush, to use the expression we use on the floor, to take steps by the end of this year to "pour concrete in Alaska." That is a euphemism for saying we have to put certain radars up in Alaska in order to

meet the timetable to erect by 2005 a limited national missile defense that will defend against, theoretically at least, weapons that may or are likely to be deployed by the North Koreans.

Ninety-nine percent of the American people don't even know what we are talking about because we have not yet debated it, and it is going to cost \$30 billion at the low end, probably a lot more. They have not heard that number before. What has happened is that we have been in a headlong rush to be in a position to be able to deploy that system in time to meet the looming threat from North Korea.

Now Governor Bush comes along, the putative candidate for President of the United States in the Republican Party, and says: Don't make a hasty decision, Mr. President, on a political timetable.

Well, really, we are on a political timetable. What is moving this national missile defense proposal forward as rapidly as it has are the likely events in North Korea over the next 5 to 7 years and a political timetable on the part of some of my Republican friends. Fortunately, Governor Bush has stepped in and said: Let's slow all this down; let's think about this. I think we should listen to him.

A second event is Secretary of State Albright's journey to Florence, Italy, where she is making the case for national missile defense to our increasingly nervous allies, who oppose this notion of a limited national missile defense.

What shall we make of Governor Bush's stance on national missile defense? He proposes a missile defense to defend not only the United States but also our allies. That is a different proposal from that which we have been legislating on for the past 2 years. He also proposes not only to defend against missiles from so-called rogue states, such as North Korea, Iran, and Iraq—which has been the rationale offered as to why we have to move so rapidly toward a national missile defense—but also to protect against accidental launches from anywhere in the world.

If we are to defend our allies as well as ourselves, then we are going to have to build a much larger missile defense system than the one being proposed by the Pentagon and the one we have been debating in the Congress for the past year and a half. If we are to defend against accidental launches from any country rather than only attacks from a specific state, then we cannot rely upon the sort of land-based or sea-based boost-phase system that I and others have been supporting as a means

of reconciling defense with deterrence, which is different from the system proposed by the Pentagon.

Governor Bush stated properly that “deterrence remains the first line of defense against nuclear attack.” I assume that means he believes the ABM Treaty is essential, as it is a vital building block in that first line of defense against nuclear attack.

Governor Bush promised, properly, that if he were elected President, he would consult with our allies as he developed specific missile defense plans. I, too, have been suggesting, to my Senate colleagues and in high-level meetings, that we had better darn well understand what our allies think about this.

My good friend, Senator KYL, who is one of the brighter fellows here and who strongly supports national missile defense, said we should not let what our allies have to say affect what we do. I don't think it is that simple. Governor Bush now comes along and says he wants to make sure we consult with our allies. That is what he would do first after becoming President. This is clearly something we would want to have already done that before we decided to deploy any such system.

The push to deploy a system, without working out something with our allies, has not come to fruition yet. But Governor Bush points out another flaw in the argument for proceeding rapidly. He also acknowledges the need to convince Russia that the United States' missile defenses would not be aimed at Russia.

Governor Bush indicated a willingness to lower U.S. force levels—although he confuses me. He says “lower U.S. force levels below the START II levels.” We have already basically agreed to that in the START III framework that was set in 1997. Is he talking about lowering U.S. nuclear force levels below the 2,000-to-2,500 figure proposed at Helsinki? Or is the suggestion that we lower them only to that level? He was a little unclear in how he stated that, and he leaves me a little unclear—indeed, totally unclear—as to what he means.

Governor Bush also suggests that there is a need to move nuclear forces off the hair-trigger alert they are on. I agree. I think he is absolutely right about that. Indeed, Governor Bush stated that “the United States should be willing to lead by example” in this area.

At the same time, however, Governor Bush spoke approvingly of “laser technology” and of “a space-based system.” Now, this will surely strike others as it did me—as an allusion to Reagan's support for the “Star Wars” system of the 1980s, a notion that has been pretty soundly rejected up until now. It will raise legitimate fears, it seems to me, that a missile defense system deployed by the United States, whatever its size

at first, would be enlarged to threaten the deterrent capacity of China, and eventually that of Russia.

Would Governor Bush withdraw from the ABM Treaty in order to “fully explore these options?” To fully explore the options of laser systems, of space-based systems—does that mean he is going to withdraw from the treaty he seems to imply is the building block upon which our deterrence rests? Or would he defer any decision on deployment until we were certain that the proposed system would successfully meet all of his criteria? His decision in that regard could determine whether his proposal prompted allied support or made them conclude that the United States was choosing missile defense foolishly or recklessly.

Admittedly, this was just a press conference, and Governor Bush has not had a chance to flesh this out. But the bottom line is that he is saying: Whoa, slow up, there are a lot of things we haven't answered. We should not keep this on a political timetable.

I wonder whether Governor Bush thought through all the implications of his missile defense proposals. How would he assure Russia that the United States would not seek to substitute defense for deterrence—an assurance he says is necessary? How would he avoid an arms race between Chinese missiles and American defenses? Or between China and India? Or then between India and Pakistan?

My own view is that the risk of a nuclear arms race in Asia would be the most dangerous consequence of deploying a national missile defense that was not limited to defending against the missiles of specific target states. I fear that such an arms race would be terribly costly and would destabilize China's relations with its neighbors, and that the resulting instability would lead to Japan, Taiwan, or South Korea building nuclear weapons. They have the capacity to do that, and I truly believe they might, if an Asian arms race were to occur as a result of our missile defense deployment.

Last week, the Los Angeles Times reported that a U.S. intelligence official warned “that construction of a national missile defense could trigger a wave of destabilizing events around the world and possibly endanger relations with European allies.”

Possible consequences reportedly include China fielding hundreds more missiles, putting MIRVed warheads on its missiles—which it does not have now—and adding countermeasures. We all know that they are measures added to a ballistic missile in order to fool any defensive system. The missile puts out a lot of little things—anything from balloons to what most people would think would be just like little pieces of metal. It is a lot more complicated than that, but the effect is to fool the defensive system as to which

object has the nuclear warhead. That is what we mean by countermeasures. They are not hard to field. They haven't yet been fielded by China to any significant degree, to the best of our knowledge. But a U.S. intelligence official foresees China adding countermeasures to frustrate U.S. defenses and, in the words of that intelligence official, “selling countermeasures for sure” to countries such as North Korea, Iran and Iraq.

This is precisely the sort of concern I have been raising for the last several months. I went to a defense conference in Germany with many of the people in the Senate, in the House, and in the Defense Department, as well as the defense establishments from all our allied nations—even some who are not members of NATO. I raised that very question there.

No one had an answer, I might add, when I raised the question among all the defense experts. Everybody is prepared to give an estimate of what the North Koreans are likely to do in terms of building not only nuclear capability, but also the capability to have a missile with a third stage that could reach the continental United States, that could not only carry a nuclear warhead, but also be used in chemical or biological warfare.

I asked: Can anybody give an estimate to the President as to what the Chinese would likely do if we deployed a national missile defense system? They now have fewer than two dozen intercontinental ballistic missiles. That seems to be a pretty good thing to me. I would not like to see China go to 200, or 400, or 800, or 1,000, which is fully within their capacity. I would not like them to do what the L.A. Times reports that a U.S. intelligence official raises as a possibility. I would not like to see them MIRV their warheads. I would not like to see them have more sophisticated nuclear weapons. I kind of like it where they are.

Now, I also raised the question, Has anybody calculated or laid out for the President of the United States what the likely scenario is if China were to significantly increase their arsenal? What would happen in India? What would happen in Pakistan? Has anybody raised this possibility of that being of concern to the Japanese? Well, the truth is, no one had an answer.

I even went to a high-level meeting in the Defense Department a couple of months ago, with the Secretary of Defense, other high officials, and those in charge of developing this system. I raised the same question again before the Foreign Relations Committee, on which the occupant of the Chair sits. I asked specifically—and he may have been there—the Director of the CIA if they had done such a study. Apparently, one is underway. Apparently, people are beginning to focus on the other side of this equation.

The fundamental rationale for our strategic doctrine is to guard Americans from harm, as best we can, to guarantee the security of those young Senate pages sitting up there and their children and grandchildren. Are we better off with a missile defense system as contemplated and an arms race in Asia, if that were to occur?

Or are we better off with the risk that might come from North Korea, if they developed a third stage that could reach the United States and we relied instead upon deterrence? I have not made that final judgment in my own mind. But I know one thing. We don't have enough information now to make a final judgment.

All this leads me to conclude that the risks inherent in doing without a national missile defense at this moment might be less than the risk we would accept in building either the Pentagon's proposed missile defense or the sort of defenses that Gov. George Bush has proposed.

Brent Scowcroft, former National Security Adviser in the Ford and Bush administrations, is also allegedly concerned. The Los Angeles Times reported that he called the scenario of an Asian nuclear arms race "plausible" and warned: "We ought to think whether we want the Chinese to change their very minimalist strategy."

I know I don't want China to change their minimalist strategy. I believe anybody who thinks we can affect that outcome would not want China to change its minimalist strategy. I say this—speaking for myself, and clearly not for Brent Scowcroft—not merely because of the added threat that it would pose to the United States of America, but also because of what that would most assuredly cause to happen in India, and what that almost assuredly would cause to happen in Pakistan, and elsewhere.

Can anyone in this Chamber suggest to me that if China were to change in a robust fashion their nuclear strategy, that officials are going to sit in Tokyo, and say: You know, let's not worry about this; this is not a problem; we have the American nuclear umbrella? As much as I love our Japanese friends and allies, the last thing I want to see come out of this debate that we are going to have in the next weeks and months, and hopefully next year or so, is a nuclear Japan.

I hope General Scowcroft, who is a senior adviser to Governor Bush, will encourage his very important pupil to think carefully about this.

Just as I have concerns regarding Gov. Bush's position on national missile defense, so do I have concerns regarding the Pentagon's proposed system and the hurried pace at which a deployment decision is being forced upon the President.

Some of my concerns are those of a supporter of arms control, but others

relate to the apparent shortcomings of the system the Pentagon proposes.

Renowned scientists and former defense officials have said that a land-based missile defense aimed at incoming warheads cannot do the job.

The current National Intelligence Estimate on the foreign missile threat to the United States warns:

We assess that countries developing ballistic missiles would also develop various responses to US theater and national defenses. Russia and China each have developed numerous countermeasures and probably are willing to sell the requisite technologies.

Many countries, such as North Korea, Iran, and Iraq probably would rely initially on readily available technology—including separating RVs, spin-stabilized RVs, RV reorientation, radar absorbing material . . . booster fragmentation, low-power jammers, chaff, and simple (balloon) decoys—to develop penetration aids and countermeasures. These countries could develop countermeasures based on these technologies by the time they flight test their missiles.

Decades ago, when missile defense research began during the Cold War, the goal was not a perfect defense.

Rather, the idea was that by limiting our casualties—both in human lives and in retaliatory forces—a missile defense would buttress our ability to fight and win a nuclear war.

Missile defense supporters saw such an imperfect national missile defense as a contributor to deterrence, even though the Nixon administration eventually concluded that it was better to bar such defenses than to engage in an arms race involving both offensive and defensive weapons.

Modern proposals for a limited national missile defense are very different, however. They are aimed at deterring countries that would have no hope of defeating the United States in a nuclear war, but would seek to deter or to punish us by building a capability to destroy one or more American cities.

To defend against those threats, one's defense must be perfect. Merely limiting the destruction will not suffice.

I wonder whether the operational effectiveness of the Pentagon's proposed missile defense will really be sufficient.

If a system can kill each warhead 95 percent of the time, then the odds are 1 in 3 that an 8-warhead attack will get at least one warhead through and destroy a U.S. city. If the system can kill each warhead 98 percent of the time, there will still be a 1-in-3 chance that an attack with 21 warheads will get at least one bomb through.

In the days when the Presiding Officer and I were younger men, there used to be a bumper sticker that people would put on their car: "One nuclear bomb can ruin your day"—one warhead getting through. If the objective is to deter against any of these rogue states, a missile defense must be perfect.

Missile defense supporters cite the need to avoid being blackmailed by

North Korea or Iraq. But I find it hard to see how a national missile defense will give us freedom of action in Korea or the Middle East, if there is still one chance in 3, or even one chance in 5, that a modest attack will wipe out a whole American city.

In light of that reality, it is equally hard to understand the Pentagon's commitment to the proposed system, except as the product of bureaucratic inertia and political pressure to deploy the first system it could find.

When the Foreign Relations Committee held hearings on missile defense last year, I asked all our witnesses—both supporters and opponents of national missile defense—whether they would support a system limited to that which the Pentagon proposes. Not one of them, proponent or opponent, was prepared to do so.

Two commissions chaired by Gen. Larry Welch, former Chief of Staff of the Air Force, have criticized the testing program for the Pentagon's national missile defense system. The term "rush to failure" has become part of our everyday vocabulary. We should be equally attentive to Gen. Welch's warning that we are unprepared to determine the "deployment readiness" of national missile defense, despite the name of the Defense Department's forthcoming review.

The Pentagon's director of operational test and evaluation has voiced similar concerns regarding the limits of our national missile defense testing program.

His concerns were seconded last month by the American Physical Society, which warned:

A decision on whether or not to deploy the NMD is scheduled for the next few months. The tests that have been conducted or are planned for the period fall far short of those required to provide confidence in the "technical feasibility" called for in last year's NMD deployment legislation.

The American Physical Society is the premier professional group for physicists in this country. They take no stand on national missile defense itself. They deserve our bi-partisan attention.

In recent weeks, former senior officials have counseled delay. Listen to President Reagan's former National Security Advisor, Robert McFarlane: "Still more work is needed before a decision on deployment is made."

Listen to President Carter's former National Security Advisor, Zbigniew Brzezinski:

The bottom line is that at this stage there is no urgent strategic need for a largely domestically driven decision regarding the deployment of the national missile defense.

The issue should be left to the next president—to be resolved after consensus is reached with our allies both in Europe and in the Far East, after more credible evidence becomes available regarding the technical feasibility and probable costs of the national

missile defense, and after compelling intelligence estimates are aired regarding the origin, scale and timing of likely new threats to the United States and its allies.

In a forthcoming article, former Secretary of Defense Harold Brown writes: "deployment of the present NMD system should be deferred." He is joined in that recommendation by two former Deputy Secretaries of Defense, John Deutch and John White.

Former Secretary of State Henry Kissinger says: "In the light of recent ambiguous test results and imminent electoral preoccupations, it would be desirable to delay a final technical judgment until a new administration is in place."

As we all know, the motivations behind these bi-partisan recommendations are often very divergent.

Many Republicans fear that President Clinton will purposely strike a deal with Russia to limit U.S. missile defenses to an ineffective system, hoping that such a deal will make it politically untenable for a Republican president, were one to be elected, to go beyond it.

I do not share those fears. The Administration has made clear to Russians and Republicans alike that its proposed ABM Treaty protocol would be only a first step.

My fear is rather that the President will be sandwiched: between Russia, which doubts both our intent to deploy a missile defense system and our willingness to limit it; and Republicans, who have tried to make this a partisan campaign issue and have even urged Russian officials not to negotiate with the President of the United States of America.

My fear is that the President—in order to show Russia that he is serious, and under pressure from Republicans accusing the Administration of being "soft" on the issue—will order the Defense Department to proceed with the deployment of a system that all of us know is the wrong one to build.

The time has come to set our fears aside. The fact is that, whatever our views on the wisdom of putting our trust in a national missile defense, many of us oppose the system proposed by the Pentagon.

Whatever our views on the larger issues, many of us would be content if the President were to defer both a deployment decision and the choice of a missile defense architecture, and let his successor grapple with those issues.

It is also a fact, however, that the President has been under political pressure to proceed with deployment, despite the technical and strategic concerns that many of us share.

If missile defense supporters maintain that pressure, they increase the risk that a poor system will be deployed, rather than one that meets our country's needs by any rational measure.

I therefore call on the two major presidential campaigns—that of Gov. Bush and that of Vice President GORE—to agree not to seek partisan advantage if the President defers a missile defense deployment decision.

I call on all of us in the Congress to give the President the freedom of action to make his decision without political sniping.

I also call on both campaigns to agree that negotiations for a path-breaking START III agreement should continue. Gov. Bush stated that he would:

... ask the Secretary of Defense to conduct an assessment of our nuclear force posture and determine how best to meet our security needs . . . [and] pursue the lowest possible number consistent with our national security.

He added that "the United States should remove as many weapons as possible from high alert, high-trigger status, another unnecessary vestige of Cold War confrontation."

There is no reason to defer these two ideas until next year.

The Joint Chiefs of Staff has said that it cannot go below the Helsinki target of 2,000 to 2,500 warheads for a START III agreement unless the President changes the nuclear targeting guidance.

Gov. Bush has implied that he would seek the Pentagon's advice on alternatives to that guidance, however, and President Clinton should do the same.

In summary, the longest-lasting foreign policy debate is not likely to be settled any time soon. There is widespread agreement, however, that we should not let this debate lead us into unwise decisions.

With goodwill on both sides, we have an opportunity to suspend the partisan wrangling and let our current and future leaders make their decisions in a rational way. Let us all work together to achieve that shared objective.

The PRESIDING OFFICER (Mr. BUNNING). The Senator from Wyoming.

#### CONGRESSIONAL ACCOMPLISHMENTS

Mr. THOMAS. Mr. President, I wanted to talk a little bit about the things we have accomplished in this last session of the Congress, the first year, which is over. We are into the second year of this 106th Congress.

We are having a little problem moving along, of course, and we are trying to find a way to avoid holding up progress after the filing of unrelated amendments that have turned out to be filibusters. I hope we can get around that and move forward with the 13 appropriations bills we have.

We ought to recognize this has been a productive session. We have done a great deal. But there are a number of things I think are of particular importance to the American people. One, ob-

viously, is to do something with the Social Security retirement system. We have done a great deal with that over the last year. Although there still needs to be some systematic changes made to the program, we can ensure that the program will be there over time.

We have made a very significant movement by providing that the 12½ percent of our earnings paid into Social Security by everyone who works in this country is, in fact, used for Social Security. Historically, over a very long time, those dollars have been used for many non-Social Security programs. Because of this Republican Congress, because of the lockbox idea, we have put that money aside. It is not being spent for other items. That is very significant.

I hope we can proceed and look at alternatives to ensure that the young people who are now just beginning to pay into the program will have a program of benefits when the time comes for them to be eligible for the benefits. Frankly, the program has changed in terms of the profile of people. When we began, there were some 20 people working for every one drawing benefits. Now it is less than 3 and will be down to 2.

Obviously, things have to be changed. There are some options: We can raise taxes. I don't know of anyone excited about that. We can reduce benefits. The same is true with that. Or, indeed, we can take a portion of those dollars and make them individual accounts for each person—2 percent out of the 12 percent is what we are talking about—and let that money be invested in their behalf, invested in equities, let it be invested in bonds, let it be invested in a combination of their choice, for their retirement, or as part of their estate if they are not fortunate enough to live.

The issue most talked about is education. Only about 7 percent of the finances of education in this country, elementary and secondary, are provided by the Federal Government. There is a great deal of discussion about how that is allocated and how it is made available. The big debate, and the reason we haven't gone further with elementary and secondary reauthorization, is there is a difference of view.

My friends on the other side of the aisle believe if the Federal Government is providing the money, it ought to also provide the rules as to how it is used. We think that is not the most effective way to use the money.

I come from Wyoming. We have some very small towns in our relatively small State. In Chugwater, WY, where I attended a graduation ceremony this week, with 12 graduates from high school, they have different needs than Pittsburgh, PA.

We need to have the flexibility. We say let's help make education stronger, but let the local people decide how that is done. We have been working on that.