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# *Senate*

*(Legislative day of Tuesday, September 5, 1995)*

The Senate met at 9:15 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:

Holy God, help us to be present to Your presence in every moment of this day. Fill this Senate Chamber with Your glory and Your grace. May we practice Your presence by opening our minds to think Your thoughts. Make this a day filled with surprises in which You intervene with solutions to our problems, creative compromises that lead to greater unity, and superlative strength that replenishes our human endurance. Fill us with expectancy of what You will do in and through us today.

We claim Isaiah's promise, ''You will keep him in perfect peace whose mind is stayed on You.''—Isaiah 26:3. Stay our minds on You so we may know Your lasting peace of mind and soul. You know how easily we become distracted. Often hours pass with little thought of You and Your will in our work. In those times, invade our minds, remind us You are in charge and that we are here to serve and please You. Keep our minds riveted on You throughout this day. Give us fresh experiences of Your unqualified love for us personally and Your unlimited wisdom for our deliberation and decisions. In our Lord's name. Amen.

## RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator DOLE, is recognized.

## SCHEDULE

Mr. DOLE. Thank you, Mr. President. For the information of all Senators, the Senate will immediately resume consideration of the Defense authorization bill this morning. At 9:30, there will be at least two rollcall votes with the last vote being on passage of the Defense authorization bill. Following that vote, the Senate will resume consideration of welfare reform legislation. Further rollcall votes are therefore possible during the day's session. The first vote will be a 15-minute plus the 5, and then the second vote will be a 10-minute vote.

Let me indicate to many of my colleagues who seem to have an interest in going to Baltimore this evening to witness one of the great, historic moments in baseball with Cal Ripken, Jr., breaking Lou Gehrig's record, we are trying to work out some schedule where we could take up welfare reform and agree to have a vote on the Democratic alternative sometime early tomorrow morning. For those who do not proceed to the ball game, we could stay tonight and debate. We have not reached that agreement yet. We are working on it. I know Senator MIKULSKI and Senator SARBANES have a particular interest. We would like to accommodate our colleagues on both sides of the aisle whenever possible and this may be one of those times that we can work it out.

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996

The PRESIDING OFFICER (Mr. CAMPBELL). 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 the consideration of the bill.

Pending: Nunn amendment No. 2425, to establish a missile defense policy.

Mr. THURMOND. Mr. President, I believe we will take up some uncontested matters at this time.

Mr. NUNN. Mr. President, I wonder if it would not be appropriate at this time to ask for the yeas and nays on the pending amendment, which is the missile defense amendment sponsored by myself and Senators WARNER, LEVIN, and COHEN.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. NUNN. Mr. President, I believe that we are now prepared to clear some more amendments. The first amendment is the Warner amendment, as I understand it.

Mr. WARNER. Mr. President, the Senator is correct.

AMENDMENT NO. 2461

(Purpose: To state the sense of the Senate on negotiations between the Secretary of Defense, the Secretary of Energy and the Governor of the State of Idaho regarding the shipment of spent nuclear fuel from naval reactors)

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

The PRESIDING OFFICER. If there is no objection, the pending amendment is set aside, and the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself, Mr. EXON, Mr. THURMOND, Mr. KEMPTHORNE, Mr. CRAIG, Mr. COHEN, Ms. SNOWE, Mr. SMITH, and Mr. GREGG proposes an amendment numbered 2461.

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

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 570, between lines 10 and 11, insert the following:

**SEC. 3168. SENSE OF SENATE ON NEGOTIATIONS REGARDING SHIPMENTS OF SPENT NUCLEAR FUEL FROM NAVAL REACTORS.**

(a) SENSE OF THE SENATE.—It is the sense of the Senate that the Secretary of Defense, the Secretary of Energy, and the Governor of the State of Idaho should continue good faith negotiations for the purpose of reaching an agreement on the issue of shipments of spent nuclear fuel from naval reactors.

(b) REPORT.—(1) Not later than September 15, 1995, 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 written report on the status or outcome of the negotiations urged under subsection (a).

(2) The report shall include the following matters:

(A) If an agreement is reached, the terms of the agreement, including the dates on which shipments of spent nuclear fuel from naval reactors will resume.

(B) If an agreement is not reached—

(i) the Secretary's evaluation of the issues remaining to be resolved before an agreement can be reached;

(ii) the likelihood that an agreement will be reached before October 1, 1995; and

(iii) the steps that must be taken regarding the shipment of spent nuclear fuel from naval reactors to ensure that the Navy can meet the national security requirements of the United States.

Mr. WARNER. Mr. President, this amendment, by myself, is cosponsored by Senators EXON, KEMPTHORNE, THURMOND, CRAIG, COHEN, SNOWE, SMITH, and GREGG. It expresses a sense of the Senate that the Secretary of Defense and the Secretary of Energy and the Governor of Idaho should continue good-faith negotiations to reach an agreement on shipments of nuclear fuel from naval reactors and requires a written report on the status or outcome of the negotiations.

Mr. President, I urge my colleagues to support this amendment to require all parties to continue good-faith negotiations to reach an agreement to permit the resumption of shipments of spent nuclear fuel from naval reactors to the Idaho National Engineering Laboratory. I have joined with several other Senators to reach an agreement which we hope will encourage the parties on both sides who are negotiating this issue to resolve it as soon as possible, because of the serious implications to our national security.

In order to support the national security requirements of the United States, the Navy must be able to refuel and defuel nuclear powered warships. Because of an ongoing dispute between Idaho and the Department of Energy, shipments of spent nuclear fuel to the Idaho National Engineering Laboratory have been halted. This situation has rapidly reached a crisis level and must be resolved expeditiously. My amendment urges all parties to negotiate, in good faith, an agreement that would protect this vital component of our national security. The amendment also retains, if necessary, the option for Congress to take further actions in joint conference if warranted.

Mr. President, this is a very serious matter. Briefly, the background is that the State of Idaho has been receiving shipments for 38 years from the U.S. Navy of its spent fuel.

Without getting into the problem area, there are negotiations ongoing between the Governor of Idaho, such other officials within his administration, the Department of Energy, and the Department of the Navy. But I feel strongly obligated this morning to inform the Senate of the seriousness of these negotiations, and our sincere hope is that the matter may be resolved prior to the conference of the Armed Services Committees of the House and the Senate, because absent a resolution of this dispute between the three parties I just named, I feel it is incumbent upon the Congress of the United States to address the legislative solution.

Why? Because, for example, the preparations for refueling the U.S.S. *Nimitz* are now 3 months delayed and increasing. The Navy has fewer than the needed aircraft carriers today to meet its operational requirements, and I know from some personal experience nothing is more severe to the United States Navy than prolonged deployments of ships beyond their schedules away from home. It impacts most severely on readiness. It impacts also on the family situations of our Naval personnel and the like.

Likewise, the Navy is tying up commissioned ships; that is, ships still in commission, and requiring full manning on these ships since they cannot be defueled. Six ships will be tied up: *Gato, Whale, Puffer, Bergall, Flying Fish* at Puget Sound Naval Shipyard, and *Bainbridge* at Norfolk Naval Shipyard.

This also impacts the yard work. The representations from the Navy this morning indicate that up to 2,000 shipyard workers in the States of Washington, New Hampshire, Virginia, and Hawaii are subject to layoffs unless this matter is resolved in the very immediate future.

I thank all my colleagues for their support, especially the Senator from Idaho, Senator KEMPTHORNE, for his diligent efforts in reaching this agreement.

Mr. KEMPTHORNE. Mr. President, I am pleased to join Senator THURMOND, Senator WARNER, Senator CRAIG, and Senator EXON in cosponsoring the pending amendment. The pending language strikes the appropriate balance between the legitimate national security requirements of the Navy and the State of Idaho's sovereign right to protect its interests.

The amendment is a recognition that good-faith negotiations are currently underway and it is my hope that these talks will lead to an agreement that protects the interests of all the parties. I want to offer special praise to Governor Batt for his effort to establish reasonable criteria for an agreement to settle this very important issue.

Mr. President, the people of Idaho have a long, successful relationship with the Navy. The Navy has been a good neighbor in southeastern Idaho for over four decades and I want to see that relationship continue.

At the same time, the House and Senate at last seem to be moving forward with a serious plan to deal with the national problem of disposing of spent nuclear fuel. This is a very positive step for Idaho and the Nation and I want to urge my colleagues to keep working toward this solution.

Mr. THURMOND. Mr. President, I am pleased to add my support to this amendment which requires all parties to negotiate in good faith immediately with officials of the State of Idaho in order to resolve the current dispute which has resulted in halting shipments of spent nuclear fuel from the Navy.

I want to commend Senator WARNER, Senator KEMPTHORNE, and others for their diligent efforts in reaching this agreement. It is critical that the Navy be allowed to resume shipments of spent nuclear fuel immediately in order to enable the Navy to continue to defuel and refuel its ships. I hope that those involved in the negotiations on both sides of the issue will work in a spirit of cooperation which provides for a timely settlement because of the serious national security implications.

I support this amendment, recognizing that it provides for further legislation in joint conference should it be necessary. I am confident, however, that negotiating officials, recognizing the importance of reaching an agreement as soon as possible will resolve this issue in the near future.

Mr. CRAIG. Mr. President, I rise in support and as a sponsor of the amendment. It is absolutely crucial that the situation that has arisen over the fueling and defueling of fuels from the nuclear Navy be resolved.

This amendment, putting this body on record as supporting good faith negotiations between the Secretary of Defense and the Governor of Idaho for the purpose of pursuing an agreement on the issue of naval spent nuclear fuels, is a step in the right direction.

Idaho has always recognized the importance of a strong nuclear Navy defense deterrent. Idaho takes a back seat to no one when it comes to supporting the defense of this Nation.

At the same time, however, Idaho will not become a de facto spent nuclear waste repository. The facilities at the Idaho National Engineering Laboratory were never designed nor intended to be a permanent nuclear waste disposal facility. I will not stand for that to happen and will always fight to assure Idaho does not become a nuclear waste dump for the Navy and the Department of Energy.

This Nation must stand up and commit itself to addressing the final disposal of commercial, military, and DOE nuclear fuels. This amendment will go a long way to assure we reach the goal of a functioning Navy and Idaho does not become a permanent nuclear waste repository.

Mr. NUNN. Mr. President, I support the amendment. I think the Senator from Virginia has outlined it correctly in terms of the urgency of trying to find some solution to this. I commend him for sponsoring this amendment. I agree with him. At some point, we will have to legislate on this subject unless the parties can agree.

Mr. President, I believe we have a pending amendment, which is the Nunn-Warner-Levin-Cohen amendment. I ask unanimous consent that be temporarily laid aside so that we can handle these three or four amendments that have been worked out, at which time the pending amendment would then be the pending action.

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

Mr. WARNER. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Virginia.

The amendment (No. 2461) 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. 2462

Mr. NUNN. Mr. President, on behalf of Senator LEVIN, I offer an amendment which would authorize the Army to use leasing agreements to modernize its commercial utility cargo vehicle fleet. This fleet is past the point of economically useful life and has become a significant training and operational maintenance fund. This program, using commercial practices to require essential commercial services, is in keeping with the spirit of acquisition reform.

I believe the amendment has been cleared on the other side.

Mr. WARNER. Mr. President, the Senator is correct. It has been cleared.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. LEVIN, proposes an amendment numbered 2462.

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:

At the appropriate point in the bill, insert the following:

**SEC. . ENCOURAGEMENT OF USE OF LEASING AUTHORITY.**

(a) IN GENERAL.—(1) Chapter 137 of title 10, United States Code, is amended by inserting after section 2316 the following new section:

**"SEC. 2317. EQUIPMENT LEASING.**

''The Secretary of Defense is authorized to use leasing in the acquisition of commercial vehicles when such leasing is practicable and efficient.''

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2317. Equipment Leasing.''

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall submit a report to the congressional defense committees setting forth changes in legislation that would be required to facilitate the use of leases by the Department of Defense in the acquisition of equipment.

(c) PILOT PROGRAM.—The Secretary of the Army may conduct a pilot program for leasing of commercial utility cargo vehicles as follows:

(1) Existing commercial utility cargo vehicles may be traded-in for credit against new replacement commercial utility cargo vehicle lease costs;

(2) Quantities of commercial utility cargo vehicles to be traded in and their value to be credited shall be subject to negotiation between the parties;

(3) New commercial utility cargo vehicle lease agreements may be excuted with or without options to purchase at the end of each lease period;

(4) New commercial utility cargo vehicle lease periods may not exceed five years;

(5) Such leasing pilot program shall consist of replacing no more than forty percent of the validated requirement for commercial utility cargo vehicles but may include an option or options for the remaining validated requirement which may be excuted subject to the requirements of subsection (c)(8);

(6) The Army shall enter into such pilot program only if the Secretary:

(A) awards such program in accordance with the provisions of section 2304 of title 10 United States Code.

(B) has notified the congressional defense committees of his plans to execute the pilot program;

(C) has provided a report detailing the expected savings in operating and support costs from retiring older commercial utility cargo vehicles compared to the expected costs of leasing newer commercial utility cargo vehicles; and

(D) has allowed 30 calendar days to elapse after such notification.

(8) One year after the date of execution of an initial leasing contract, the Secretary of the Army shall submit a report setting forth the status of the pilot program. Such report shall be based upon at least six months of operating experience. The Secretary may exercise an option or options for subsequent commercial utility cargo vehicles only after he has allowed 60 calendar days to elapse after submitting this report.

(9) EXPIRATION OF AUTHORITY.—No lease of commercial utility cargo vehicles may be entered into under the pilot program after September 30, 2000.

Mr. LEVIN. Mr. President, last year Congress passed the Federal Acquisition Streamlining Act of 1995, in which we sought to reform Defense acquisition procedures and rely on more commercial products and processes for the Defense Department.

Consistent with Defense acquisition reform, this amendment authorizes the Defense Department to use commercial leasing practices to acquire commercial vehicles for the Army.

This will permit the Army to modernize its fleet of commercial utility cargo vehicles [CUCVs] without any new appropriated funds.

The Army has an old and expensive fleet of about 45,000 CUCV's. They need a fleet of only about 13,000 CUCV's, and can make significant savings on operation and support costs if they use newer vehicles.

The Army is short on funds for modernization of its vehicle programs, and has identified it as a priority area for modernization. This amendment could help the Army modernize its CUCV fleet at no additional cost.

The amendment is also strongly supported by the Army acquisition executive.

Mr. NUNN. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to the amendment.

The amendment (No. 2462) was agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2463

(Purpose: To place a limitation on the use of funds for former Soviet Union threat reduction)

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of Senator KYL and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. KYL, proposes an amendment numbered 2463.

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:

At the appropriate place in the bill, insert the following:

**SEC. . LIMITATION ON USE OF FUNDS FOR COOPERATIVE THREAT REDUCTION.**

(a) LIMITATION.—Of the funds appropriated or otherwise made available for fiscal year 1996 under the heading ''FORMER SOVIET UNION THREAT REDUCTION'' for dismantlement and destruction of chemical weapons, not more than $52,000,000 may be obligated or expended for that purpose until the President certifies to Congress the following:

(1) That the United States and Russia have completed a joint laboratory study evaluating the proposal of Russia to neutralize its chemical weapons and the United States agrees with the proposal.

(2) That Russia is in the process of preparing, with the assistance of the United States (if necessary), a comprehensive plan to manage the dismantlement and destruction of the Russia chemical weapons stockpile.

(3) That the United States and Russia are committed to resolving outstanding issues under the 1989 Wyoming Memorandum of Understanding and the 1990 Bilateral Destruction Agreement.

(b) DEFINITIONS.—In this section:

(1) The term ''1989 Wyoming Memorandum of Understanding'' means the Memorandum of Understanding between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics Regarding a Bilateral Verification Experiment and Data Exchange Related to Prohibition on Chemical Weapons, signed at Jackson Hole, Wyoming, on September 23, 1989.

(2) The term ''1990 Bilateral Destruction Agreement'' means the Agreement between the United States of America and the Union of Soviet Socialist Republics on destruction and non-production of chemical weapons and on measures to facilitate the multilateral convention on banning chemical weapons signed on June 1, 1990.

Mr. KYL. Mr. President, today, I rise to offer an amendment to the Defense authorization bill concerning the Cooperative Threat Reduction Program, commonly known as Nunn-Lugar. The purpose of this amendment is to require both the DOD and the Russians to get serious about chemical weapons destruction activities and to focus their efforts in a productive manner.

Of the $371 million requested for the Cooperative Threat Reduction Program with Russia and other former States of the Soviet Union, $104 million was requested for chemical weapons destruction.

Reducing the chemical weapons stockpiles of both the United States and Russia is an important goal. Chemical weapons and nerve agents are among the cheapest and most effective manner to kill people. The number of chemical-weapons nations has tripled from 8 in 1969 to as many as 26 today. Moreover, the Stockholm International Peace Research Institute has counted 15 separate cases of recent chemical conflict in the Third World.

The problem is that current CTR Program to reduce chemical weapons is ill defined and lacks focus.

The first purpose of my amendment is to withhold $54 million for a chemical weapons destruction facility until the completion of the joint feasibility study. This approach is consistent with the GAO report from June 1995 ''Weapons of Mass Destruction, Reducing the Threat From the Former Soviet Union: An Update.'' In the report, the GAO noted,

> . . . the United States have yet to agree on the applicability of a technology to be used in chemical weapons destruction facility and may not do so until midway through fiscal year 1996. This uncertainty raises questions as to the program's need for the $104 million it is requesting in fiscal year 1996, in part, to begin designing and constructing the facility.

Agreeing on a destruction technology is important because Russia is currently proposing using a ''neutralization'' technology which would blend the chemical toxin with other chemicals in an attempt to neutralize the toxin. This is an unproven technology and will create two to three times the amount of chemical waste already in the inventory. The United States preferred technology is incineration, although that is not without its problems.

My amendment requires that the United States and Russia complete a joint laboratory study before the United States provides the balance of the $104 million for a controversial, unproven approach.

A second aspect of my amendment is the requirement that Russia agree, with United States assistance, to prepare a comprehensive plan to cope with the Russian chemical weapons destruction program. According to the GAO, the administration originally proposed this approach to the Russians. The current plan is to develop a proposal for each individual which will be involved in chemical weapons destruction—there are seven sites in Russia.

With a declared stockpile of 40,000 metric tonnes, the only way to manage the chemical weapons issue is to view the totality of the problem. The United States cannot be certain whether the proposals deal with the whole problem, unless a comprehensive, detailed plan is prepared. Further, the United States cannot be certain of its total financial obligation without a comprehensive plan.

The third aspect of my amendment is to require the President to certify that the Russians are committed to resolving outstanding issues under the 1989 Wyoming Memorandum of Understanding and the 1990 Bilateral Destruction Agreement.

The Wyoming MOU was intended to build confidence between the United States and Russia in the chemical weapons area and thus facilitate completion of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction. This would be done by exchanging detailed and complete data about their respective chemical weapons programs and by testing inspection procedures.

Under the MOU, during the first phase, the countries are to exchange general data on their chemical weapons and make reciprocal visit to storage, production, and destruction facilities. In the second phase, the counties are to exchange detailed data on their chemical weapon stocks and verify this information through reciprocal on-site inspections. During this phase, each country is to provide the other with general plans for dismantling chemical weapons production facilities.

The first phase of the Wyoming MOU was completed in early 1991. The second phase of the MOU was delayed because of disputes between the two countries. In a report issued to Congress in January 1995 entitled ''U.S. Assistance and Related Programs for the New Independent States of the Former Soviet Union,'' the administration was more forthcoming. The report says:

> . . . Phase I of the [Wyoming] MOU was completed in February 1991. Documents allowing for the second and final phase of the MOU were agreed upon at the January 1994 Moscow Summit. Russian implementation of Phase II has yielded problematic results. . . . The U.S. believe that several key question and concerns have not yet been resolved in Russia's data declaration. . . . The U.S. continues to have significant concerns about Russia implementation of the Wyoming MOU. . . . Russia still must take concrete steps to fulfill its commitment and resolve existing problems.

Although not yet ratified, the Bilateral Destruction Agreement requires each party to undertake not to produce chemical weapons and to reduce their chemical weapons stockpile to 5,000 agent tonnes. The principle issue holding up completion of the agreement concerns the conversion of former chemical weapons production facilities. Russia missed the December 1992 original target date for starting its destruction program. Currently, it has no comprehensive plan defining when and how the weapons will be destroyed. An unclassified ACDA report on arms control compliances merely notes that ''questions remain on certain aspects of the Russian date declaration and inspections.''

The Wyoming MOU and the Bilateral Destruct Agreement were intended to support and facilitate the Chemical Weapons Convention which would restrict members from developing, producing, acquiring stockpiling, retaining transferring or using chemical weapons, and require the destruction of those weapons within 15 years.

Although it is in our interest to have Russia agree to a verifiable Chemical Weapons Convention, how can the United States have any confidence in the integrity of the CWC, if Russia has failed to implement these two agreements? For these reasons, Mr. President, it is my intent that the Senate send a signal to Russia and the DOD to get serious about putting this important chemical weapons destruction program in place.

COOPERATIVE THREAT REDUCTION PROGRAM

Mr. THURMOND. Mr. President, I would just like to make some general comments about the Cooperative Threat Reduction Program, otherwise known as Nunn-Lugar.

To date, close to $1.6 billion has been authorized or appropriated for this program. Out of this amount, less than half of the funds have been obligated. Earlier this year, the Department of Defense told the committee that they expected to obligate around $860 million of the previous year's funding by the end of the fiscal year.

The committee has been supportive of this effort to help the Republics of the former Soviet Union dismantle and destroy their chemical and nuclear weapons stockpile. For various reasons, however, the Department has run into problems in managing the program, either through administrative problems on the United States side, or, as a result of not being able to conclude implementing agreements with

Russia and the other Republics. I believe the program has been a useful political tool. However, I don't believe that the program has accomplished as much as the Department of Defense would lead one to believe. The Department of Defense says that the large number of reductions in Russia and the Republics are as a result of the assistance received through this program.

Mr. President, that can hardly be the case, when the majority of the funds for this program overall were not obligated until the latter part of 1994. I believe it is accurate to say that this program has been helpful in securing the reductions and return of the strategic nuclear weapons from the three Republics, Ukraine, Belarus, and Kazakhstan. Russia, however, achieved their reductions prior to entry into force of the START Treaty because it was in their economic interest to do so. By implementing the reductions prior to START entering into force, Russia was able to dismantle those items without having to declare them under the treaty and adhere to the dismantlement requirements of the treaty. A number of Members have been concerned with the slow rate of obligation of the Cooperative Threat Reduction Program. For that reason, the committee recommended a reduction from the President's budget request, and also agreed with the recommendation of the Senator from Arizona, to place limitations on the use of the funds, pending a Presidential certification regarding the progress of the chemical weapons dismantlement program.

Last week, the Senate Foreign Relations Subcommittee on Europe conducted two hearings on nuclear terrorism and proliferation. The majority of witnesses recommended that funds for this program, as well as the Department of Energy's companion program be substantially increased.

Mr. President, I believe that recommendation is premature, based on the track record of the Cooperative Threat Reduction Program. The committee will continue to pay close attention to the Department's management and obligation rate of the Cooperative Threat Reduction Program.

Mr. NUNN. Mr. President, this is an amendment that the Senator from Arizona had on the Defense appropriations bill. I believe it has been worked out. I worked with him on it. We modified some of its provisions.

I urge its adoption.

Mr. WARNER. Mr. President, the amendment would limit the use of funds authorized for the Cooperative Threat Reduction Program pending certification of the following: First, the United States and Russia have successfully completed a joint laboratory study evaluating the chemical weapons neutralization process; second, that Russia is in the process of preparing a comprehensive plan to dismantle and destroy its chemical weapons stockpile; and third, that Russia remains committed to resolving the outstanding issues regarding its compliance with the 1989 Wyoming memorandum of understanding and the 1990 bilateral destruction agreement.

This is a very important amendment. We urge its adoption.

Mr. NUNN. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to the amendment.

The amendment (No. 2463) 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. 2464

(Purpose: To make various technical corrections and other technical amendments to existing provisions of law)

Mr. WARNER. Mr. President, I send an amendment to the desk in behalf of the chairman of the Armed Services Committee, Senator THURMOND, and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. THURMOND, for himself and Mr. NUNN, proposes an amendment numbered 2464.

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 appears in today's RECORD under Amendments Submitted.)

Mr. WARNER. Mr. President, this amendment, on behalf of the chairman of the Armed Services Committee, makes certain technical amendments to the existing provisions of law. The amendment has been cleared on both sides. I urge its adoption.

Mr. NUNN. Mr. President, I urge the Senate to adopt the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

So the amendment (No. 2464) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to. I move to lay it on the table.

The motion to lay on the table was agreed to.

Mr. SIMON. Mr. President, while I commend the work of the Senators involved in negotiating this compromise amendment on missile defenses, which is certainly an improvement over what is currently in the bill, I cannot support the amendment. By nature, compromises are never perfect, but they usually take the form of something each side can live with. In this case, I do not believe that the language in this amendment is something we can afford to live with.

Despite the changes, this proposal still commits us to the deployment in the near future of expensive and destabilizing missile defense systems. This is not the way we should be going. The time and energy the Senate has put into this issue would be much more wisely spent on ratification of the START II and chemical weapons treaties, which are sitting in the Foreign Relations Committee. The proponents of robust missile defenses argue that the end of the cold war makes obsolete arms control treaties negotiated in that area. I could not disagree more. The way to a more secure United States and a more peaceful world is through building on our arms control treaties, not destroying them.

This amendment, while designed by its authors to be compliant with the ARM Treaty, moves us in the direction of fundamentally altering or even withdrawing from the treaty. The AMB Treaty is a cornerstone of our arms control policies, and I believe we must retain its integrity, especially to ensure Russian ratification and implementation of START II. Putting at risk this ratification makes us less safe, not more.

I am also concerned about the costs of deploying national missile defenses, which has not entered into this debate to the extent it should. By one estimate, it could cost some $100 billion, and the way weapons systems go, like the B–2, it is not hard to imagine the costs soaring higher. Many of the proponents of this star wars-like deployment joined me in supporting the balanced budget amendment, but have not explained how they would reconcile that goal with the huge costs of this program.

I recognize the choices that had to be made on this issue, and Senators NUNN and WARNER got the best deal that they could. But when Senator WARNER says that the amendment sets a clear path to deployment of national missile defenses, I have no choice but to oppose it.

Mr. COCHRAN. Mr. President, I commend my colleagues who were involved in drafting this amendment on missile defense. The hard work that went into the crafting of this compromise is strong evidence of both the importance of the issue and the dedication of the members and staff who spent many days and nights attempting to defense common ground on this critical issue. Their efforts, and the several votes we have already had on the fiscal year 1996 Defense authorization and appropriations bills regarding missile defense will be viewed one day as the turning point in the debate on defending America and American interests against ballistic missile attack.

There are elements of this compromise that I am satisfied with. For example, section 232(9) contains the following language: ''Due to limitations in the ABM Treaty which preclude deployment of more than 100 ground-based ABM interceptors at a

single site, the United States is currently prohibited from deploying a national missile defense system capable of defending the continental United States, and Hawaii against even the most limited ballistic missile attacks.'' While some might find virtue in being defenseless against even the most limited of threats—a threat not even contemplated during the negotiations of the ABM Treaty—I do not. This defenselessness can only serve as an invitation to those with interests that are hostile to our own to develop or acquire the capability to put the United States at risk from long-range ballistic missiles. That this amendment recognizes our inability to defend against even a limited threat should be regarded as progress.

The recent revelations about Saddam Hussein's weapons program should teach us that we won't ever know as much about some ballistic missile and weapons of mass destruction programs as we think we do. Combine this with the cavalier export control regimes of other countries currently possessing these weapons and delivery systems, and the oft-stated l10 years until the United States could be threatened by long-range missiles sounds more like wishful thinking than dispassionate analysis.

I have three major concerns with this amendment:

First, unlike the committee-reported bill, the amendment does not require the deployment of a national missile defense system capable of defending all of the United States against even the most limited of threats. This must change. We have been engaged for too long in developing for deployment the necessary systems. Instead of committing to deploy an NMD system against a limited threat, this amendment commits to more procrastination. We've had enough of this, and anything short of a commitment to deploy is unacceptable.

Second, section 238 of the amendment prohibits the use of funds to implement an ABM/TMD demarcation agreement with any of the states of the former Soviet Union which is more restrictive than that specified in section 238(b) without the advice and consent of the Senate or enactment of subsequent legislation. This funding prohibition is fine, as far as it goes; unfortunately, it does not go far enough. The amendment is silent on the possibility that the administration could enact a more restrictive demarcation unilaterally. In essence, the amendment tells the administration that if it wants to have a more restrictive demarcation standard than that spelled out all it has to do is announce the standard unilaterally, without Russian agreement. This amendment would not prohibit the use of funds by the administration if it were simply to take the current Russian proposal on demarcation and adopt it as the unilateral position of the United States. To go one step further, as written this amendment would allow both the United States and Russia to adopt the same Russian proposal unilaterally without triggering the prohibition on the use of funds in section 238(c). If we are not willing to permit, as part of a bilateral or multilateral agreement, a more restrictive demarcation standard than that specified in the amendment, why should we be willing to allow the adoption of a more restrictive standard unilaterally?

Third, prior to deployment of a national missile defense system capable against a limited threat, section 233(3) of the amendment mandates congressional review of, ''(A) the affordability and operational effectiveness of such a system; (B) the threat to be countered by such a system; and (C) ABM Treaty considerations with respect to such a system.'' In addition to the fact that section 233(3) (A) and (B) are unnecessary restatements of a basic purpose of each year's Defense authorization and appropriations bills for all defense programs, the requirement in section 233(3)(C) is completely backward. Instead of requiring review of the effect of defending America on the ABM Treaty, we ought to review the effect of the ABM Treaty on defending America. The defense of our country is more important to me than the defense of a treaty that puts our country at risk.

There are other parts of the amendment in need of improvement, though they are of lesser importance than the problems I've already raised. I'll conclude by making four observations: First, notwithstanding the desire by some to ignore the threat posed to the United States by weapons of mass destruction and their ballistic missile delivery systems, this threat is serious and we cannot continue to procrastinate over employing the means at hand to reduce this threat. Second, a national missile defense against a limited threat would in no way undermine United States-Russian deterrence, and would only enhance deterrence of rogue nations or groups with interests contrary to those of the United States, all of whom are limited by scarcity of funds. We would do well to pay close attention to what Secretary Perry said recently, that, ''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.'' Third, however the Russian Duma acts on the START II Treaty, its decision will be based on many factors, only one of which is their perception of United States actions with regard to the ABM Treaty. It is incorrect to suggest that Duma ratification of START II is based solely on our ballistic missile defense legislation, and the Senate cannot allow itself to be held hostage by threats of retaliation by the Duma. Fourth, the missile defense provisions in the underlying bill will not violate the ABM Treaty unless the administration takes no action to modify the treaty. Indeed, Secretary of State Christopher made this point in an August 14, 1995 cable, where in talking points provided for selected U.S. embassies he said, ''The provisions as proposed by the Senate Armed Services Committee call for deployment of a national, multiple-site missile defense that, if deployed, without treaty amendment, would violate the ABM Treaty.'' Secretary Christopher is saying that a multiple-site NMD system could be made ABM Treaty-compliant by simply amending the treaty. The assertions that have been made on this floor and by administration officials that, in and of itself, the underlying bill violates the ABM Treaty, are wrong. If you don't want to take my word for it, ask Secretary Christopher.

I think the amendment weakens the committee-reported Missile Defense Act of 1995, but having said that it is important to get this bill to conference where we will have an opportunity to improve these provisions.

Mr. DOLE. Mr. President, 1 month ago I rose to support the Missile Defense Act of 1995, as the Armed Services Committee reported it. It seemed to me to be just about the right response to the growing threat of weapons of mass destruction and ballistic and cruise missiles. Frankly, I was a bit surprised by the vehemence with which some of my colleagues opposed the bill once it came to the floor.

Many Americans are unaware that right now, America is defenseless against ballistic missiles. If that fact were better known, I think many Americans would be very angry that the Missile Defense Act of 1995 ran into so much opposition from the Clinton administration and some of my colleagues on the other side of the aisle.

But the fact is that our choice—the choice of those who want to protect America from this growing threat—was between this revised amendment or no bill at all. Given the other important aspects of this bill, and given Saddam Hussein's recent revelations, we chose to work things out and to take a step toward defending America—although it is not as big a step as we wanted. Nevertheless this amendment is a step forward and, let us not forget, we will have an opportunity in conference with the House to make modifications.

In any case, there can be no doubt that this bill and this amendment take concrete steps toward establishing effective theater and national missile defenses.

On the essential question of national defense, this amendment establishes as U.S. policy the deployment of a multiple-site national missile is operationally effective against limited, accidental, or unauthorized ballistic missile attacks on the territory of the United States—a defense system that can be augmented over time to provide a layered defense. The Secretary of Defense is instructed to implement this policy

by developing a national missile defense system—consisting of ground-based interceptors, fixed ground-based radars, and space-based sensors—capable of being deployed by the end of 2003.

Unlike some of my colleagues who still believe that the cold-war-era ABM Treaty defends America, I believe that nothing short of the development and deployment of an effective national missile defense system will truly protect America against the threats of the 21st century.

The recent revelations by Saddam Hussein—that the Iraqis filled nearly 200 bombs and warheads for ballistic missiles with biological and toxin weapons—should drive this point home.

With respect to the ABM Treaty, this legislation calls for a year of careful consideration on how to proceed with the ABM Treaty in the longer term. During that time the President could and should seek to negotiate with Russia a mutually beneficial agreement that will allow the United States to proceed with multiple-site deployments. Furthermore, this legislation prohibits the use of funds to implement an agreement limiting theater missile defenses—which were never limited by the ABM Treaty—without the advice and consent of the Senate. This was intended to address to the very real concern that the administration has not abandoned the ill-conceived course of negotiating changes to the ABM Treaty that would restrict theater missile defenses despite oft-stated and deep-seated Senate objections.

This legislation also establishes a theater missile defense core program and a cruise missile initiative that focuses our resources on deploying effective systems that are needed right now to defend, American interests around the globe.

Mr. President, this amendment does not achieve all of the objectives I would like to have seen achieved. However, it does take firm, tangible steps toward defending America—most importantly by setting a goal of 2003 to deploy a multiple site, effective defense of the United States of America. On this there cannot be and will not be any compromise. We will have a conference with the House. And if the conference report that is worked out is acceptable and is passed by the Congress, the responsibility will be with the President to sign this bill so that defending America becomes the law of the land.

HANS BETHE WARNED OF THIS

Mr. MOYNIHAN. Mr. President, at a point in our history when we have successfully avoided the Armagedonnic catastrophe of nuclear confrontation and have began the sensible process of limiting nuclear warheads by treaty, the Senate proposes to adopt a bill that could resurrect the nuclear arms race, and, in the process, jeopardize 23 years of arms control treaties. The Armed Services Committee has presented the Senate with a bill that proposes a national ballistic missile defense system. The Congressional Budget Office estimates this is a $48 billion proposition.

Can we in good conscience embark on a project to doubtful feasibility and enormous cost, which only addresses one of many nuclear threats? Potential adversaries will simply channel their resources into producing delivery vehicles that the system could not defend against; submarines, cruise missiles, stealth aircraft, terrorists car bombs.

In 1977, Prof. Han Bethe of Cornell University, one of the most distinguished figures of sciences in the nuclear age, during a visit to my home in upstate New York, warned me that such a plans would 1 day be presented to the Senate.

On March 23, 1983, with little attention given to the technical details, President Reagan proposed an initiative which became known as the strategic defense initiative [SDI]. We have yet to work out the technical details of a national missile defense system. Yet there are those in this body who appear to be bent on deploying some remnant of the SDI, without regard to the potential threats that exist, or the costs involved.

In testimony to the Foreign Relations Committee in 1992, Dr. Bethe elaborated on his objections to deploying such a system. I ask unanimous consent that an excerpt from the transcript of that hearing be printed in the RECORD.

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

HEARING BEFORE THE COMMITTEE ON FOREIGN RELATIONS, FEBRUARY 25, 1992

Senator MOYNIHAN. I recall that 15 years ago, Dr. Bethe, you and Mrs. Bethe very graciously came to lunch, and you tried to warn me against something I never heard of. I really didn't know what you were talking about. It turned out to be Star Wars.6

You described, as I recall, having me with a Soviet physicist in a conference in Rome or some such place and you both agreed that there were those people who thought one could have a small nuclear device explode in space and send out a laser beam that would zap something on the other side of the universe. You both agreed that it was crazy but that there were plenty of crazy people in both our countries and they were likely to try it. You were not wrong.

But now we are further down in our notions. Brilliant Pebbles I think is the most recent formulation.

Do you think we should pursue this kind of anti-missile technology at this level? I know that you thought at the grand level it would not prove coherent, and it did not. But might it at a lower level? Did you have any thoughts for us on this?

Dr. BETHE. I have a strong opinion on Star Wars. I thought it was misconceived from the beginning, and by now I think there is no reason at all to pursue it or to pursue any variation of it.

Senator MOYNIHAN. Or to pursue any variation of it.

Dr. BETHE. The Brilliant Pebbles, in contrast to the X-ray laser, are likely to be technically feasible. But I am terribly nervous about having 1,000 such devices cruising about above the atmosphere. One of them might hit an asteroid. They tell me and I think they are right that they have precautions against that. But I believe that the only thing that should be done is research. That should continue. But we should not deploy any of these devices.

Senator MOYNIHAN. Did I hear you correctly when you said that it might hit an asteroid?

Dr. BETHE. Yes.

Senator MOYNIHAN. I thought for a moment you had said ''astronaut.'' But it might be both or either, for that matter, if it comes to it.

May I say to the Chairman and to my colleague, Senator Robb, that in 1977, Hans Bethe on our back porch in upstate New York, said one of these days some crazy scientist is going to come along to you fellows in the Senate and say I have a plan whereby we put these nuclear weapons in place all over the atmosphere and at a certain point we detonate them and they produce a laser and it goes zap. And he said it's coming and when it comes, tell those people they are loony.

Well, it came, just as he predicted. In 1945, he wrote that the Soviets could have the bomb in 5 years; they got it in 4. After our luncheon in 1977 we got Star Wars in 5, I think.

We could have saved ourselves a lot of grief, it seems to me, if we had listened to you in the first place. You know, the people who built these bombs know something about how they work. Dr. Bethe, you've even suggested you could go down into the basement and turn uranium into reactor fuel. It is not that much of a technical feat.

But you would keep the research going on the general principle that you ought to know as much physics as you can but leave it on the ground and not deploy any Brilliant Pebbles or Sullen Sods or whatever.

Dr. BETHE. I think we should not deploy any of this. I think even if they are effective, everybody has agreed that they are no good against a strong enemy like the Soviet Union used to be. I think it would be a mistake to deploy such devices against accidental launch of Third World countries.

Is that the answer you wanted?

Senator MOYNIHAN. Yes. I wanted your view, but that was the question I wanted answered. Yes.

Does Ambassador Nitze have a different view?

Ambassador NITZE. I think the terms involved are very confusing and are not precisely defined. With respect to the interception of shorter-range ballistic missiles, for instance, such as the Patriot missile, which was used during the Gulf War, I think that is an important thing which one should continue to develop.

Dr. BETHE. [Nods affirmatively.]

Senator MOYNIHAN. I think you are getting agreement from your colleague at the table. But those are ground-based or at least based within the atmosphere.

Ambassador NITZE. They are ground based, the Patriot missile. I think most of the devices which might be used against, for instance, shorter-range things, such as SCUDS, would be ground-based. But there are some that are not.

The man who really invented Brilliant Pebbles—I forget his name—now works at Los Alamos and he believes that one ought to go for something which he calls ''burros,'' being the stupidest animal around. Instead of having these bright interceptors, you have ones with low capability but which would be very good against shorter range missiles, which would be in the lower atmosphere. I think he may be right about that.

So if there are ways and means of dealing with the shorter range threats, which the Saddam Husseins or the Iraqis and so forth are capable of, I think we ought to be willing

to deploy those in the event the technology works out.

So it's a question of I want to know precisely what it is that we are talking about when we say don't do it or do do it.

Senator MOYNIHAN. Dr. Bethe does not seem to disagree with that.

Dr. BETHE. I agree that it would be good to have an effective means against shorter-range missiles. Brilliant Pebbles is not the right thing, and I believe some knowledgeable people think that we can have such a device. When we see one, I am in favor of it.

Senator MOYNIHAN. Thank you very much.

Mr. MOYNIHAN. Mr. President, George P. Shultz recounts in his biography ''Turmoil and Triumph'' that SDI was President Reagan's own idea but that the plan was announced after a favorable endorsement from the Joint Chiefs of Staff. Then Secretary of State Shultz reports that when Lawrence Eagleburger informed him that the Joint Chiefs of Staff had told the President that a strategic defense system could be developed, the Secretary responded, ''The Chiefs are not equipped to make this kind of proposal. They are not scientists.'' Of course, when the scientists were consulted, it was concluded it could not be done.

Finally, consideration must be given to the possible response of Russia to our actions. The original bill would have required us to abrogate the ABM Treaty. If we were to break the ABM Treaty unilaterally, it is clear that Russia would respond by rejecting START II. This amendment still proposes that if the Russians do not agree to modify the ABM Treaty to allow us to deploy a national missile defense system that consideration be given to United States withdrawal from the ABM Treaty. Russian nationalists would certainly be pleased if we would do so.

My point is simply that the national missile defense system envisioned in this bill will only be effective against limited ballistic missile attacks. Limited is not defined, but it is unlikely that it might be referring to a capability of defending against 1,400 ballistic missiles launched simultaneously? We can wipe out 1,400 ballistic missiles; not with a ballistic missile defense system, but with a treaty. The START II Treaty. Treaties can go a long way to protecting us against nuclear weapons. If we jeopardize ratification of START II, we risk a lot for this limited ballistic missile defense system.

## MISSILE DEFENSE

Mr. INHOFE. Mr. President, during the August recess, I had about seven events each day and never passed up the opportunity to let them know about the most critical threat facing America today—missile attack. I spoke about the fact that the actions we take today will directly affect the kind of defense posture our country has in 5 to 7 years.

The danger we face is real. Yet I was surprised and shocked at the ambivalence and lack of understanding that exists concerning this vital issue. Many people simply do not realize—and are themselves shocked to be told—that our country today has no missile defense system in place capable of protecting American cities from long range missile attacks.

I estimated that perhaps most Oklahomans were not readily aware of some of the basic terms of the debate currently going on in Washington about the important missile defense provisions of the current defense authorization bill.

I would suggest that part of the reason for this has to do with the media, particularly the national media, most of which has either not adequately focused on this issue or has skewed it in such a way as to downgrade its importance. But there are also similar problems with the local media.

For example, in Oklahoma there are two major daily newspapers, the daily Oklahoman and the Tulsa World. Their differences reflect similar disparities in the national media.

The Tulsa World reflects a consistent liberal view of the world, one which favors the expansion of the role of government in almost every area except defense. Their left-leaning editorial view tends to distort the reality of significant issues such as missile defense.

The daily Oklahoman, on the other hand, much more clearly reflects the conservative social and economic values of Oklahomans. It is a larger paper and provides a much more realistic approach to issues such as national defense.

During the past month, each of these papers had major editorials on the threat of missile attack. There is quite a difference in their approach. I think it will be instructive for my colleagues to examine these editorials and ponder how the media is shaping the debate about vital issues facing our country.

I therefore ask unanimous consent that the two editorials I mentioned concerning missile defense—one from the Tulsa World and one from the daily Oklahoman—be printed in the RECORD.

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

[From the Oklahoman, Aug. 20, 1995]

### FOR THE COMMON DEFENSE

The Clinton administration's attachment to a pair of international agreements has the potential to weaken U.S. defenses against a foreign attack.

President Clinton last week announced the United States would cease future nuclear weapons tests in hopes of energizing stalled talks aimed at producing a worldwide test ban.

At the same time, Clinton's threatened veto of the defense authorization bill—because it orders development of a national missile defense system—is behind efforts to water down the missile defense part of the bill.

It's a double-whammy for U.S. national security.

First, although declaring a U.S. nuclear test ban looks great on television and might evoke comparisons with John F. Kennedy (something Clinton wouldn't mind), it's quite a leap of faith minus guarantees the Russians will do likewise.

Also, Pentagon officials are concerned a test ban will make it impossible to guarantee the reliability of America's 7,000 nuclear weapons. Sen. John Warner, R–Va., says doubt about the U.S. arsenal could even invite a nuclear attack.

Alarmingly, it appears Clinton cares more about reviving world test ban talks than he does about protecting the United States.

Concerning national missile defense, the Senate bill mandates a system to protect the country from deliberate or accidental missile attack. But Clinton has threatened a veto, saying it would violate the 1972 Anti-Ballistic Missile Treaty signed with the then-Soviet Union.

Recently four senators proposed an amendment to allow missile defense planning but delaying deployment pending congressional review. It also would permit the president to negotiate changes in the ABM treaty to allow a missile defense.

Sounds pretty good, but some analysts say the amendment, which will be voted on when Congress returns from its August recess, could be a subtle way to kill a missile defense system.

Baker Spring of the conservative Heritage Foundation says the amendment's delaying aspects would allow Clinton, who opposes missile defense, ''to strangle programs in the crib.'' Spring says it seems as if ''we're saying the ABM treaty comes first, the defense of the nation comes second.''

Finally, Clinton argues two mutually exclusive ideas. First, he says existing nuclear weapons can defend America, making a missile defense unnecessary. Then he says the United States will quit the testing that ensures the reliability of current weapons systems. Huh?

Clinton can't have it both ways. The Senate should insist on moving ahead with a missile defense program.

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[From the Tulsa World, Aug. 14, 1995]

### PORK, REPUBLICAN STYLE

Right-wing Republicans in Congress are pushing a bill that would force the Pentagon to develop a multi-site national missile defense system by 2003. This is the latest incarnation of the Star Wars program, a science-fiction anti-missile system that blossomed during the Reagan administration.

There are many reasons why this outrageously expensive scheme should be put to sleep once and for all.

First, it would have to work perfectly in order to protect American cities and military bases from nuclear weapons. It would do little good to knock down 19 out of 20 nuclear-tipped missiles aimed at, say, New York. The 20th bomb would do the job. Anyone who works with computers and other electronic equipment knows from personal experience that this goal of perfect performance is impossible.

Even if science could find a perfect way to frustrate a missile weapons system with a 100-percent success rate, the same science could just as easily find the means to frustrate the anti-missile system. So, the next logical step would be an anti-anti-missile system, a weapon to knock out or to disable the anti-missile defense system. It wouldn't have to be disabled completely—just enough to get a few nuclear devices through the ''shield.''

But there are more urgent reasons why this is a bad idea. It would violate the 1972 anti-ballistic missile treaty with the former Soviet Union. This pointless provocation does not reduce the risk of nuclear war. It increases it.

Finally, it is an insult to the budget-balancing process. It is unbelievable that this wasteful scheme is being advanced at the

same time Americans are being asked to accept cuts in such things as education, care for the elderly and medical help for the poor.

John Isaacs, spokesman for an arms control advocacy group, explained part of the problem: ''Defending pork is a bipartisan pastime. It is endorsed by both Democrats and Republicans.''

Star Wars is the right-wing Republican version of pork.

Mr. INHOFE. Mr. President, some of my colleagues who have been complaining about the liberal eastern media should be aware that there are similar problems and concerns reflected in the local media in the very heartland of America.

As we approach a vote on the missile defense provisions of the defense bill which have been worked out among our colleagues on both sides of the aisle, I want to commend Senators for their good-faith efforts to reach a compromise on this very complex and contentious issue.

I supported the wording of the original bill that came out of the committee as a good start which recognized the threat and put us on the road to providing the real missile defense we need.

While I will vote in favor of the new compromise provisions, I am not pleased with the weakening of language and goals that this compromise represents. I am very hopeful that the language can be significantly strengthened when we get to conference.

We started out saying that we would deploy a national missile defense system. Now we are just going to develop for deployment a national missile defense.

This compromise urges deployment of theater missile defenses to benefit our deployed troops and allies, but only allows a missile defense for the American people to be developed for deployment.

We began by simply calling for highly effective missile defenses; we have now required that they be affordable missile defenses.

No one wants to waste money. But how will affordability be defined? How do we put a price on defending America from missile attacks?

The truth is that the term ''affordable'' will simply be used as a club by opponents of missile defense for whom the price of security is always too high.

The term ''cost effective'' will just be used to fight every dollar that we try to spend on missile defense from now on.

Cost effectiveness should not even be an issue—the destruction by one bomb of a single building in Oklahoma City cost $500 million. Imagine how much a limited strike by nuclear weapons will cost.

We claim to recognize that the era of mutual assured destruction is over. But instead of recognizing the reality that the ABM Treaty is a relic of the cold war and mutual assured destruction, this compromise requires negotiations with the Russian Government within the context of the ABM Treaty before we defend the American people from attack.

This is a much smaller step forward than it should have been. We should stop talking about developing options, and begin to deploy a national missile defense system.

The American people must know that the threat we face in the very near future is real and it affects all of us. It would be the height of irresponsibility if we were not prepared to meet this reality.

The challenge before us is to face the facts. Former CIA Director James Woolsey, who served in the Clinton administration and is no partisan advocate, has told us bluntly: Up to 25 nations either have or are developing weapons of mass destruction and the missiles to deliver them.

The CIA currently tells us that North Korea is now working on a long-range missile—the Tapeo Dong II—which may be capable of reaching Alaska and Hawaii within 5 years.

These are serious challenges. It is our duty to face them now and not blind ourselves by rationalizing that we can wait 10 more years or 20 more years. If we do, it may well be too late.

So it is my hope that when the defense bill gets to conference we will be able to strengthen the language so that we make it clear that we are proceeding on a course which will put in place a national missile defense system within 5 to 7 years.

In my mind, this is the least we can do to meet our highest constitutional obligation—the one without which no other obligations have any meaning—to provide for the common defense—the protection of our people, our freedom, and our country.

Mr. KYL. Mr. President, today, the Senate is considering the bipartisan compromise on ballistic missile defenses [BMD]. Although two key amendments by opponents of BMD were voted down by the Senate on August 3 and 4, the bipartisan amendment is necessary in order to advance the Department of Defense authorization bill and to bring it to a conference with the House.

I supported the original version of the bill submitted by the Armed Services Committee. The original version set a proper course for deployment of theater and strategic ballistic missile defenses on a time-line commensurate with the potential threat. Additionally, the original language repudiated the ABM Treaty and its philosophical basis, mutual assured destruction, by declaring that it is the policy of the United States that the two are ''not a suitable basis for stability in a multipolar world.''

Though I am not at all entirely pleased with the compromise language, the present version does preserve the fundamental principles of the original bill: immediate deployment of theater missile defenses; the possibility of multiple site national missile defense deployments; layered defenses; and review of the ABM Treaty. The new language differs from the original bill in three sections. I hope that these differences, which are as follows, are addressed by the conferees.

First, the compromise calls for the United States to embark on a program to develop for deployment a national missile defense system. This characterizes the research we have undertaken for the last 12 years and changes nothing with respect to our Nation's commitment to deploy defenses. The original bill clearly called for deployment of a national missile defense system and is a more proactive statement of congressional intent to deploy a national missile defense system rather than to conduct research forever.

The threat facing the United States, its allies and troops abroad by the proliferation of ballistic missiles mandates that we move forward toward deploying ballistic missile defenses. In a March 1995 report, ''The Weapons Proliferation Threat,'' the Central Intelligence Agency observed that at least 20 countries—nearly half of them in the Middle East and Asia—already have or may be developing weapons of mass destruction and ballistic missile delivery systems. Five countries—North Korea, Iran, Iraq, Libya, and Syria—pose the greatest threat because of the aggressive nature of their weapons of mass destruction program. All already have or are developing ballistic missile that could threaten U.S. interests.

Second, in addressing the requirements of a layered defense system, the compromise language merely calls for a system that can be augmented over time as the threat changes. The original bill required a system that will be augmented over time as the threat changes to provide a layered defense. The key issue here is whether the DOD plans now for a layered defense system, one potentially with space-based assets, or does DOD merely hold out the option for the possibility of evolving to a layered defense?

I believe the commitment for layered defenses is important. Space-based interceptors provide worldwide, instantaneous protection against missiles launched from anywhere in the world, and are both cheaper and more effective than their ground-based counterparts. Missiles launched—either by accident or in anger—against the United States or our allies and friends, could be destroyed in the early stages of their flight, before they release their warheads if, but only if, we have space-based interceptors. This is especially important with multiple warhead missiles or missiles with chemical or biological warheads. With the latter, the early intercept results in more harm to the attacking nation as chemical or biological agents would be dispersed over its territory. Another advantage of space assets is that they are always on station.

Third, both the compromise and the original bill have language concerning the demarcation line between strategic

and theater ballistic missile defenses. This section was necessary because the current position of the Clinton administration constrains key theater missile defense systems. The effect of what the Clinton administration proposed was to degrade the only advanced theater systems in research and development in the United States. The bill and compromise both require the administration to submit for approval by the Senate any agreement it reached with the Russians on limiting theater missile defenses. In addition, it prohibits the expenditure of funds for 1 year only to implement any agreement that would limit the capability of our theater missile defense systems. It is my hope that in conference, the restriction will be made permanent.

The compromise version, however, does not make clear that it is the intent of the Senate, that any unilateral limitation by the United States should also be subject to the advice and consent of the Senate. The administration has received five letters from Members of the Senate and has participated in countless meetings over the past 8 months on this subject. That the Senate takes this matter seriously and would not look favorably on attempts to circumvent the clear intent of the Senate, should be abundantly clear.

The United States must proceed immediately with the development and deployment of theater ballistic missile defenses, and, at the earliest practical time, should deploy national missile defenses. During the last 4 weeks, while Congress has been on recess, information has surfaced concerning Iraq's military buildup of weapons of mass destruction. The Washington Post reported that Iraq turned over 147 boxes and two large cargo containers containing information which describes a broader and more advanced effort by the country to produce nuclear arms, germ weapons and ballistic missiles than previously known. Among the new disclosures is an Iraqi admission that it had germ or toxin- filled shells, aircraft bombs and ballistic missile warheads ready for possible use during the Persian Gulf war.

Iraq also admitted to having begun a crash program in August 1990—the month it invaded Kuwait—aimed at producing a single nuclear weapon within 1 year. And, finally, the U.N. Special Commission on Iraq plans to investigate Iraq's admission that it was capable of indigenously producing engines for Scud missiles and that it has made more progress in developing a longer range missile than it had previously stated.

The important lesson is that we almost always know less about a country's program to develop weapons of mass destruction that we think we do. We cannot afford to be sanguine about how long it will take one country or another to develop a ballistic missile that can threaten the United States. The evidence suggests that the threat is closer than we think. It is time to seriously address this issue.

In closing, Mr. President, I want to stress that my preference is to stick with the original bill language, and I will work with the conferees to reinstate some of the critical sections of that bill. However, in an effort to advance the DOD bill to conference, I am reluctantly supporting the compromise amendment.

Mr. BIDEN. Mr. President, I rise in support of the Nunn-Warner-Levin-Cohen amendment. I commend my colleagues for their tireless efforts in developing a compromise on this issue which moves us away from some of the most dangerous steps called for in the committee version of the Missile Defense Act of 1995.

I still have serious reservations about the compromise language, particularly the effect it may have on Russian ratification of the START II Treaty. I also question whether the greatest threat of a nuclear detonation in the United States comes from ballistic missiles.

However, given the likelihood that the Defense authorization bill will pass, I will support the amendment before us as a way to remove some of the more egregiously misguided provisions in the current bill language on missile defense.

I would like to discuss briefly some of the areas where I see improvement and to point out candidly those provisions in the amendment which I regard as still being problematic.

The amendment clearly makes significant improvements over the current language. It moves us away from the certainty of deploying a national missile defense system by 2003. It narrows the focus of missile defense efforts from all ballistic missile threats to accidental, unauthorized, or limited missile attacks. It guarantees a decisive role for the Congress before deployment can occur. It removes restrictions on the President's ability to negotiate with Russia an appropriate demarcation standard between strategic and theater ballistic missile defenses. And it includes the requirement that missile defenses be affordable and operationally effective.

These are no small achievements. They represent significant substantive improvements over the current language.

There are still several areas of weakness, however.

As I said earlier, I am particularly concerned about the effect this amendment may have on the START process. While the authors of this amendment have done their best to move us away from a collision course with the ABM Treaty, and many of us believe that they have, that may not be a view shared in Moscow by the Russian Duma.

I am not sure they will understand the fine distinction between ''develop for deployment'' and ''deploy.'' I am not sure they will understand what we mean when we say that we will proceed in a manner which is consistent with the ABM Treaty, and then say that we are anticipating the need and providing the means to means the treaty. And I think they will be alarmed by references that are made to withdrawing from the treaty.

I am concerned about the consequences if the Russians believe that we are not acting in good faith, but are intent on abrogating the ABM Treaty. As I said on this floor a month ago, the most likely consequence of our breaching the ABM Treaty would be a Russian refusal to ratify START II.

Why? Because the cheapest way to defeat a missile defense system is to overwhelm it. So, if the Russians feel threatened by our development of a national missile defense system, they are likely not only to scratch the START II Treaty, but to begin a strategic buildup. We will counter with our own buildup and efforts to improve missile defenses, and before you know it we will be in a costly arms race, which the ABM Treaty was designed to prevent.

A costly new arms race is not what Americans expected with the end of the cold war. But that is exactly what they will get if we are not careful to avoid damaging the ABM Treaty, which has been the basis for all strategic arms control agreements over the past two decades. I might add that these agreements were made without the United States deploying a strategic missile defense system.

A second fundamental concern I have is whether we are correct to focus our resources on defending against nuclear warheads delivered by ballistic missiles. Even the kind of limited program the authors of this amendment are talking about would cost tens of billions of dollars to eventually deploy.

The threat of ballistic missile attack from rogue states or terrorists groups is at best a questionable one, and is not likely to arise in the next decade, if ever.

The more likely means of delivery of a nuclear explosive device to our shores, as I have said on this floor repeatedly, would be an innocuous ship making a regular port call in the United States. A determined group could assemble a device in the basement of a landmark such as the World Trade Tower with catastrophic results. Terrorist groups or outlaw states would not need a ballistic missile to reach our territory.

And that is where we should be focusing our resources: On tracking these terrorist groups and rogue states and securing the many tons of fissile material now spread throughout the vast territory of Russia.

In conclusion, let me again thank Senators NUNN, LEVIN, COHEN, and WARNER for their efforts on this vital issue. They have greatly improved upon a piece of legislation, which unamended would have seriously threatened our national security.

Unfortunately, despite these improvements, I believe that the potential is still there to undermine the ABM Treaty and our security in the process. However, the choice between the two alternatives—the missile defense language in the bill versus the amendment before us—is really not a choice. I will support the amendment to avoid the more damaging consequences of the current bill language.

Mr. GLENN. Mr. President, the Senate has before it today two legislative proposals that address U.S. policy toward the Anti-Ballistic Missile (ABM) Treaty and missile defense generally. There is language in S. 1026 that would require the United States to deploy a multiple-site national missile defense system, an action that would violate the ABM Treaty. Its alternative, the substitute offered by my colleagues, Messrs. NUNN, LEVIN, WARNER, and COHEN, would only require the United States to ''develop'' such a defense ''for deployment.''

Though I am not happy with either proposal, I will vote for the substitute only because it does less damage to the ABM Treaty than its alternative. Nobody should interpret this vote, however, as a ringing endorsement of the policies set forth in the substitute, for reasons which I would like to discuss in some detail in this statement today. In my opinion, neither the original language in S. 1026 on missile defense, which was narrowly approved by a straight party vote in the Armed Services Committee, nor the substitute addresses my deepest concerns about the future of the ABM Treaty.

I recognize the hard work that my colleagues, Messrs. NUNN, LEVIN, WARNER, and COHEN, have devoted to forging a bipartisan consensus on this controversial issue. Yet several provisions remain in both proposals that jeopardize the future of the ABM Treaty and, as a result, the stability of the strategic relationship between the United States and Russia.

Before identifying section by section my specific concerns with these proposals, I would like to address some broader issues.

CONTEXT OF MISSILE DEFENSE ISSUES

For almost a quarter century, the ABM Treaty has helped to preserve the peace by guaranteeing the United States the means of retaliating in the event of a nuclear attack by Russia. By prohibiting Russia from deploying a national multiple-site strategic missile defense system, the treaty works to ensure the reliability of the United States nuclear deterrent; in performing this function, the treaty also saves the taxpayer the burden of supporting a robust national missile defense system.

The majority in the Armed Services Committee knows all about the importance of protecting U.S. deterrence capabilities—during committee deliberations over the stockpile stewardship program, I heard a lot about the specter of ''structural nuclear disarmament'' and the vital importance of maintaining a vital nuclear second-strike capability.

I therefore cannot explain why there is language in this bill referring to deterrence as a mere relic of the cold war. With thousands of Russian and United States nuclear weapons continuing to threaten each other, there is no law that Congress can pass that would repeal nuclear deterrence—it remains an unpleasant reality, a basic fact of international life. Mutual assured destruction is not so much a policy or a doctrine as a fundamental reality about the current strategic relationship between the United States and Russia.

It is good for our security that the ABM Treaty prohibits Russia from developing or deploying systems to kill United States strategic missiles. Similarly, the lack of a strategic missile defense system in the United States enhances Russia's confidence in its own deterrent. As a result, the treaty has provided a solid foundation upon which the superpowers can reduce their nuclear arsenals without jeopardizing strategic stability. This process is now well underway with the START I and II treaties. It is a process that, at long last, appears to be actually working: the stockpiles are indeed being reduced.

The ABM Treaty, however, is now under assault by critics who believe it is obsolete. They believe that recent technological developments offer the prospect of a safe harbor against theater and limited strategic missile strikes. This is, of course, not the first time that a technological innovation has led to great strategic instability, great expenditures, and great dangers to our national security. This is not the first time that unbounded faith in technological fixes has captured the imagination of defense specialists and editorial writers.

The development of the multiple independently targetable reentry vehicle (MIRV), for example, was once heralded as a giant technological innovation that would bolster U.S. national security. Yet the START II treaty will eliminate all ground-based MIRV's precisely because of the risks they pose to strategic stability. MIRV's were introduced, lest we forget, amid fears that Russia was deploying a missile defense system. The American and Russian experience with MIRV's should remind us all that technology must remain the tool of policy to serve the national interest—it must not drive that policy.

Yet technology is very much what is driving the current debate over the future of the ABM Treaty. The whole debate boils down to a few fairly straightforward questions: One, are the gains to U.S. and international security from developing and deploying a national strategic missile defense system worth the risks? Two, are these gains worth the costs of acquisition, deployment, and maintenance of such a system? Three, will these investments address genuine threats? Four, are there more effective and affordable alternative ways to preserve national and international security than by developing missile defenses? Five, does the legislation before us today enhance or erode the national security? And six, is America in the post-cold war environment really best served by a go-it-alone missile defense strategy, or is our security more dependent upon cooperation with our allies and maintenance of strong military and intelligence capabilities against potential adversaries?

Congress simply has not fully examined the costs we would pay from abandoning the ABM Treaty. When it comes to domestic regulatory decisions, the new congressional majority claims to favor rigorous cost/benefit analysis. Yet its members appear reluctant to apply such analysis to our national defense policy, particularly with respect to existing proposals to hinge America's security on star wars or its many sequels. Unfortunately, even the substitute missile defense amendment brings new risks and costs into the debate on missile defense.

THE FABLE IN THE FIRST-DEGREE AMENDMENT

Let us imagine for a moment that a fictitious new party to the treaty on the non-proliferation of nuclear weapons [NPT], is suddenly swept up in a new wave of collective national paranoia. Rumors of new foreign threats are rampant, though always hard to pin down. Nevertheless, the country decides to embark on a policy to acquire an affordable and operationally effective nuclear weapon to serve as a deterrent against limited, accidental, or unauthorized foreign nuclear attacks. Since the legislators of country x know that the NPT contains a provision that permits withdrawal from the treaty on only 90 days' notice, these members of parliament promptly decide—after very little debate—to enact a new law authorizing the development for deployment of nuclear weapons, so long as this is accomplished within, or consistent with that treaty. The law then goes on to define specific technical characteristics of such weapons that can be developed without breaching the treaty. And the only weapons that are taboo under this new law are those that exceed these standards and that are actually detonated.

On the 91st day of the international outcry over this incredible law, country x unveils a robust nuclear arsenal without ever having breached the treaty, leaving the whole world to ask, what went wrong?

Now forget country x. Let us take some concrete examples. What if the Iranian parliament decides that this approach makes great sense as an approach to NPT implementation? What if the Russian Duma someday decides that this is also the way to go in insert its own most-favorite notions of defense policy into its laws implementing the START II Treaty? What if Syria becomes a party to the Biological Weapons Convention and passes a law

permitting the development for deployment of certain specific types of biological weapons for what it asserts are purely defensive purposes? What if Germany decides that its commitments under the Missile Technology Control Regime only extend to missile systems that are actually demonstrated or flight-tested above the standard 500 kg payload/300 km range guidelines? What if each of the 159 countries that have signed the Chemical Weapons Convention decides to enact new laws defining the specific technical characteristics of chemical weapons that are controlled under that treaty? And specifically with respect to the ABM Treaty, if it had been acceptable in the last decade to develop for deployment weapons systems and components that are banned under the ABM Treaty, would Russias notorious Kraysnoyarsk radar station have violated that treaty?

Mr. President, I submit that this is not the way to go about interpreting treaties. This is not the way to stop proliferation. This is not the way to pursue arms control. This is not the way to enhance the national security interests of the United States. And this surely does not serve the interests of international peace and security. Yet this, I regret to say, is the essence of the approaches now before the Senate with respect to the development and deployment of missile defense systems that are not allowed by the ABM Treaty.

Though I disagree with this aspect of both of these approaches, the substitute has the advantage of at least not requiring the immediate deployment of prohibited missile defense systems. It continues to suffer, however, from several important weaknesses. It contains vague and dangerously ambiguous language. For example, the term limited, as used in the term limited, accidental, or unauthorized, is undefined and hence expands significantly the scope of the national missile defense [NMD] scheme. It requires the development, with the express intention of deployment, of an NMD system that is not allowed under article I of the ABM Treaty. It requires the development of TMD systems, such as THAAD and Navy Upper Tier that have capabilities to counter strategic ballistic missiles, a mandate that conflicts directly with article VI of the ABM Treaty. It accepts the committee's one-sided and largely unsubstantiated assertions, or findings, about the grave imminent missile threat facing the United States, while ignoring several ways in which this threat has been attenuated in recent years. It fails to offer a single finding about the positive and constructive ways that the ABM Treaty has served key U.S. security interests. It repeals laws that require U.S. compliance with the ABM Treaty. And it places the U.S. Congress on formal record endorsing a unilateral U.S. definition of an ABM Treaty-permissible missile defense system.

Yet despite all these serious weaknesses, the substitute is still marginally better for arms control and nonproliferation than the missile defense measure contained in S. 1026. In sum, though the substitute has clearly not de-fanged the missile defense proposal found in the bill, it has at least filed down some of its incisors.

FROM FABLE TO NIGHTMARE

I would now like to turn from the fable to the nightmare: namely, the missile defense language in S. 1026. On August 4, 1995, Anthony Lake wrote to the majority leader that ''* * * unless the unacceptable missile defense provisions are deleted or revised and other changes are made to the bill bringing it more in line with administration policy, the President's advisors will recommend that he veto the bill.''

The letter addressed specific concerns over the ABM Treaty and NMD language. If enacted, the letter stated, these terms—

> . . . would effectively abrogate the ABM Treaty by mandating *development for deployment* by 2003 of a non-compliant, multi-site NMD and unilaterally imposing a solution to the on-going negotiations with Russia on establishing a demarcation under the Treaty between an ABM and a TMD system. The effect of such actions would in all likelihood be to prompt Russia to terminate implementation of the START I Treaty and shelve ratification of START II, thereby leaving thousands of warheads in place that otherwise would be removed from deployment under these two treaties. [Emphasis added.]

This language echoes similar views expressed by Defense Secretary Perry and the Chairman of the Joint Chiefs of Staff, General Shalikashvili. At issue here is not a duel between liberals or conservatives or Democrats and Republicans—at issue is the gain and loss to the national security of the United States from abandoning the ABM Treaty. By my reading, there is no contest.

I do not believe that it in any way serves our national interest to set ourselves on a course to abrogate that treaty. It surely does not serve America's interests to encourage Russia—as this bill inevitably would—to develop its own multiple-site strategic ABM system, an action which would only weaken our own nuclear deterrent. The costs to cash-strapped American taxpayers of repairing that damage could potentially mount into the tens or hundreds of billions of dollars.

I cannot understand how the supporters of the bill's missile defense provisions can simultaneously claim to worry about what they call, ''structural nuclear disarmament'' while they are also pushing for a course of action—abrogating the ABM Treaty—that would truly undercut the effectiveness of the U.S. nuclear deterrent. It in no way serves our interests to encourage Russia to reconsider its commitments under the START I and START II treaties.

And by derailing the strategic arms control process, the bill's missile defense language also aggravates the global threat of nuclear weapons proliferation. Coming on the heels of the successful permanent extension of the NPT, the bill's language on both missile defense and nuclear testing would weaken, rather than strengthen, the global nuclear regime based on the NPT, an outcome that would prove catastrophic to our global security interests.

Few people realize that if there is no ABM Treaty, Russia will even be able to export its strategic missile defense capabilities, something that Article IX of the ABM Treaty now expressly prohibits. I doubt many of my colleagues are aware that the ABM Treaty is not just an arms control convention—it is also explicitly a nonproliferation treaty. Article 9 reads as follows:

To assure the viability and effectiveness of this Treaty, each Party undertakes not to transfer to other States, and not to deploy outside its national territory, ABM systems or their components limited by this Treaty.

Note that this language does not prohibit the United States from assisting its friends and allies to develop and deploy TMD systems. The treaty does, however, prevent both Russia and the United States from sharing strategic missile defense capabilities with other countries. And in the case of Russia, those capabilities include interceptors with nuclear warheads.

It seems appropriate, therefore, that before we set ourselves on a course of abrogating the ABM Treaty, we should carefully examine the full implications for U.S. defense interests around the world of eliminating the only international constraint on the proliferation of these strategic missile defense systems.

How will such proliferation affect the ability of the United States to respond to regional crises that might arise around the world in the years ahead? How will it affect the United States ability to project power? I am not satisfied that anybody has seriously weighed such considerations.

The treaty, furthermore, does not only ban the horizontal or geographic spread of such missile technology. It also helps to constrain both the size and sophistication of the United States and Russian nuclear weapon stockpiles—in short, the ABM Treaty also constrains the vertical proliferation of nuclear weapons. By banning the deployment of national strategic missile defense systems, the treaty works to protect the effectiveness and reliability of the US nuclear arsenal and thereby works to stabilize nuclear deterrence. Abandonment of the treaty will trigger a new offensive nuclear arms race, as leaders both here and in Russia will have to find new ways to defeat these new missile defense systems.

Yet I have seen little indication in the process of reviewing this proposal

that anybody here has considered how these particular side effects of the bill's ABM proposals—in particular the proliferation-related aspects of these proposals—would affect the full range of U.S. national security interests around the world.

Even our allies, Britain and France, would be affected—the collapse of the ABM Treaty would mark an end to any hopes of encouraging these countries to engage in deep cuts of their nuclear stockpiles. And I cannot believe for a minute that China would sit by as its neighbors ringed its borders with strategic missile defense capabilities. Among China's many options to respond to such a development would be a dramatic expansion of its offensive nuclear capability. The next crisis, predictably, would be the collapse of the NPT itself as country after country submits its 90-day withdrawal notice—following the course taken by Country X.

SOME SPECIFIC CONCERNS

I would now like to outline my specific concerns with these proposals—concerns which I will address section by section.

Sec. 232 (Findings): Both the bill and the compromise language on missile defense lack any congressional findings acknowledging the positive and constructive ways that the ABM Treaty has advanced America's arms control and nonproliferation interests. In failing to address these benefits of the treaty, and in failing to recognize that in some ways the missile threat to the United States has actually lessened in recent years, the proposed findings seriously mischaracterizes—and in my view overstates—the missile proliferation threat facing the United States.

Few of us here will disagree that the spread of weapons of mass destruction, especially nuclear weapons, jeopardizes our security. Many, however, would disagree that developing systems that would be in violation of the ABM Treaty is the right way to go about addressing that threat, especially when there are so many ways of delivering such weapons other than by missile.

Sec. 233 Policy: With respect to the Policy section, the substitute is ambiguous on the fundamental issue of the U.S. intent with respect to compliance with the its obligations under ABM Treaty. To the limited extent that it addresses this issue, it focuses only on compliance with a particular version of the ABM Treaty, namely, the treaty's obligations as they are unilaterally interpreted in this bill. The language also sets in gear significant initiatives without any prior consensus among the parties to the treaty. The terminology about ''multiple-site'' deployments will apply to systems that have capabilities against strategic missiles. And given that all missile attacks are limited by the laws of nature, it is by no means clear what these current proposals mean by the term ''limited'' missile attack.

Indeed, this term ''limited, accidental, or unauthorized'' combines the features of a wild card and an elastic clause: though precedents have already been set using this undefined term, I would not want Russia to enact legislation unilaterally defining its own interpretation of these terms. Changes such as these to an important international agreement should be made on the basis of mutual understandings between the parties and in accordance with the conventional amendment and ratification process, rather than dictated by statute.

References in these proposals to the right to withdraw from the ABM Treaty are either redundant—since this right is quite explicit in the treaty—or outright extortionary, since they seek to prescribe a specific diplomatic outcome which only negotiations can appropriately accomplish.

The compromise proposal also contains language that questions the continued importance of nuclear deterrence as a basis of U.S. national security, despite considerable evidence that deterrence remains as a foundation of our national security and despite the lack of any viable alternative.

Neither the original bill nor the compromise language addresses the issue of nuclear-armed BMD systems—it would surely seem to me that before we consider taking actions that will lead to multiple violations of the ABM Treaty, we should examine fully some of the consequences of that decision, especially with respect to the proliferation of nuclear weapons. Many people forget that the ABM Treaty also prohibits the global spread of strategic ballistic missile defense systems. Considering that Russia has just such nuclear-capable systems, it hardly seems wise to set ourselves on a course to abandon a treaty that prevents the spread of just such technologies. As part of their efforts to reduce their reliance on nuclear weapons as a basis of their security, both the United States and Russia might well consider pursuing an agreement to outlaw nuclear-armed missile defense systems.

Sec. 234. TMD Architecture: The initial operational capability dates in this section and in section 235 (NMD Architecture) should be consistent with understandings reached between the parties to the ABM Treaty. THAAD and Navy Upper Tier should only be included in the Core Program if the parties to the ABM Treaty agree that such systems and their components are permissible under the treaty; the same should apply to space-based sensors including the Space and Missile Tracking System (SMTS), and to follow-on systems.

Sec. 235. NMD Architecture: As I have already noted, the term ''limited''—used both in the bill and the compromise to refer to future missile defense capabilities—is undefined in both proposals. Clearly, this term should not be defined only by one party to the treaty—if this term has a meaning which Russia does not share, it will only open the door to Russia legislating its own definitions of key terms not only in the ABM Treaty but also the START II treaty, the Chemical Weapons Convention, and possibly other important arms control, disarmament, and nonproliferation agreements.

The compromise requires the development for deployment of an NMD system capable of being deployed at multiple sites, a policy that if implemented would violate the current text of the ABM Treaty. Development and deployment of NMD systems are matters that must be arranged pursuant both to negotiations and to existing treaty amendment procedures, including ratification.

Similarly, space-based sensors should be developed only as agreed by the parties. I believe the President should at the very least be required to prepare a formal assessment of the arms control and nonproliferation implications of any systems being developed or deployed for purposes of NMD. References in this section to sea-based and space-based systems and expanded numbers of ground-based interceptors only invite the international community to doubt our willingness to live up to our ABM Treaty obligations not to develop or to deploy such systems.

Sec. 236. Cruise Missile Defense Initiative: Both the compromise and the bill contain language addressing the dangers from the continued global spread of weapons of mass destruction. Yet both also fail to clarify that some of the most likely delivery systems for most weapons of mass destruction do not involve ballistic or cruise missiles. It seems to me that before we launch into framing defense initiatives around specific weapons systems, we should understand better the nature of the specific and anticipated threats they pose relative to other weapons systems.

I can think of at least two other delivery systems that may pose a threat to US defense interests that is equal to or greater than the proliferation threat now posed from ballistic missiles—first, the capabilities of advanced strike aircraft (Pakistans F–16s come to mind here as just one example) to deliver weapons of mass destruction, and second, the threat coming from terrorists using such weapons. Spending tens and hundreds of billions on missile defense will not help us to address either of these clear and present dangers.

Sec. 237. ABM Treaty: References in the compromise proposal to provisions of the treaty relating to the amendment and withdrawal process are unnecessary since such provisions are already law of the land. Including them only signals an intention to implement such rights. Neither proposal acknowledges some of the positive contributions the ABM Treaty has made to the national security of the United States. It should not be for United States

alone, nor Russia alone, to define unilaterally key terms of this treaty—the process of interpretation must involve Russia and the normal process of making, ratifying, and amending treaties. Also the comprehensive review called for in the compromise proposal fails to include specifically an assessment of the full implications for U.S. diplomatic and security interests of a collapse of the ABM Treaty.

Sec. 238. Prohibition on Funds: The velocity/range demarcation standard is unilateral—it has not yet been agreed by the parties. The implementation of the demonstrated capabilities standard should also be governed by mutual agreement of the parties. The specific prohibition on funding should only apply to systems that are not in compliance with the ABM Treaty as agreed by the parties. Since section 232 of the National Defense Authorization Act of 1995 remains law of the land, there is no need to repeat it in this bill with respect to the President's treaty-making powers.

Sec. 241. Repeal of Other Laws: The current first-degree amendment follows the existing language in the bill by repealing outright 10 laws pertaining to missile defense. Some of those provisions are obsolete. But other parts of those laws—such as those dealing with the U.S. compliance with the ABM Treaty, the requirement for realistic tests, the importance of financial burden-sharing with our friends, the requirements for consultations with our allies, previous congressional findings about the positive value of the ABM treaty, and requirements for consultations between the parties to the treaty on activities relating to implementation.

CONCLUSION

Thus to vote for the missile defense proposal in the bill amounts to a vote against the ABM Treaty, and a vote against that treaty is to vote for the proliferation not just of defensive missile systems, but for the proliferation of the strategic nuclear missiles that will be necessary to defeat those defenses. In a very real sense, the death of the ABM Treaty could well signal the deaths of both strategic nuclear arms control and nuclear nonproliferation. I cannot support any such proposal.

I therefore urge my colleagues to oppose the committee language on missile defense. Let us by all means get on with the business of reducing external weapons threats to our country's security, a business the ABM Treaty makes legitimate with respect to TMD. But let us not retreat into a technological Fortress America as we would with the missile defense provisions in S. 1026.

Today, we have before us a choice between one missile defense proposal that is a nightmare and another that is a fable. Given additional time, Congress may well have been able to construct a third option, one which built upon and acknowledged the important contributions that the ABM Treaty continues to make to our national security. But the schedule is such that we do not have such time. Accordingly, I will vote for the least bad of the two proposals before us.

Mr. President, I ask unanimous consent to insert into the RECORD at this point an analysis prepared by my staff of the missile defense provisions now before the Senate, and a table comparing key provisions of the ABM Treaty with the proposals found in the substitute amendment.

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

ANALYSIS OF 1995 MISSILE DEFENSE PROPOSALS IN THE SENATE (SUBMITTED BY SENATOR JOHN GLENN)

Last July, the Senate Committee on Armed Services (SASC) reported out the FY96 defense bill (S. 1026), which contained several provisions that would, if implemented, place the United States in violation of the ABM Treaty (ABMT). Included were provisions requiring the deployment of a multiple-site national ballistic missile defense system and prescribing a unilateral U.S. definition of the scope of systems subject to the ABMT, thereby circumventing the ABMT formal amendment process.

Following widespread criticism of this proposal, Senators NUNN, LEVIN, COHEN, and WARNER offered in August a bipartisan substitute. Though the substitute does not require immediate deployment of BMD systems in violation of the ABM Treaty, the substitute does not resolve several outstanding questions about America's intentions with respect to its obligations under the ABMT. The table in Annex 1 of this memo illustrates some of the inconsistencies between the substitute and the ABM Treaty.

This memo (1) describes and analyzes the SASC missile defense recommendations, and (2) describes and analyzes the substitute proposal.

1. SASC ACTION

In summary, the bill moves U.S. policy: (a) away from nuclear deterrence (mutual assured destruction); and (b) away from several ABMT prohibitions (including: multiple-site deployments, ABM systems based at sea and in space, giving TMD systems capabilities to intercept strategic missiles, space-based sensors useful against strategic systems, etc.). The bill contains a unilateral U.S. definition of an ABMT-permissible system. The bill also limits the negotiating flexibility of the President and prohibits the President from spending funds to implement more restrictive ABM controls.

The current text of S. 1026 was reported out of Committee on July 12. Subtitle C of Title II (RDT&E) contains 11 sections pertaining to ''missile defense.'' The proposed language covers theater missile defense (TMD) against theater ballistic missiles (TBMs), national missile defense (NMD) against strategic ballistic missiles (SBMs), announces several findings and new national policies covering both systems, alters the U.S. policy toward the ABMT, and repeals 10 other missile defense laws. While not quite abrogating the treaty outright, the SASC language still sets the US on a course out of the ABMT.

*Findings and policy*

In S.1026, Congress ''finds'' that: missiles are posing a ''significant and growing threat'' to the US; the development of TMDs ''will deny'' US adversaries an option for attacking the US and its allies; the intelligence community sees a growing missile threat; TMDs will ''reduce the incentives'' for missile proliferation; the ABMT's distinction between strategic and non-strategic missile defense is ''outdated''; nuclear deterrence (mutual assured destruction) is ''not a suitable basis for stability''; TMD and NMD enhance strategic stability by reducing incentives for first-strikes; export control and arms control regimes are not alternatives to TMD and NMD; and the ABMT prevents the US from establishing a limited missile defense.

In response to such findings, the SASC favors the following US policies: to ''deploy as soon as possible'' TMDs; ''deploy a multiple-site national missile defense system''; ''deploy as soon as practical'' effective defenses against ''advanced cruise missiles''; invest in R&D for follow-on BMD options; employ ''streamlined acquisition procedures'' to speed BMD deployments; and ''seek a cooperative transition'' away from the doctrine of mutual assured destruction.

*System Architecture*

With respect to TMD, the Secretary of Defense (SecDef) shall establish a ''top priority core theater missile defense program'' consisting of (by year of deployment) PAC–3 (1998), Navy Lower Tier (1999), THAAD (2002), and Navy Upper Tier (2001). These systems are to be interoperable and are to exploit air and space-based sensors and battle management support systems. The Corps SAM and BPI systems will be terminated. The SecDef shall develop a plan for deploying follow-on systems. The SecDef shall submit a report in 60 days specifying a plan to implement these provisions.

With respect to NMD, the SecDef shall develop a NMD system for deployment by 2003 consisting of: ground-based interceptors in such locations and numbers as are necessary to provide a defense of Alaska, Hawaii, and CONUS against ''limited ballistic missile attacks; fixed ground-based radars and space-based sensors; and battle management/command, control, and intelligence (BM/C3).'' SecDef shall develop an ''interim'' capability by 1999 as a ''hedge against the emergence of near-term ballistic missile threats.'' SecDef shall use ''streamlined acquisition procedures'' to expedite NMD deployment, while saving costs. SecDef shall submit a report in 60 days on the implementation of this law and analyzing options to improve the system, including: additional ground-based interceptors or sites; sea-based missile defense systems; and space-based kinetic energy and directed energy systems.

With respect to cruise missiles (CMs), SecDef shall undertake ''an initiative'' to ensure effective defenses against CMs. He shall submit a plan in 60 days.

*The ABM treaty (ABMT)*

The bill offers a sense of the Congress that the Senate should undertake a review of the ''value and validity'' of the ABMT and should consider establishing a ''select committee'' to review the ABMT and that the President should cease negotiating any understandings on the ABMT until this review is completed. The sense of the Congress also includes a requirement for SecDef to submit a declassified negotiating history of the ABMT. The bill provides a unilateral demarcation line to designate permissible BMD systems: if a system or component has not been ''flight tested in an ABM-qualifying flight test'' (defined in the bill as a flight test against a missile target that is flying over a range of 3,500 km or at a speed of greater than 5 km/second), it is not covered by the ABMT. The Senate finds, however, that these parameters are ''outdated'' and hence should be ''subject to change'' after the Senate review of the ABMT. The bill prohibits the expenditure of funds to implement

any lower standard. SecDef is to certify annually that no US BMD system is being constrained more than as provided in this bill.

*Budget categories*

For budgetary purposes, the bill identifies the following as of the national BMD program: PAC–3, Navy Lower Tier, THAAD, Navy Upper Tier, Other TMD, NMD, and Follow-On and Support technologies.

*Repeal of 10 BMD Laws*

The SASC bill repeals the following, including several significant provisions:

1. In the MDA91: Congress endorsed US efforts to work with Russia on strengthening nuclear command and control, reduce strategic weapons, and strengthen nonproliferation efforts. Congress also: defined the US BMD system as directed against ''limited'' ballistic missile threats declared that this system shall be ''ABM Treaty-compliant'' and limited to ''100 ground-based interceptors''; urged the President to pursue ''discussions'' with the Soviet Union to clarify what is permissible with respect to space-based missile defenses and to permit other changes in the ABMT (including adding sites, using space-based sensors, etc); required the SecDef to include ''burden sharing'' in a BMD report; clarified that the ''limited'' BMD defense capability shall only cover threats ''below a threshold that would bring into question strategic stability''; and provided $4.1 billion for SDI projects, including $465 million for ''space-based interceptors'' (including Brilliant Pebbles).

2. In sec. 237 of the NDAA94: the SecDef was prohibited from approving any TMD project unless it passed ''two realistic live-fire tests.''

3. In sec. 242 of the NDAA94: Congress sought to increase burden-sharing of BMD development costs; the SecDef was to prepare a plan of cooperation with allies (specifically cited were NATO, Japan, Israel, and South Korea) to avoid duplication and reduce costs; the section contains a sense of the Congress that whenever the US deploys a TMD system to defend a country that has not provided financial support for that system, the US should consider ''whether it is appropriate to seek reimbursement'' to cover some of the cost of that deployment; the section also established a special ''Theater Missile Defense Cooperation Account'' (subject to audit by GAO) to receive foreign funds to support TMD development.

4. In sec. 222 of the DDAA86: Congress prohibited the deployment of any ''strategic defense system'' unless the President first certifies that the system is both ''survivable'' and ''cost effective'' (i.e., that it ''* * * is able to maintain its effectiveness against the offense at less cost than it would take to develop offensive countermeasures and proliferate the ballistic missiles necessary to overcome it'').

5. In sec. 225 of the DDAA86: Congress found that the President's Commission on Strategic Forces had declared in its report to the President dated 3/21/84 that ''One of the most successful arms control agreements is the Anti-Ballistic Missile Treaty of 1972''; noted that the Secretary of State has stated that ''* * * the President has explicitly recognized that any ABM-related deployments * * * would be a matter for consultations and negotiation between the Parties''; and issued a sense of Congress that it ''fully supports the declared policy of the President * * * to reverse the erosion of the Anti-Ballistic Missile Treaty of 1972,'' that Congress's support for SDI ''does not express or imply an intention on the part of Congress that the United States should abrogate, violate, or otherwise erode such treaty,'' that such funding ''does not express or imply any determination or commitment on the part of the Congress that the United States develop, test, or deploy ballistic missile strategic defense weaponry that would contravene such treaty,'' and that funds ''should not be used in a manner inconsistent with any of the treaties commonly known as the Limited Test Ban Treaty, the Threshold Test Ban Treaty, the Outer Space Treaty, or the Anti-Ballistic Missile Treaty of 1972.''

6. In Sec. 226 of the NDAA88/89: The SecDef was prohibited from deploying ''any anti-ballistic missile system unless such deployment is specifically authorized by law after the date of enactment of this Act.''

7. In Sec. 8123 of the DDApA89: This was a sense of the Congress on SDI. It said SDI ''should be a long-term and robust research program'' to provide the U.S. with ''expanded options'' to respond to a ''Soviet breakout'' from the ABMT and to respond to other future Soviet arms initiatives; such options ''can enhance'' U.S. ''leverage'' in arms reductions negotiations; funding levels ''must be established using realistic projections of available resources''; and the ''primary emphasis'' on SDI should be ''to explore promising new technologies, such as directed energy technologies, which might have long-term potential to defend against a responsive Soviet offensive nuclear threat.''

8. In Sec. 8133 of the DDApA92: Congress here reached several findings about the implications for our NATO allies of modifying the ABMT, including—that all of our NATO allies ''have in the past been supportive of the objects and purposes of the ABM Treaty''; that ''changes in the ABMT would have profound political and security implications'' for these allies and friends of the U.S.; and that before seeking to negotiate any changes in the treaty, the U.S. should consult with U.S. allies and ''seek a consensus on negotiating objectives.''

9. In Sec. 234 of the NDAA94: Congress reached several findings, including that: the MDA91 ''establishes a goal for the United States to comply with the ABM Treaty''; DoD is ''continuing to obligate hundreds of millions of dollars'' on development and testing of systems before a determination has been made that such items would be in compliance with the ABMT; and the ABMT ''was not intended to'' limit systems designed to counter modern TBMs ''regardless of the capabilities of such missiles'' unless such TBMs ''are tested against or have demonstrated capabilities to counter modern strategic ballistic missiles.'' The SecDef was required to conduct a review of several listed BMD systems to determine if such systems (including Brilliant Eyes) ''would be in compliance with the ABM Treaty.'' The SecDef shall immediately notify Congress if there is any compliance problem in pursuing advanced TMDs and describe the problem. The bill attached funding limitations pending submission of the report.

10. In Sec. 235 of the NDAA95: This section listed 13 program elements for the BMDO, for budgetary purposes.

*Analysis of the SASC Language*

The SASC language establishes a policy of deploying a multiple-site national ABM system—this cannot be implemented without either amending or abrogating the ABMT. Amending the treaty would permit the Russians to deploy their own multiple-site system, including enhanced BMD features ostensibly intended only for TMD systems but which would have some significant capabilities against strategic ballistic missiles. The measure thus focuses only on what may be potentially gained from expanded BMD efforts, and ignores what may be potentially lost—including the credibility of the U.S. nuclear deterrent, the ABMT itself, the START process, and the NPT, as the strategic arms reduction process comes to a halt amid new missile defense developments.

The committee text also places into law a unilateral U.S. definition of systems that can be developed within the ABMT—under that treaty, such changes are supposed to be arranged by through an amendment process based on mutual agreement of the Parties. A unilateral U.S. definition would serve as a dangerous precedent inspiring Russia to insert its own ''most-favorite-notions'' of BMD into its own statute books. Moreover, the 5 km-second/3500 km range demarcation line is well above the parameters of most TBM systems today (which fly at about 2 km/sec), yet dangerously close to the slowest SBM systems (which fly at between 6–7 km/sec). Thus the Committee language serves to: blur the distinction between strategic and theater systems; raise the risk of technological surprise and treaty ''break out'' activities; complicate treaty verification (given the greater growing ambiguity over which systems are strategic and which are theater); and jeopardize the strategic arms reduction process.

The Committee language also repeals several laws that specifically required U.S. adherence to the ABMT and that required burden-sharing in the form of increased financial contributions from our allies for BMD systems.

The premise of all the SASC proposals are the findings that the U.S. is now facing a serious missile threat and

that this threat is growing. Both of these premises are open to question.

There are at least six rebuttals to the proposition that the U.S. is now facing a ''serious and growing threat'' that requires either the amendment or abrogation of the ABMT to counter—

(1) A Growing Threat? In April 1987, President Reagan announced the establishment of the Missile Technology Control Regime to regulate international commerce in goods relating to missiles that are capable of delivering a 500 kg warhead a distance of 300 km. Since that time, Congress has heard Administration spokesmen repeatedly testify about the 15–20 countries that either now have such missiles or are developing them (or may have the capability to develop them). Yet the number of countries alleged to be developing such missiles has remained, to a considerable extent, constant since the MTCR was established.

Arguably, the worst missile threats facing the U.S. are those that involve the delivery of weapons of mass destruction (WMDs, including nuclear, chemical, and biological weapons) against U.S. territory, U.S. forces, or U.S. allies. The most potentially destructive threat comes, and will continue to come for the foreseeable future, from Russia's nuclear-tipped ICBMs—a situation that will likely persist for quite a while. Ironically, nothing would be more effective in encouraging Russia both to halt its nuclear disarmament activities and to expand its missile fleet than if the United States decides to deploy—or even prepare to deploy—a multiple-site national missile defense system in contravention of the ABMT. The ABMT has succeeded in permitting the superpowers to reduce their nuclear arsenals because the treaty gives each country high confidence in the credibility of its nuclear deterrent. Eliminating or watering down that treaty is thus the wrong way to go about alleviating the worst nuclear and missile threats now facing the United States.

The worst missile threat to the U.S. is, in short, the old missile threat, not a new one. The U.S. has a big stake in the success of the START/ABM process: its success will mean that America's worst missile threat will be a declining threat.

Is the global WMD proliferation threat—serious though it is—growing? If not, then the global missile threat may not be as grave as is commonly believed.

Support for international nonproliferation regimes provides one indicator of the WMD proliferation threat. As of August 1995, the NPT has 178 parties; over 159 countries have signed the CWC and 135 countries have ratified the BWC. Though some parties may well be in violation of those treaties, it is difficult to deny that these three treaties enjoy widespread, almost universal international support, and that this support is growing. The rush is on to get rid of chemical and biological weapons, not to acquire them. The stockpiles of the nuclear weapon states are going on a downward, not an upward, trend. If the CTBT is successfully concluded in 1996, there will be no more nuclear explosions anywhere for any purpose. Progress is being made on a cutoff of the production of fissile nuclear material for weapons or outside of safeguards. To point to the illicit weapons activities of a few states is not to suggest the existence of a new international proliferation norm.

Moreover, the interest that Iran, North Korea, India, Pakistan, and Israel have shown in developing long-range missile capabilities needs to be interpreted in light of other international trends. Over the last three decades, the following surface-to-surface missiles have either been cancelled or are going nowhere: South Korea's NHK–1; Taiwan's Chin Feng (''Green Bee''); Argentina's Condor II; Egypt's al-Zafir, al-Kahir, Ar-Ra'id, and Vector; Saudi Arabia's CSS–2; Iraq's Al-Hussein; Iraq's Al-Abbas; Iraq's Badr-2000; Brazil's SS–300; the Israel/Iran ''Flower'' project; the Libyan Otrag rocket program; all of the United States and ex-Soviet INF missiles; the disarmed and to-be-dismantled ICBM's in Belarus, Kazakhstan, and Ukraine; the South African missile and space launch vehicle program; the China/North Korean DF–61; and several others. It is wrong, therefore, to declare without qualification that the missile threat against the United States is only growing—in some respects it continues to jeopardize U.S. interests, but in other respects the threat is arguably declining.

(2) Clear and Present Dangers. The worst dangers come from the further proliferation and use of WMDs by additional countries or subnational groups. As for systems of delivering such weapons, Congress's preoccupation with missiles—typically ballistic missiles—is baffling. The massive investments called for in the legislation for TMD and NMD will surely not address the worst (albeit unlikely) military threat now posed to the United States involving the delivery of WMD—that is, an all-out Russian strategic nuclear attack on the United States. It will do little to address attacks coming by means of cruise missiles and various remote piloted vehicles. And it will do nothing to prevent or deter a country of subnational group from deploying a weapon of mass destruction in the U.S., against U.S. citizens or troops, or against U.S. allies by means of any of several non-missile delivery systems that would be available for such a mission, at a fraction of the cost.

Among the most attractive delivery systems—in terms of ready availability, cost, reliability, and potential effectiveness—are advanced strike aircraft. These are delivery systems that are not regulated by any treaty or regime. As for national policy, the United States continues to export nuclear-capable strike aircraft or parts for such aircraft without even verification measures or host-country commitments to guarantee non-nuclear uses. Pakistan, for example, a country now under U.S. nuclear sanctions, continues to make commercial U.S. purchases of spare parts for its F–16 nuclear weapon delivery vehicles. France, meanwhile, is seeking buyers for its Mirage 2000 wherever they can be found. The F–16C aircraft has a maximum weapons load of 5,400 kg and a combat radius of 930 km; the Mirage 2000 has a maximum weapons load of 6,300 kg and a combat radius of 700 km. By comparison, the North Korean Nodong—now under development—will have a reported 1000 kg payload and a 1000 km range.

In November 1991, Stanford University's Center for International Security and Arms Control issued a report entitled, ''Assessing Ballistic Missile Proliferation and Its Control,'' authored by a panel of participating experts that included three senior officials now in the Clinton Administration, including the current Secretary of Defense, William Perry. The report found that: ''Advanced-strike aircraft are generally as capable as missiles, and in many cases more capable, for delivering ordnance, so it is logical to devote, at minimum, comparable efforts to their control.'' Yet US efforts, epitomized by the SASC bill and past BMD legislation, continue both to neglect this clear and present threat. These efforts instead focus shortsightedly on (a) the ballistic missile threat, (b) developing technological defenses against such missiles, while (c) neglecting the potentially negative military consequences of developing such defences, and (d) ignoring other means of addressing the missile proliferation threat (i.e., prevention, preemption, and deterrence).

(3) Future Threats. Both the CIA and the DIA directors have recently testified that the U.S. will not face a new missile proliferation threat for at least a decade. As stated earlier, even North Korea's Taepodong will at best be able to reach remote U.S. island territories sometime in the 21st Century, assuming that country remains in existence and its missile development program is successful.

Also, if the ballistic missile threat to Israel, Japan, and South Korea were so immediate and direct, the gravity of this threat is still not reflected in national funds invested by these countries in missile defense ventures. Though these countries have expressed interest in TMD systems, the United States is still paying most of the bills.

Missiles are not the only means by which a country could attack the United States. A variety of aircraft and unmanned aerial vehicles (UAVs) could serve as potential delivery vehicles for WMDs, including nuclear weapons. For example, the Tier 2+ experimental reconnaissance UAV now under development in the United States, was described in the July 10, 1995 issue of

Aviation Week as having the following performance characteristics: a 14,000-mile range, a 2,000-pound payload, an ability to stay in flight for more than 42 hours, and a maximum altitude of 65,000 feet. The United States, and U.S. forces abroad, may well be facing a graver threat from such aircraft in the next decade than they will face from ballistic missiles. Smuggled or covertly deployed WMDs also remain a serious threat, as do WMDs deployed by means of land vehicles or a wide variety of ships.

Proponents of the new legislation raise the specter of North Korean missile attacks against the United States. Yet North Korea is still many, many years away from having a missile that could reach the continental United States, or even Alaska or Hawaii—assuming it would want to launch such a missile even if it had such a capability. Nevertheless, the SASC's missile defense proposal would lead the United States out of the ABMT (and thereby scuttle the START process), a multi-billion-dollar proposal intended largely to cope with the Taepodong's hypothetical worst-case capabilities in the 21st Century. An alternative to this approach would be to concentrate more on discouraging North Korea from building such missiles in the first place.

Furthermore, certain trends in advanced conventional weaponry may rival or surpass the threat to U.S. forces in the years ahead that will come from ground-to-ground missiles—especially with respect to increasing accuracy and stealthiness of advanced conventional weapons.

(4) Missiles Have Not Historically Been Decisive. From Hitler's V–2 rocket bombardment of London, through the Iraq/Iran war of the cities, to the recent war in Kuwait, missiles have not proven to be a decisive weapon, either as an offensive weapon or as a weapon of deterrence. Israel's significant technological edge in nuclear and missile technology did not prevent it from being repeatedly attacked by modified Iraqi Scuds; nor did the Patriot antimissile batteries deter Iraq from launching repeated missile strikes on both Israel and Saudi Arabia. It is also not at all clear that the widespread deployment of TMD systems in East Asia, South Asia, and the Middle East would necessarily alleviate the nuclear weapons proliferation threat in those regions—it could even aggravate that threat by stimulating the search for new weapons designs and delivery systems.

(5) BMD Proliferation. The ABMT is not just an arms control treaty. It is also a nonproliferation treaty, in two respects. First, Article IX prohibits Russia and the United States from exporting strategic missile defense systems or components covered by the treaty. If the ABM treaty collapsed, there would be no legal obstacle to Russia exporting highly-capable missile defense technology to hot spots around the globe, such as East Asia, South Asia, and the Middle East. The export of such systems could well foster or aggravate regional WMD and missile races. Some of Russia's BMD interceptors are reportedly nuclear capable. Others have characteristics (range, thrust, navigation systems, materials and coatings) very much like offensive ballistic missiles. The simulated offensive ballistic missile used as a interceptor, for example, is another Arrow. Second, if horizontal (or geographical) BMD proliferation becomes popular thanks to the collapse of the ABMT, this will also stimulate more vertical proliferation of both existing strategic nuclear weapons and their delivery systems.

(6) Alternatives to Missile Defense. To the extent that the U.S. and its allies face missile proliferation threats, there are more—and more effective—ways to approach this threat than in searching for technological shields. The massive funds that have been spent on missile defense have drained valuable resources away from needed investments in nonproliferation regimes, sanctions, export controls, intelligence collection and sharing, active and preventive diplomacy, conventional war-fighting capability, and other such classic nonproliferation tools. Arguably, the U.S. Marines remain today America's best ''ground mobile TMD system,'' if one factors in cost, effectiveness, and treaty considerations. Given past underinvestment in sharpening the classic tools of nonproliferation, one should not be surprised to see chronic nuclear and missile proliferation threats.

2. THE NUNN/LEVIN/COHEN/WARNER SUBSTITUTE

In summary, while the substitute dulls the teeth of the SASC's missile defense language, it surely does not ''defang'' that language. The text still sets the U.S. on a course out of the ABMT: it requires the ''development for deployment'' of a multiple-site missile defense system covering all U.S. territory; it accepts all the SASC findings about the gravity of the missile threat; it questions the value of nuclear deterrence; it establishes a provocative new national policy to ''consider . . . the option of withdrawing'' from the ABMT if Russia refuses to accept unilateral U.S. proposed treaty amendments; it seeks the accelerated development and ''streamlined'' acquisition of systems that are not ABMT-compliant; it endorses the ''demonstrated capabilities'' definition of an ABMT-compliant system; and it endorses a unilateral U.S. definition of the velocity and distance criteria for distinguishing strategic from non-strategic missiles.

The BMD provisions are broken down into the following sections: findings (232); policy (233); TMD architecture (234); NMD architecture (235); cruise missile defense initiative (236); policy toward ABM treaty (237); spending prohibition (238); BMD program elements (239); definition of ABM treaty (240); and repeal of 10 laws (241). A copy of these provisions appeared in the Congressional Record on August 11.

The substitute includes the following notable findings: (a) the existence of a ''significant and growing'' missile threat to the U.S. (later called an ''increasingly serious threat''); (b) TMD can reduce incentives for proliferation; (c) NMD can ''strengthen strategic stability and deterrence''; (d) the doctrine of nuclear deterrence (''MAD'') is ''questionable''.

The bill would establish the following national policies to: (a) deploy ''as soon as possible'' TMDs against TBMs; (b)''develop for deployment'' a multiple-site NMD system (and to ''consider'' withdrawing from the ABM treaty if Russia refuses to agree to necessary treaty amendments); (c) develop BMD ''follow-on'' options; (d) streamline the BMD acquisition process; and (e) seek a ''cooperative transition'' away from MAD.

The SecDef is to report to Congress (before submitting the FY 1997 defense budget) on the costs of RDT&E/deployment of each BMD system (both TMD and NMD).

The bill includes Navy Upper Tier system and THAAD within TMD core program—both of which have been criticized as having potential strategic ABM capabilities.

Requires the SecDef to develop a NMD system by 2003 that shall ''be capable of being deployed at multiple sites,'' include space-based sensors, include a limited NMD ''hedge'' capability by the year 2000 involving ''one or more'' sites. SecDef shall conduct an analysis of options to improve NMD effectiveness, including sea-based and space-based weapons, and additional ground-based interceptors.

The SecDef shall prepare a plan to upgrade U.S. cruise missile defenses.

The Senate should undertake a review of the ''value and validity'' of the ABM treaty.

The President cannot implement over the next fiscal year a more restrictive definition of an ABM-permissible system than that established in the bill—the bill establishes a demarcation line at targets traveling at 3,500 km range, 5 km/second velocity, and the ban only covers deployment of systems that are ''flight tested'' against targets fitting this definition.

The bill repeals 10 TMD/NMD-related laws (following the SASC bill).

*Analysis of the substitute proposal*

The table in Annex 1 compares this proposal with key provisions of the ABMT. The most troublesome language pertains to the requirement to develop for deployment a multiple-site BMD system along with specific new systems (e.g., space-based and sea-based) that are not now permitted by the ABMT.

There is a real danger that this language will be perceived by the Russian parliament and by Russian military and political leaders as a U.S. intention to abandon the treaty. If this occurs, then the consequences for both arms control and nonproliferation will be grave. We can expect the following:

The Start II treaty will be in jeopardy; Russia may even consider withdrawing from Start I.

The other nuclear weapon states (France, China, and Britain) will be reluctant to join in the process of nuclear arms reductions if Russia and the U.S. are no longer constrained by the ABMT.

Russia's reactions to the U.S. deployment of a national multiple-site missile defense system could well include a reversal or even an expansion of its offensive nuclear arsenal and deployment of its own national multiple-site defense against U.S. missiles—all of which would lead the U.S. to consider following suit.

There is adequate reason to believe that the Russians will indeed interpret the U.S. policy to develop a national multiple-site BMD system for deployment as an intention to violate the ABMT, an action that could jeopardize the Start process. Russian perceptions of the U.S. legislation will have a profound impact upon the future of several strategic arms control initiatives, as indicated in the following statements:

On August 17, Mikhail Demurin, a spokesman for the Russian Foreign Ministry, told a wire service reporter that Russia believes the legislation pending in the U.S. Senate on missile defense would lead to the ''actual liquidation'' of the ABMT.

On August 4, National Security Advisor Anthony Lake wrote to the Senate Majority Leader that the NMD language in S. 1026 ''would effectively abrogate the ABM Treaty. . . . The effect of such actions would in all likelihood be to prompt Russia to terminate implementation of the START I Treaty and shelve ratification of START II.''

On July 28, Defense Secretary Perry wrote a letter to Sen. Nunn in which he said that the SASC's BMD language would ''put us on a pathway to abrogate the ABM Treaty . . . jeopardize Russian implementation of the START I and START II Treaties . . . [and] threaten to undermine fundamental national security interests of the United States.'' By continuing to call for the development with the intention of deploying a multiple site BMD system, the compromise language keeps the U.S. on the ''pathway'' to abrogation.

On June 28, the Chairman of the Joint Chiefs of Staff, Gen. Shalikashvili, wrote to Sen. Levin that ''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 U.S. legislation detailing technical parameters for ABM Treaty interpretation. While we believe that START II is in both countries' interests regardless of other events, we 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.''

On June 20, Russian President Yeltsin submits the START II treaty to the Russian Duma with a cover letter stating that ''It goes without saying that the Treaty can be fulfilled only providing the United States preserve and strictly fulfill [the] bilateral ABM Treaty of 1972.''

On April 27, Russian foreign ministry spokesman Nikita Matkovskiy expressed alarm that the US has started testing anti-missile defense systems that the US unilaterally claims are non-strategic; Matkovskiy stated that ''In our opinion the continuation of the policy of accomplished facts instead of an intensive search for a mutually acceptable solution can only complicate matters, if not drive them into a blind alley.'' (Interfax)

On April 23, Russian arms control expert Anton Surikov stated that US BMD plans ''are in fact yet another attempt to push through the back door the old Reagan SDI idea. That's why they pose a considerable threat to strategic stability in the world and provoke China and other 'minor nuclear countries' to sharply build up their nuclear missile forces.'' (Itar-Tass) On August 4, Surikov specifically claimed that the US Senate's BMD language ''prompts our country to refrain from ratifying the START-2 Treaty and reconsider some provisions under the START-1 one.'' (Itar-Tass)

On March 28, Russian Foreign Minister Kozyrev commented on prospects for Russian ratification of the START-II treaty, noting that ''It is also essential that no attempts be made to evade the ABM Treaty, since both treaties are closely connected with each other.'' (Itar-Tass)

On March 17, columnist Vladimir Belous wrote in Segodnya that ''Some [US] senators even demand that the administration stop the ABM negotiations, which can allegedly limit US freedom of action. In fact the intention is to reanimate the Reagan SDI program, although in a more modest form . . . It must be admitted immediately that if the ABM Treaty is effectively undermined, further implementation of the START I Agreement will be in question.

On March 7, Aleksander Piskunov, the vice-chairman of the Duma Committee for National Defense, stated after a meeting with American congressmen that ''It is absolutely obvious that the discussion of the possibility of implementing the ABM system will be fraught with serious consequences and will tell negatively on the upcoming ratification of an agreement on the further reduction of strategic offensive weapons.'' (Itar-Tass)

On February 10, retired Major-General Vladimir Belous, writing at length in Segodnya about ABMT-related developments, concluded that each Party ''will give its own interpretation to the parameters for delimitation and will be guided by them, which could lead to the de facto undermining of the treaty as a document of international law. Too much is at stake for there to be haste or inconsistency on this issue. The profound connection between strategic offensive and defensive weapons must be pointed out once more. This signifies at this stage that the ratification of the START-2 treaty by the Russian parliament is possible only when the delimitation of strategic and 'non-strategic' . . . has been achieved and officially affirmed. And in no case before that.''

On January 18, Aleksandr Sychev wrote an article in Izvestiya warning that ''The White House plan to avail itself of a new ABM defense system gives rise to the suspicion that the United States is trying to bypass the ABM Treaty and attain military-strategic superiority.''

On January 16, a senior Russian foreign ministry official criticized a recent test of ''a tactical ABM system''; noting that the test occurred ''at a time when both countries were holding discussions . . . on distinctions between strategic and tactical ABM systems,'' the official stated that ''Washington's actions worsen the atmosphere at the consultations and may have a negative effect on the entire complex of security negotiations in general.'' (Interfax)

The danger that Russia will interpret the substitute as an intention to abrogate the ABMT is further aggravated by the repeal in both the Committee's bill and the substitute of provisions of existing law that require the United States to remain in compliance with the ABMT (e.g., repeal of the Missile Defense Act of 1991).

The substitute includes in a Sense of the Senate certain technical parameters to define the types of BMD systems that are permissible under the ABMT: any system that has not been tested against test targets flying at or above 5 km/second or exceeding a 3,500 km range would be permissible. Though the substitute is an improvement over the SASC bill's provision, in that it is non-binding, it nevertheless places the Congress in favor of adopting a BMD testing standard that has not been agreed by the Parties to the ABMT. The substitute also prevents the President from spending any funds in the next fiscal year to implement any more restrictive standard. Moreover, in establishing a US national policy that a BMD system will be controlled only if it is actually flight tested, the substitute departs from the ABMT's prohibition on developing systems that have inherent capabilities to destroy strategic ballistic missiles. The substitute language would, therefore, put Russia on notice that the United States would have no objection if Russia developed and even deployed sophisticated strategic BMD systems as long as the systems are not flight tested against the unilaterally-defined US target criteria. Any subsequent Russian action to exercise these options would serve to weaken the credibility of the US nuclear deterrent.

## IMPACT OF THE SUBSTITUTE PROPOSAL ON THE ABM TREATY

[Although the text does not explicitly require the U.S. to abrogate the ABMT, the substitute MDA95 would require the Executive to take steps that would—if implemented without amending the treaty—violate both the letter and the spirit of that treaty. Examples:]

| ABM Treaty (ABMT) | Missile Defense Act of 1995 (MDA95) |
|---|---|
| Preamble: considers that ''effective measures to limit anti-ballistic missile systems would be a substantial factor in curbing the race in strategic offensive arms and would lead to a decrease in the risk of outbreak of war involving nuclear weapons''; proceeds from the premise that ''the limitation of anti-ballistic missile systems . . . would contribute to the creation of more favorable conditions for further negotiations on limiting strategic arms''. | The substitute effectively substitutes ''expand'' and ''expansion'' for the ABMT Preambles terms for ''limit'' and ''limitation.'' Sec. 232 (4) ''finds'' that the deployment of ''effective defenses'' against ballistic missiles ''of all ranges'' can reduce incentives for missile proliferation. Sec. 232 (5) refers to the difference between strategic and non-strategic ballistic missiles as a ''Cold War distinction'' in need of review. Sec. 232 (7) ''finds'' that BMD systems ''can contribute to the maintenance of stability'' as missile proliferation proceeds and as the U.S. and the CIS ''significantly reduce the number of strategic forces in their respective inventories.'' Such findings are inconsistent with the letter and spirit of the preamble of the ABMT. The findings, moreover, are not balanced: they fail to address any of the strategic benefits that the U.S. has gained from the ABMT. |
| Article I: Bans the following—deployment of ABM systems for a ''defense of the territory of its country,'' the provision of a ''base'' for such a defense, and deployment to cover an individual region. In short, the ABMT allows limited defenses against strategic missiles, but they cannot be deployed to protect the whole country. The treaty thus permits missile defenses against both strategic and non-strategic missiles, but defenses against the former must be limited to one site (and even then, only certain types and numbers of ground-based interceptors are permissible) and defenses against the latter may not be given capabilities against strategic missiles. | Sec. 233 (2) establishes a policy to ''develop for deployment'' a ''multiple-site national missile defense system'' protecting against limited missile attacks ''on the territory of the United States.'' Though this language echoes a similar provision in sec. 231 of the Missile Defense Act of 1991, it omits language in that act requiring U.S. compliance with the ABMT; indeed, the substitute repeals the MDA91 in its entirety. The substitute also opens up a can of worms for treaty verifiers and arms control lawyers. In light of the bill's positive ''finding'' in sec. 234(4) about a defense against missiles ''of all ranges,'' the language could be read both to authorize a territorial, multi-site defense against ''limited'' attacks involving strategic missiles—exactly what the treaty prohibits. Note that the text does not define ''limited''—and given all missile attacks are in some ways limited, the language invites a treaty interpretation that would ultimately permit a defense against all missile attacks. If implemented without modification of the treaty, this would violate several key provisions of the ABMT, including (but not limited to) the bans on: (1) multiple ABM sites; (2) ''development'' of space-based and sea-based ABM components; (3) giving non-strategic BMD systems capabilities to counter strategic missiles; (4) developing a ''base'' for a territorial ABM defense; and (5) developing a missile defense for an individual region. The term ''territory of the United States'' covers a third of the globe, including: (in the Pacific) the Northern Mariana Islands, American Samoa, Guam, Baker and Howland Islands, Jarvis Island, Johnston Atoll, Kingman Reef, Midway Island, Palmyra, and Wake Island, and (in the Atlantic) the Virgin Islands and Puerto Rico—it is hard to imagine an ABM-compliant system that would be ''operationally effective'' in defending such an area without violating the ABMT. Even if the scope were limited to Hawaii, Alaska, and the CONUS, this would cover an area of over 3.7 million square miles; the total area would be far greater. It would not be unreasonable to interpret this proposal as a statement of a U.S. intent to break the treaty. Indeed, the dictionary defines the preposition ''for'' (as used in the phrase ''develop for deployment'') as meaning: ''with the object or purpose of.'' |
| Article II: Defines a strategic ABM system as including not just interceptors, launchers, and radars, but also system components which are ''undergoing testing,'' ''undergoing . . . conversion,'' or ''under construction.''. | Sec. 233 establishes a national policy of developing a NMD system that will be ''operationally effective'' against limited ballistic missile strikes (regardless of their origin or flight characteristics) against ''the territory of the United States.'' Sec. 235 defines the NMD ''architecture'' and directs the SecDef to ''develop'' a specific system achieving this goal. This provision is unilateral, given that Russia has not yet agreed to the BMD testing parameters found in the substitute. Sec. 235 (b) requires the SecDef to make use of ''upgraded early warning radars'' and ''space-based sensors'' in the NMD plan. |
| Article III: The ABM system may cover only one deployment area (of fixed dimensions) and consist of no more than 100 ABM interceptor missiles; also radar limitations. [This provision is pursuant to Article I of the ABM Protocol of 1974.]. | Sec. 233 (2) establishes a policy to ''develop for deployment'' a ''multiple-site national missile defense system'' protecting against limited attacks ''on the territory of the United States'' (see comments above). Such a deployment would thus violate both Article III of the ABMT and Article I of the ABM Protocol of 1974. Sec. 235 (a) requires the SecDef to ''develop'' an NMD system (covering CONUS, Alaska, and Hawaii) involving ground-based interceptors ''capable of being deployed at multiple sites''. |

IMPACT OF THE SUBSTITUTE PROPOSAL ON THE ABM TREATY—Continued

[Although the text does not explicitly require the U.S. to abrogate the ABMT, the substitute MDA95 would require the Executive to take steps that would—if implemented without amending the treaty—violate both the letter and the spirit of that treaty. Examples:]

| ABM Treaty (ABMT) | Missile Defense Act of 1995 (MDA95) |
|---|---|
| Article V: Bans development, testing, or deployment of (a) ABM systems or components which are air-based, space-based, or mobile land-based; (b) ABM launchers for launching more than one interceptor at a time from each launcher; (c) rapid reload ABM launchers. | Sec. 235 (a) requires the SecDef to ''develop'' a NMD system (covering CONUS, Alaska, and Hawaii) involving ground-based interceptors ''capable of being deployed at multiple sites''. The system is to include ''space-based sensors'' including the SMTS (formerly Brilliant Eyes) and BM/C3 systems. Sec 235 (b) requires the SecDef, in developing the NMD plan, to ''make use of . . . one or more of the sites'' that will be used as deployment locations. Same section requires the SecDef to prepare ''an analysis of options'' for developing NMD system that includes several systems that are not ABMT-compliant, including: ''additional'' (presumably in addition to the 100 authorized by the ABMT) ground-based interceptors at existing or new sites, sea-based missile systems, space-based kinetic energy interceptors, and space-based directed energy systems. This list amounts to a congressional requirement for the SecDef to evaluate ''options'' to violate the treaty—an action that could reasonably be interpreted in Moscow as a prelude to treaty abrogation. |
| Article VI: Bans giving non-strategic defensive missiles, launchers, or radars any capabilities to counter strategic missiles, and not to test such missiles in an ABM mode; bans deployment of future radars for early warning of strategic missiles except at locations along the periphery of its territory and oriented outward. | Sec. 235 (b) requires the SecDef to make use of ''upgraded early warning radars'' and ''space-based sensors'' in the NMD plan. The purpose of the NMD system (sec. 235(a)) is to develop an ''operationally effective'' counter to a ''limited, accidental, or unauthorized ballistic missile attack''—yet the only systems permitted under the ABMT that can be ''operationally effective'' against limited/accidental/unauthorized launches of strategic missiles can only be deployed at one site, cannot be deployed at sea/air/or mobile/or with rapid reloads, etc—none of these restrictions appears in the bill. Also, given that (a) the term ''limited'' missile attack is not defined, (b) every missile attack is limited in some way, and (c) there cannot be infinite missile attacks—the law effectively constitutes a green light to counter all missile attacks on all U.S. territory—just what the ABMT was created to prohibit. The substitute also distinguishes between a BMD system having an inherent capability against strategic missiles and a BMD system that has been ''tested against'' such missiles. This language contrasts sharply with the ABMT's ban on giving non-ABM systems capabilities to counter strategic ballistic missiles. |
| Article IX: Bans transferring ABM systems or their components to other states or deploying them ''outside its national territory''. | Sec 235(b) requires the SecDef to prepare ''an analysis of options'' for NMD including sea-based missile systems, space-based kinetic energy interceptors, and space-based directed energy systems—all of these would presumably be ''outside the territory'' of the United States. Under a unilateral interpretation of its own obligations under the ABMT, Russia could in turn argue that it is permissible for Russia to deploy its own ABM systems around the world to counter ''limited, accidental, or unauthorized'' U.S. missile attacks. Russia could (if the ABMT is finally abrogated) also export whole strategic NMD systems or critical components to all destinations. |
| Article XIV: Allows amendments; but agreed amendments shall enter into force with the same procedures governing the entry into force of the treaty. | The amendment process provides no authorization for unilateral national definitions of key terms of the treaty. Moreover, the substitute misleadingly claims (in sec. 237(a)(4)) that all the programs in this bill ''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.'' By the same reasoning, any non-nuclear-weapon state party to the Nuclear Non-Proliferation Treaty could ''accomplish'' a robust nuclear weapons arsenal fully ''within'' the procedures of the NPT, simply by following the 90-day withdrawal procedure. Indeed, either the U.S. or Russia could go ahead and develop and deploy a completely impermeable, national Star Wars system fully ''within the ABM Treaty'' simply by exercising that treaty's right to withdraw (or by not engaging in flight tests). The proposal thus converts a prohibition into a right or even an obligation. |

Mr. HELMS. Mr. President, I support the Nunn amendment identified as ''The Missile Defense Act of 1995.'' Last week there was a curious, trumped up suggestion in a local newspaper that, somewhere along the line, I had mysteriously changed my position regarding the ABM Treaty. I have not, and the reporter who wrote the story knew it. I have always questioned the wisdom of the ABM Treaty, and I still do.

In fact, this past April I wrote to President Clinton stating my belief that the current U.S. position on the ABM Treaty is rooted in cold war mentality. In 1972, Mr. President, neither United States nor Soviet negotiators had any way to envision the security environment of 1995, characterized as it is by the rampant proliferation of ballistic and cruise missile technology.

Even former Secretary of State Kissinger—one of the principal architects of the ABM Treaty—recently told me that he too feels that strategic stability in the post-Cold war world has moved beyond the current scope of the ABM Treaty. I use the word ''current'' because the ABM Treaty itself contains provisions for modification or legal abrogation.

Mr. President, the national security interests of the United States should be our number one priority, and for that reason I have directed the Committee on Foreign Relations, in consultation with the Committee on Armed Services and other appropriate committees, to undertake a comprehensive review of the continuing value of the ABM Treaty for the purpose of providing additional policy guidance during the second session of the 104th Congress.

In this regard, I reiterate my opposition to the creation of yet another special Select Committee replete with bureaucratic trappings, staff, and cost to the American taxpayer for the purpose of reviewing this treaty. We already have standing committees with the responsibility for making these determinations and recommendations, and we are going to do our job.

In conclusion, I support the Nunn amendment for its foresight in developing a missile defense system to protect all Americans. Still, I confess having reservations about the amendment because I am convinced that it may compromise some of the decisive language and vision contained in the original bill.

Mr. President, I reiterate my support for passage of the Defense Authorization Bill of 1995.

Mr. NUNN. Mr. President, I intend to make a statement concluding the final passage of the authorization bill outlining some of the challenges I think we have in conference. I do think there have been a number of improvements made in the bill in the Chamber, most notably the Missile Defense Act, which I anticipate will be approved in a few minutes on a rollcall vote.

There are a number of other challenges we have in conference if this bill is going to become law, and I will speak to that at passage of the authorization bill because I think it is enormously important that we work together in a cooperative way with the administration to make every effort to see that this bill will be one the President will be willing to sign.

There are a number of items that are in the bill now which will not meet that definition according to what I have been reliably informed.

So I will be working with my colleagues to both identify the administration objections and to see if those can be worked on as we go forward.

I also think the committee chairman and all those who worked in good faith in the Chamber have a real stake in trying to make sure we get a bill that can become law this year, and I know we will work together in that regard.

Mr. WARNER. Mr. President, I say to my distinguished colleague, I know there are Senators on this side of the aisle, particularly Senators KYL and SMITH, who likewise feel very strongly about this amendment about to be voted on, so I am sure their voices will be heard as this matter proceeds to resolution in conference.

Mr. NUNN. I say to my friend from Virginia, I was referring both to that matter and to other matters also. My comments were in general because there are a number of areas where the administration and the Secretary of Defense have noted they want to work to see that changes are made. So I was not speaking just on the Missile Defense Act but that was included in my remarks.

Mr. WARNER. Mr. President, I just wanted to make sure I protected the interests of my colleagues who did work on this particular amendment about to be voted on.

Mr. President, parliamentary inquiry. Has the time arrived now for the vote?

AMENDMENT NO. 2425

The PRESIDING OFFICER. Under the previous order, the hour of 9:30 has arrived and the question now is on the Nunn amendment.

Mr. THURMOND. Mr. President, the distinguished Senator from Oklahoma desires about 2 minutes. I suggest he be given 2 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator from Oklahoma is recognized.

Mr. INHOFE. I thank the Senator from South Carolina.

During the course of this recess, I averaged about seven events a day throughout the State of Oklahoma, and during that time I did not let an opportunity go by without letting the people of Oklahoma know how serious the threat of missile attack will be to the United States within just a very few years, probably as early as the year 2000.

I also let them know that we do not have a national missile defense system, and probably the most significant thing we will do is to keep this system going so that when we have a friendlier

environment in the White House we can have this system ready to be deployed by the year 2000 or 2001.

We know the threat that exists from North Korea right now. We know the threats that were articulated by Jim Woolsey, the chief security adviser to the President, when he said that we know of between 20 and 25 nations that are working on weapons of mass destruction and the missile means of delivering those weapons.

I know the negotiators worked very hard, and I commend the work product. However, I am a little disappointed it did not come out stronger. I intend to support the missile defense portion of this bill, but I think when we used the words that we want to deploy a national missile defense system and they changed it to ''develop for deployment,'' that is too weak. I think that when we are calling for highly effective missile defenses that we now have changed to ''affordable,'' I suggest to you, Mr. President, there is nothing that is more significant going on right now than preparing for a national missile defense system.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

The question is on agreeing to the Nunn amendment No. 2425. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Alaska [Mr. MURKOWSKI] is necessarily absent.

Mr. FORD. I announce that the Senator from Hawaii [Mr. AKAKA] is absent because of attending a funeral.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 85, nays 13, as follows:

[Rollcall Vote No. 398 Leg.]

YEAS—85

| | | |
|---|---|---|
| Abraham | Feinstein | Lott |
| Ashcroft | Ford | Lugar |
| Baucus | Frist | Mack |
| Bennett | Glenn | McCain |
| Biden | Gorton | McConnell |
| Bingaman | Graham | Mikulski |
| Bond | Gramm | Murray |
| Breaux | Grams | Nickles |
| Brown | Grassley | Nunn |
| Bryan | Gregg | Packwood |
| Bumpers | Hatch | Pressler |
| Burns | Hatfield | Pryor |
| Byrd | Heflin | Reid |
| Campbell | Helms | Robb |
| Chafee | Hollings | Rockefeller |
| Coats | Hutchison | Roth |
| Cochran | Inhofe | Santorum |
| Cohen | Inouye | Sarbanes |
| Conrad | Jeffords | Shelby |
| Coverdell | Johnston | Simpson |
| Craig | Kassebaum | Snowe |
| D'Amato | Kempthorne | Specter |
| Daschle | Kennedy | Stevens |
| DeWine | Kerrey | Thomas |
| Dodd | Kerry | Thompson |
| Dole | Kohl | Thurmond |
| Domenici | Kyl | Warner |
| Exon | Levin | |
| Faircloth | Lieberman | |

NAYS—13

| | | |
|---|---|---|
| Boxer | Feingold | Leahy |
| Bradley | Harkin | |
| Dorgan | Lautenberg | |
| Moseley-Braun | Pell | Smith |
| Moynihan | Simon | Wellstone |

NOT VOTING—2

| | |
|---|---|
| Akaka | Murkowski |

So the amendment (No. 2425) was agreed to.

Mr. THURMOND. 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. BINGAMAN. Mr. President, I am going to vote against this bill as I did in the Armed Services Committee. We have had a good debate on the Senate floor on the bill and I went into this debate hopeful that we would fix many of the problems I saw in the bill as reported.

We have fixed some of those problems. For example, the Department of Energy provisions have been almost completely rewritten and all the provisions I objected to during committee deliberations have been corrected, with the exception of the hydronuclear testing provision which Senators EXON and HATFIELD sought to eliminate.

Elsewhere, unfortunately, the improvements have been modest. The Missile Defense Act of 1995 has not been changed enough for me to be able to support it. I commend Senator NUNN and Senator LEVIN for their efforts to defuse the worst features of the reported bill's missile defense provisions. I voted for their language as a substitute for the reported bill. But I believe that these provisions will still contribute to the unraveling of critical arms control agreements that would enhance our security far more than accelerating the development and deployment of a limited national missile defense system.

Our current policy on missile defense, the Missile Defense Act of 1991 as amended, makes it a goal of the United States to comply with the ABM Treaty while developing, and maintaining the option to deploy, a limited national missile defense. That is as far as we should go. We simply do not need to be making a several-hundred-million-dollar downpayment this year for a multitens of billion dollar national missile defense system.

The bill has many other provisions which I oppose. Section 1082 prohibits retirement of strategic weapons delivery systems that the nuclear posture review says we don't need. We cannot afford to keep every nuclear weapon delivery system, even those the Pentagon says we don't need, as bargaining chips for future arms control negotiations. We should not be sending the signal that we expect the START II and START I treaties to unravel and therefore intend to maintain the maximum nuclear capability possible within the START counting rules. If we end up with the nuclear posture review force structure, we will be quite adequately defended and will hardly have to sue for surrender if the cold war is revived.

Mr. President, I fundamentally disagree with the need to add $7.1 billion to the President's defense request. The weapons research and production funded with that money are only going to make our out-year defense budget problems worse. The committee has admitted that it has designed a defense bill that will require many billions of dollars in additional defense spending in future years beyond the budget resolution levels. Since I didn't support the first $33 billion added by the budget resolution, I can't support a bill that assumes even more spending in future years. I regret that the Kohl-Grassley effort to enforce budget discipline failed.

I regret that my efforts to cut spending for unneeded antiarmor munitions and for an amphibious assault ship we don't need to buy before 2001, if then, were defeated in votes on the companion Defense appropriations bill. These are the tip of the iceberg of unneeded Member-interest spending in this bill and the companion appropriations bill.

Mr. President, this bill is better than the House bill in most respects. The House bill has terrible provisions on discharging members who are HIV positive and on denying female service members and female dependents of service members the right to get an abortion in overseas military medical facilities with their own money. The House bill funds additional B–2 bombers with their multitens of billions of dollars out-year funding requirement. The House bill has a fundamentally misguided provision that attempts to lock in the Bottom-Up Review force structure of 1.445 million active duty service members in permanent law. The House bill's combination of force structure and weapons systems provisions would require rapid real growth in defense spending in future years, even more rapid than the Senate bill's. This is simply not in the cards.

Mr. President, we go to conference with two bad bills, each deserving a veto in my view. It's possible that we will strip the worst of both bills in conference and end up with a product acceptable to the President. But far more likely is a result that the President would have to veto.

This is the first time in my 13 years in the Senate that I have voted against a Defense authorization bill. I do not do it lightly. I regret that I feel compelled to do this.

I urge my colleagues who believe this bill spends too much money on unneeded and wasteful defense projects or who oppose its cold war revival provisions to join me in voting against this bill.

STRATCOM

Mr. THURMOND. Mr. President, I wish to bring to my colleagues' attention an important initiative by USSTRATCOM to provide the regional CINC's with mission-planning analysis for counterproliferation of weapons of mass destruction. STRATCOM'S mission-planning analysis is of proven

value to regional commanders charged with responding to proliferation threats.

In situations that could require putting American forces in harm's way, it is vital that all factors—the risks, benefits, and consequences of contingency plans—are thoroughly understood in advance. Once a crisis breaks out, it is too late to undertake the studies required to assess the potential threats.

STRATCOM's unique planning analysis method gives commanders advance warning of danger by helping to identify and characterize current and emerging proliferation threats in the region. In cases when proliferation activities challenge U.S. interests and military operations, this unmatched mission-planning analysis capability allows defense planners to identify a variety of potential military targets; assess the effectiveness, consequences, and costs of military operations; and develop alternative contingency plans that maximize mission effectiveness, while minimizing the risk, cost, and collateral effects.

Moreover, in the case of countries with embryonic weapons activities, STRATCOM's mission-planning analysis can provide the early and detailed alert that will allow policy makers to fashion effective export controls and other preventative measures to block weapons programs before they become a threat to the United States or other nations.

Mr. MCCAIN. I agree with Chairman THURMOND'S assessment of USSTRATCOM'S mission-planning analysis activities and the importance of this program in supporting the broad spectrum of U.S. nonproliferation and counterproliferation goals. Unfortunately, during our markup of the fiscal year 1996 Defense authorization bill, we were unaware that the program is not adequately funded in the budget request for STRATCOM.

Without funding, analysis that commanders find essential for mission planning will at best be performed on an ad hoc basis or, worse, not at all. This issue is too vital and the risks of proliferation are to great to be ignored by the Senate.

I hope the conferees will see fit to include the required funding for this program.

DISPOSAL OF OBSOLETE AND EXCESS MATERIALS CONTAINED IN THE NATIONAL DEFENSE STOCKPILE

Mr. BAUCUS. I would like to raise an issue with the manager regarding section 3402 of the bill. This section appears on page 587 and is entitled ''Disposal of Obsolete and Excess Materials Contained in the National Defense Stockpile.'' I understand that the purpose of this provision is to eliminate the strategic materials in the national defense stockpile with three exceptions. Is that correct?

Mr. THURMOND. The provision recognizes that the stockpile contains materials which are excess to national security needs. At the direction of Congress, the Department of Defense conducted a thorough analysis of requirements and reported their findings.

Mr. BURNS. And I understand that if the disposal of those materials is authorized by the Congress, the actual sales of the materials would be preceded by a recommendation by the Federal Market Impact Committee regarding the adverse domestic and foreign economic impacts on the private sector as a result of the proposed stockpile sales. Is that correct.

Mr. THURMOND. No disposal from the stockpile may occur until the Market Impact Committee has analyzed the DOD plan for annual disposals. Congress must then concur with the annual materials plan before DOD can dispose of any materials. We maintain very tight control over these disposal and the procedures have worked very well.

Mr. BAUCUS. Our concern is with the proposed sale of palladium and platinum in the stockpile. The national defense stockpile of palladium represents the equivalent of 20 percent of the annual demand for this metal, and the national defense stockpile of platinum represents 5 percent of the national demand. The price of both of these metals is quite volatile. There is already some indication that just the recommendation for sale has had a depressive impact on the market price. Did the committee, when it included palladium and platinum among the materials to be disposed, examine the implications of disposition of palladium and platinum?

Mr. THURMOND. Any disposals of those materials could only occur in small amounts over a very long period of time, according to market and impact conditions. Although no subcommittee hearing was conducted this year to review stockpile operations, we have been working closely with DOD on this matter and the final DOD report has been reviewed.

Mr. BURNS. Historically, the National Defense Stockpile was created to provide a supply of strategic materials not available from domestic production or not available in sufficient quantities from domestic production to meet critical military needs. Since the palladium and platinum that is in the stockpile was acquired, the Stillwater Mine in Montana has begun production and, in fact, is the only mine in the world which is a primary palladium producer, platinum representing a secondary metal from that mine. Virtually all other palladium and platinum comes from South Africa and Russia.

Mr. BAUCUS. The problem from Montana's perspective is that the Stillwater Mine has only recently begun to recover its costs of production as the price of palladium has stabilized at a level sufficient to justify operation of the mine. Because of the improvements in price, Stillwater Mining Co. has announced an intention to double its production of palladium beginning in mid-1997. The doubling of production will increase the number of high-paid underground mining jobs by approximately 400. In Montana, these jobs are extremely important to our economic health.

Mr. BURNS. We are deeply concerned that there not be some activity with respect to the disposition of palladium and platinum in the stockpile which would undermine the basic economics of the Stillwater Mine and its proposed expansion. The question to the manager of the bill is whether the conferees, on behalf of the Senate, will support an amendment from the Montana delegation which will assure that disruption in the price of palladium and platinum not occur.

Mr. THURMOND. I would emphasize that this legislation would not permit DOD to dispose of a single ounce of these materials. Any disposal requires approval by Congress of an annual materials plan and I suggest to my colleagues that the AMP is the mechanism we have established in law to protect domestic industry from disruption. The provision in this bill enables DOD to develop a plan for potential disposals in a manner which will not disrupt the market or disadvantage domestic producers. This procedure has worked very well in the past and any disruption has been minimized.

Mr. BIDEN. Mr. President, I rise in opposition to the National Defense Authorization Act for fiscal year 1996. In the course of debate on this legislation many improvements have been made to what was a dangerous piece of legislation.

To mention two of these positive changes: The provisions on the Energy Department relating to our nuclear weapons activities have been greatly improved and the National Missile Defense Act of 1995 has been significantly altered.

Unfortunately, these changes have not gone far enough to correct what I believe is still a flawed piece of legislation.

I will oppose this legislation primarily for two reasons. First, the Missile Defense Act of 1995, though much improved over the original committee version, risks undermining the START treaties. Second, the bill provides for an increase of $7.1 billion in spending on programs that the Pentagon does want nor need.

At this juncture, I want to make clear that I support a robust national defense. I do not think, though, that spending money on weapons systems that the military itself does not want and pursuing a national missile defense which could lead to a new arms race, as this bill does, is a good way to promote our national security.

Senators NUNN, LEVIN, COHEN, and WARNER worked hard to develop a compromise which altered some of the more egregious provisions of the committee-reported version of the Missile Defense Act of 1995. I commend them for their efforts, and I supported their amendment as a way to improve the original bill language.

The amendment does move us away from the original bill's commitment to deploy a national missile defense system by 2003. Furthermore, the scope of the Strategic Missile Defense Program has been strictly limited to defending against unauthorized, accidental, and limited launches as opposed to a more ambitious defense against all types of ballistic missiles. The Congress is now guaranteed a decisive role in the decision to deploy any missile defenses. Finally, provisions which would have tied the President's hands in negotiating ABM Treaty amendments have been removed.

Despite these significant changes, many problems remain with the Missile Defense Act of 1995. In particular, there is a real threat that the Russian Duma will not understand the legislative finessing we have engaged in to avoid a head-on collision with the ABM Treaty. The distinction between developing for deployment a national missile defense system versus deploying such a system are subtle at best. They may also be concerned about policy statements referring to the possibility of withdrawal from the AMB Treaty should negotiations not succeed.

The danger is that these measures on our part will be viewed as violations of the ABM Treaty by the Russians. If the Russians believe that we are developing an effective national missile defense system in violation of the ABM Treaty, then they are likely to lose confidence in their offensive strategic arsenal, which has been shrinking thanks to arms control agreements like START I.

To overcome that lack of confidence, they will seek to develop the means to counter our missile defense system. The cheapest way to do so is to overwhelm missile defenses. In order to retain the ability to do that they will stop implementing START I and refuse to ratify START II.

The progress in arms control which accompanied the signing of the ABM Treaty over two decades ago will have been thrown by the wayside, and ironically we will have the kind of arms race in the post-cold-war world which we were able to avoid in the heyday of the cold war.

Instead of focusing on a threat from ballistic missiles reaching our shores—a threat which we may never face—we should be concentrating our efforts on those areas where a realistic threat does exist. That threat primarily comes in the form of a rogue state or terrorist group gaining access to widely scattered fissile material in the former Soviet Union, fashioning a crude nuclear explosive device, and smuggling it into the United States by conventional means such as a boat.

Our focus should be on securing the many tons of nuclear material in the former Soviet Union, and on tracking dangerous terrorist groups who may be potential customers for that material, not on defending against the remote possibility of a ballistic missile attack from outlaw states or groups.

The second primary concern I have with this legislation is that it calls for wasteful spending. I want to repeat that I stand for a strong national defense. Unfortunately, the additional $7.1 billion in spending above the administration's request called for in this legislation does nothing to improve our national security.

Not one penny of the increase is going into the operations and maintenance account, also known as the readiness account. The reason for that is that there is not a readiness problem under the Clinton defense budgets as some would like us to believe.

Some of the $7.1 billion increase in spending, such as that for national missile defense, could lead to expenditures of tens of billions of dollars in future years if plans are fully carried out. This is an indirect way of forcing enormous increases in future defense budgets which are not included in current budget plans.

At a time when many valuable programs are being subjected to unprecedented cuts, I find it difficult to support large increases in programs in the Defense bill which were not requested by the military and will do nothing to enhance our national security.

For these reasons, Mr. President, I must oppose the Defense Authorization Act for fiscal year 1996.

Mr. SMITH. Mr. President, I rise in strong support of the fiscal year 1996 Defense authorization bill, as reported by the Armed Services Committee. This is an excellent bill, and I want to specifically commend the distinguished chairman of the committee, Senator THURMOND, for his able leadership and tireless efforts on behalf of the men and women of our Armed Forces. I also want to thank Senator NUNN, the distinguished ranking member, for his hard work and dedication.

Mr. President, when the 104th Congress convened in January, Senator THURMOND initiated a comprehensive review of our national defense requirements in view of the administration's future years defense plan. The review highlighted some serious deficiencies in military readiness, modernization, quality of life, and investment, and served as a basis for establishing a list of top priorities for the Armed Services Committee in this year's defense program. For the benefit of my colleagues, I ask unanimous consent that this list of priorities be inserted in the RECORD.

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

ARMED SERVICES COMMITTEE PRIORITIES

Guarantee our national security and the status of the United States as the preeminent military power:

Maintain FY 96 defense budget at FY 95 levels in real terms.

Determine outyear defense budgets based on national security requirements.

Reprioritize the President's budgets to ensure appropriate balance of personnel, near-term readiness and long-term readiness (modernization).

Ensure a high quality and sufficient end-strength of personnel at all grade levels through effective recruiting and retention policies.

Buy the weapons and equipment needed to fight and win decisively with minimal risk to personnel.

Eliminate defense spending that does not contribute directly to the national security of the United States.

Ensure an adequate, safe, and reliable nuclear weapons capability.

Reevaluate peacekeeping roles, policies and operations and their impact on budgets, readiness and national security.

Protect the quality of life of our military personnel and their families:

Provide equitable pay and benefits for military personnel to protect against inflation.

Restore appropriate levels of funding for construction and maintenance of troop billets and family housing.

Revitalize the readiness of our Armed Forces:

Restore near-term readiness by providing adequate funding to: reduce the backlog in maintenance and repair of equipment; provide adequate training; and maintain stocks of supplies, repair parts, fuels, and ammunition.

Ensure U.S. military superiority by funding a more robust, progressive modernization program to provide required capabilities for the future.

Accelerate development and deployment of missile defense systems:

Deploy as soon as possible advanced land and sea based theater missile defenses.

Clarify in law that the Anti-Ballistic Missile Treaty does not apply to modern theater missile defense systems.

Reassess value and validity of the Anti-Ballistic Missile Treaty to the national security of the United States.

Accelerate development, testing and deployment of a national missile defense system highly effective against limited attacks of ballistic missiles.

Mr. SMITH. The bill before us delivers on each of the priorities that were developed by Senator THURMOND and members of the committee. In fact, every element of the list is embodied in direct actions taken by the committee. We made a commitment, and we delivered on that commitment.

The committee bill authorizes approximately $264.7 billion in budget authority for the National Defense Program. Although this represents an increase of $7 billion from the administration's grossly underfunded request, it still falls short of fully meeting our military requirements. The situation in the outyears is considerably worse.

Both the Clinton plan and the recently passed budget resolution fail to fund defense at a level that even keeps pace with inflation. We are on track for a major train wreck between defense requirements and resources. If we are to maintain any semblance of a stable defense program we will need to maintain the spending outlined in this bill, and revisit future years funding levels next year.

Mr. President, there are a number of very important initiatives contained in this bill, which I would like to briefly summarize for my colleagues. The committee bill:

Provides a 2.4-percent pay raise for military members and a 5.2-percent increase in basic allowance for quarters.

Equalizes dates for military and civil service retiree COLA's for 1996 through 1998.

Authorizes $1.3 billion to purchase the LHD–7 amphibious assault ship.

Fully funds the F–22 fighter program.

Initiates a long overdue upgrade of our airborne electronic warfare programs.

Funds critical antisubmarine warfare and countermine programs.

Provides $110 million to purchase the second of three ships under the Marine Corps Maritime Preposition Ship Enhancement Program.

Provides $35 million to begin retrofitting aging Patriot missiles with an advanced seeker to defend against modern cruise missiles.

Includes a provision ensuring free and fair competition between Electric Boat and Newport News for the new attack submarine program.

And perhaps most important, includes the Missile Defense Act of 1995, a historic and long overdue refocusing of our Ballistic Missile Defense Program.

Mr. President, the Missile Defense Act establishes a comprehensive program to counter the threats posed to our Nation by ballistic missiles and cruise missiles. The program has three key elements that I want to bring to the attention of my colleagues.

First and foremost, the legislation accelerates the development and deployment of national missile defenses to protect all Americans against the threat of ballistic missiles. The Clinton administration has effectively killed the National Missile Defense Program, leaving the American people totally vulnerable to ballistic missile attack.

The committee bill rejects the administration's misguided approach, and establishes a specific program and schedule to deploy a multiple site, ground based national missile defense by the year 2003.

Second, the committee bill would codify the demarcation proposal that the Clinton administration offered in Geneva some 18 months ago. It establishes a demonstrated standard for evaluating compliance with the ABM Treaty.

The bill specifies that theater missile defense systems would not be subject to the terms of the ABM Treaty unless they are flight tested against a ballistic missile with a range greater than 3,500 kilometers or a velocity in excess of 5 kilometers per second. This is a reasonable and appropriate standard that was suggested by the administration, and we have included it in this bill.

Third, the committee bill establishes a cruise missile defense initiative to counter the threat posed by existing and emerging air breathing threats. The intelligence community estimates that at least 12 countries have land-attack cruise missiles under development. Although the Defense Department has a variety of programs underway to address these threats, there is poor coordination and synergy among the Department's programs.

The bill would direct the Secretary of Defense to better coordinate the Pentagon's cruise and ballistic missile defense programs, prepare a plan for prompt deployment of these systems, and provide a substantial increase in funding.

In addition, Mr. President, the bill advocates a cooperative transition to a post-cold-war regime that is responsive to the global threat environment. The committee heard testimony from many different witnesses this year urging the United States to move away from the cold war doctrine of mutual assured destruction toward a more flexible deterrent posture that integrates both offensive and defensive weapons.

In particular, Henry Kissinger, who was a key negotiator of the ABM Treaty and a proponent of mutual assured destruction, indicated to the committee that this doctrine has been surpassed by events, and is no longer relevant or constructive in the post-cold-war world. The committee took this testimony very seriously, and has recommended that we work with our Russian counterparts to move cooperatively away from the confrontational policy of mutual assured destruction toward a more multipolar oriented deterrent posture.

The committee bill also recommends the establishment of a select committee to conduct a 1-year review on the continuing value and validity of the ABM Treaty. The select committee would conduct hearings and interviews, review all relevant documents, and carefully consider the full range of policy issues surrounding the treaty.

To support this initiative, the committee bill would require that the ABM Treaty negotiating record be declassified. This action would be consistent with the classification policy that was established by Executive order on April 17 of this year by the Clinton administration.

Mr. President, these initiatives on ballistic missile defense are responsible, measured, and necessary to protect the national security of the United States. The American people overwhelmingly support the deployment of national missile defenses and highly effective theater missile defenses.

Unfortunately, the Senate now appears poised to completely rewrite the Missile Defense Act. Although the Senate has voted twice to preserve key aspects of the legislation, a so-called compromise has been developed which totally changes the focus and content of the bill. As one who has dedicated a great deal of time and effort on this issue, I am deeply disappointed with this sudden change of course. The Armed Services Committee bill was the right answer to a very complex and urgent problem, and I am troubled that for nothing more than convenience sake, it appears this body is prepared to compromise its principles and our Nation's security. This is a terrible mistake, and I will not support it.

The truth is, that contrary to the assertions of our friends who oppose missile defense, nothing in the committee bill, absolutely nothing, would violate the ABM Treaty. It merely begins preparations for the eventual deployment of a system to defend all Americans against the threat of ballistic missiles.

The authors of the treaty expected evolutionary changes and incorporated provisions that would encourage cooperative modifications or, if necessary, withdrawal from the treaty after a 6-month notice. The Armed Services Committee bill does not prejudge the results of negotiations to amend the treaty, nor does it advocate a unilateral withdrawal from the treaty. It merely affirms the moral and constitutional requirement to defend all Americans, and initiates a comprehensive program to counter threats to our security.

Mr. President, that is the fundamental issue at stake here. The American people are totally vulnerable to ballistic missile attack. They have no defenses. And the Clinton administration intends to keep it that way. The question for Senators today is whether you believe that all Americans deserve to be defended, or you support the Clinton policy which says no Americans should be defended. You can't have it both ways.

But, sadly, that is what my colleagues are trying to do with this so-called bipartisan compromise. In an effort to prevent the President from vetoing the defense bill, they have agreed to water down the missile defense provisions, to soften the findings, to hedge on deployment dates, and to completely undermine the principles that were embodied in the committee bill.

Mr. President, I appreciate the efforts of my colleagues to try and find common ground, and to seek compromise in order to build consensus. But national security is not something to be compromised, and I refuse to associate myself with a policy which perpetuates the vulnerability of our citizens. I will oppose the so-called bipartisan compromise on missile defense, and any other amendment which undermines the excellent work of the Armed Services Committee.

I yield the floor.

ACQUISITION AND TECHNOLOGY

Mr. SMITH. Mr. President, as chairman of the Acquisition and Technology Subcommittee, I have been charged with overseeing of the technology base programs in the defense budget request for fiscal year 1996. The technology base budget includes funding for the basic research, exploratory development, and advanced development accounts, the so-called 6.1, 6.2, and 6.3 accounts of the budget.

In addition the subcommittee also has responsibility for the so-called RDT&E infrastructure accounts. These

accounts fund the maintenance of laboratories, R&D centers, and test and evaluation facilities. The portion of the accounts allocated to the Acquisition and Technology Subcommittee in fiscal year 1996 budget request amounted to a total of $9.5 billion.

As the incoming subcommittee chairman, I faced a number of challenges. The budget request for fiscal year 1996 was already reduced from the amounts appropriated for these accounts in fiscal year 1995. Unlike other portions of the budget, the technology base programs are spread out among 250 separate program elements complicating a systematic review of the programs. Finally, it was clear that we needed to undertake a thorough review of each of these programs in order to ensure that defense relevance be the most important test for their continued funding. I was determined to understand the details of the programs under my purview.

To aid in its review of these programs, the subcommittee conducted six hearings on program categories as well as on relevant policy areas. We began with an overview hearing on the technology programs in the Subcommittee's jurisdiction on March 14. This hearing yielded important insights into the relationship of the programs under the purview of the Office of the Secretary of Defense and those managed by the services.

Over the past several years, there has been a distinct trend in technology funding shifting from service programs to programs managed by OSD. This trend may have serious consequences if we are robbing Peter to pay Paul and are thereby reducing service influence on the investment of our defense technology dollars.

The importance of technology to the military in the face of the emerging revolution in military affairs was one of the subjects discussed at length during a subcommittee hearing on May 5. At that hearing, Admiral Owens, Vice Chairman of the Joint Chiefs of Staff and Mr. Andrew Marshall of the DOD Office of Net Assessment presented a preliminary sketch of the future battlefield and the key role that technology, especially information technology, will play in bringing victory or defeat.

The hearing underscored the need to maintain sufficient levels of defense technology investment to ensure that we are able to exploit the potential of future battlefield. Technology issues are only one aspect of the revolution in military affairs, and I am hopeful that the full committee will hold at least one hearing over the next year to examine the implication of this revolution for areas like organization and training that extend beyond the scope of any one subcommittee.

The technology reinvestment project has become one of the more controversial programs under the subcommittee's jurisdiction. On May 17, the subcommittee held a hearing to review this program and other so-called dual-use technology programs in the Department of Defense budget request. As a percentage of the budget, these programs have been growing since 1990. The dual-use designation refers to the fact that such programs involve technologies that have application in both the commercial as well as the defense sectors of the economy. Dual-use technologies will be used to an increasing extent in weapon systems as the electronics content of such systems continues to rise.

In the electronics industries, for example, the commercial marketplace, not defense requirements, is driving the pace of technology development. Because the Department of Defense represents a shrinking share of the electronics market, DOD leverage over the market is decreasing.

For that reason, the paradigm for future interaction between the Department of Defense and the electronics industries is a dual-use partnership approach in which both DOD and the industry provide funding for the development of technology. Such partnerships can help to make our acquisition process more efficient as we inject commercial technologies into defense weapons systems.

I want to make clear, however, that there are dangers in placing too much emphasis on this approach. If programs are not managed carefully, we may end up doing dual-use for dual-use sake with only a limited emphasis on military utility. Military utility must be the driving factor, and a time of limited funding, we have to ensure that we are not raiding critical technology base programs under the guise of dual-use development. We also need to ensure that Congress maintains the proper level of visibility and oversight in dual-use programs.

At the May 17 hearing on dual-use programs, we explored these issues in depth with the Under Secretary of Defense for Acquisition and Technology, Paul Kaminski, and representatives of the defense industry and the General Accounting Office. What emerged from the testimony was the potential payoff of some existing dual-use programs, such as those underway in the technology reinvestment project, but also the need for improvements in management and oversight of these programs.

An area that is directly related to our investments in technology is the issue of export control. Unless we have in place an effective process for reviewing licenses for the export of sensitive technologies, especially those that are dual-use in nature, we will end up having to spend scarce R&D dollars to counter technologies that we already have paid to develop. I am particularly concerned about the licensing for export of technologies for satellites and satellite-related services.

On May 31, I chaired a hearing reviewing current export license review procedures and the relationship among the Departments of Defense, State, and Commerce in this process. The hearing uncovered some significant problems of coordination and cooperation among the agencies that have directly undermined our national security. I intend to continue pursuing these issues in further hearings.

Mr. President, the proliferation of weapons of mass destruction is an ever growing threat to our national security. Because of this increased threat, I have made counterproliferation programs and policies a major area of new emphasis for the Subcommittee on Acquisition and Technology. On April 14, the subcommittee held a hearing to review the funding request for fiscal year 1996 for counterproliferation programs. The hearing revealed that additional funding would be necessary to accelerate development and deployment of military counterproliferation technologies. The bill before us addresses many significant deficiencies in our counterproliferation program.

Upon completion of the hearing process in May, I began a comprehensive analysis of the funding requests for the 250 program elements in the Acquisition and Technology Subcommittee. As I announced at the first hearing in March, my litmus test for funding a program was simple: if there is a defense investment, there must be a defense return. We put everything on the table. I carried out this review independent of political bias, and without any prejudice toward systems or technologies.

Because high priority requirements in readiness, modernization, and quality of life were severely underfunded in the President's defense budget request, Chairman THURMOND directed me to reduce accounts under the jurisdiction of the Acquisition and Technology Subcommittee in areas of nondefense initiatives or lower priority activities. I agreed with that direction and accepted the guidance to reduce the programs $330 million below the President's request.

However, in the midst of our review, the subcommittee received requests from Senators for additions to the bill totaling nearly $620 million. As we clearly could not accommodate even a majority of these requests, I attempted to apply the same litmus test to these requests as I applied to the programs in the administration request: direct defense relevance.

In preparing the subcommittee recommendation on the President's request, we endeavored to protect the core, defense relevant technology programs above everything else. We gave programs with defined technology development a higher priority than those that lacked it. The largest source of reductions was the technology reinvestment project, which we cut by $262 million. This funding would all have supported a new competition in fiscal year 1996 for which technology thrust areas have yet to even be defined.

Mr. President, as the committee report on page 111 indicates, despite our

continued support of dual-use technology development programs, a new competition for unspecified technologies in 1996 must have a lower priority from a defense standpoint than funding well-defined technology programs in the budget request for the services. We changed the name of the program to the Defense Dual-use Technology Initiative and have also changed the statutory basis for the program to clarify the need for close connection between research and a military mission requirement.

Another source of funding reductions was an undistributed cut of $90 million to the work conducted through the federally funded research and development centers known as FFRDC's. The FFRDC issue has been a controversial one in recent years due to the perception of some that these institutions lack effective management oversight from the Defense Department. While the subcommittee is satisfied with the efforts of the Under Secretary of Defense for Acquisition to review the future role of the FFRDC's, our reduction was made in a manner consistent with overal reductions in R&D, and in anticipation of some redistribution of workload betwen the FFRDC's and the private sector.

Another source of significant reductions was in the accounts supporting the research, development test, and evaluation infrastructure. One of the most disturbing trends in the technology budget is the greater and greater portion of R&D funding that is going, not to programs, but to maintaining facilities and test ranges. The base closure and realignment process has not dealt effectively with the need to consolidate laboratories, research centers and test facilities across the services.

As a result, at a time when the R&D portion of the budget request has declined by over 10 percent from last year, the RDT&E support programs have declined overall less than 4 percent. In recognition of this trend, we reduced the infrastructure programs by $85 million. It is my hope that we can develop an effective process for consolidating facilities so that we can devote a greater share of our scarce resources to programs rather than maintenance. I intend to continue to pursue this issue vigorously next year.

In the midst of these reductions, I am pleased to say that we were able to fund some critical gaps in the budget. We added $36 million to create a counterproliferation support program to accelerate the development and deployment of technologies for military counterproliferation. Our report details the new initiatives in such areas as biological agent detection, cruise missile defense, and proliferation of space technology. We also shifted $24 million into Army technology base accounts to correct some of the most serious shortfalls in the Army's underfunded technology budget.

I want to thank members of the staff for all their work in helping out the members of the Subcommittee on Acquisition and Technology. Monica Chavez, Jon Etherton, Tom Moore, Tom Lankford, and Pamela Farrell provided essential support for our review. On the minority side, Ed McGaffigan, John Douglass, and Andy Effron were extremely cooperative with our staff and members in working through these issues.

I especially want to express my appreciation for the support and counsel I received from the ranking member of the subcommittee, Senator JEFF BINGAMAN. I was privileged to serve as the ranking member under his chairmanship of the subcommittee during the last Congress where Senator BINGAMAN conducted the process with fairness, openness, and always in a spirit of bipartisanship. I know there were recommendations in this bill that trouble the Senator from New Mexico, but he has remained supportive and helpful throughout our process.

In summary, Mr. President, I believe that the acquisition and technology portion of the defense authorization bill maintains a strong technology base program. The core, defense-relevant programs are funded at or above the requested amounts, and the bill lays a solid foundation on which we can build future technology investments for national defense.

I thank the Chair, and I yield the floor.

Mr. GLENN. Mr. President, I voted against final passage of S. 1087, the Department of Defense appropriations bill and S. 1026, the Defense authorization bill. I did not cast these votes lightly. In fact, this is the first time in my Senate career that I have voted against a defense spending measure. I supported the authorization bill in committee in the interest of bringing the bill before the full Senate with the hope that the bill's more problematic provisions could be eliminated by amendment.

A number of factors contributed to my decision to vote against final passage.

I have always supported a strong defense for our Nation. I have supported increases in defense spending beyond what has been requested by Presidents when I believed those programs were the interest of our national security. But, these spending measures add as much as $7 billion in funding for programs that I do not support and do not believe represent a responsible means of spending limited taxpayer funds. I could have supported additional funding for some of these individual programs, but not the total funding package, particularly at a time when we are trying to balance the Federal budget and are considering substantial cuts in domestic funding to accomplish that.

The bulk of the additional funds are spent for procurement programs for which the Pentagon made no request: close to $600 million was added for F/A–18's, $361 million for F–15's, $175 million for F–16's, $1.4 billion for DDG–51, $1.3 billion for LHD–7, and close to $800 million for Guard and Reserve equipment.

In addition, the two bills add $600 million above the President's budget request for ballistic missile defense, $300 million of which is for national missile defense, bringing total funding for ballistic missile defense to $3 billion. This level of funding exceeds our national requirements and undermines our commitment to the ABM Treaty, an agreement critical to our national security needs.

With respect to the Department of Energy's nuclear weapon production complex, several significant improvements were made in the bill since it was reported out of committee. However, the bill still contains over $120 million in unrequested, unneccessary funds for plutonium pit manufacturing and refabrication capability. The bill also includes $50 million for low yield, hydronuclear testing purposes, which I oppose.

At the same time that these two bills add billions for programs the Pentagon claims it does not need, they leave unfunded the estimated $1.2 billion in costs for our current operations in Bosnia and Iraq, funds which the Pentagon undisputedly needs. So, while these bills purport to add funds in the name of long term readiness, they create an immediate threat to our readiness by forcing the Pentagon to siphon off more than a billion dollars in operations and maintenance funding to finance current operations.

In addition to the funding issues, I am very disturbed by the provision in the authorization bill related to the Anti-Ballistic Missile Treaty. I will address my specific concerns in this area in a separate statement.

### HUGE PENTAGON SPENDING INCREASES REFLECT DISTORTED PRIORITIES

Mr. WELLSTONE. Mr. President, this week I am voting against both of the major Department of Defense spending bills for next year. I am doing so for a number of reasons, including the fact that these bills provide about $7 billion more in defense spending than the President, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff have requested for next year. That's right. Congress this year will approve spending for about $7 billion more than the Pentagon has requested, or than they have indicated they will be able to responsibly use, next year.

Coincidentally, perhaps, this is just about the same amount—in Pell grants for students, in Head Start, in substance abuse prevention, in employment and training, in worker protections, and many other key domestic areas—that was recently slashed by the House appropriators for next year.

Since my perspective, these are seriously skewed priorities. And since polls continue to show substantial support for bringing down the post-cold-war defense budget, I do not believe they are

the priorities of the vast majority of Americans. Even worse, the two bills increase the President's request for star wars spending by hundreds of millions—in one case, about $770 million—which will spell serious trouble for future arms control negotiations.

Following an unsuccessful bipartisan effort before the recess in which I joined Senator KOHL, GRASSLEY, and others to amend the bill to eliminate the overall increase above the President's request, I tried to split the difference, offering another amendment to reduce the increase by only about 50 percent. It too was defeated, as were all other efforts to modestly scale back overall funding in the bill to more responsible levels.

I also tried, through numerous other amendments offered with my colleagues, to scale back or eliminate spending on a number of unnecessary or obsolete weapons systems. Most of those efforts were unsuccessful. Given tight funding constraints, continued overspending on defense is unwise, it is irresponsible, and it is a policy which does not serve our real national security interests. If we fail to invest in our children in order to bolster post-cold-war defense budgets, because we were too afraid to thoroughly rethink our real national security needs, and retool our defense budget accordingly, we will regret it for at least a generation.

I believe that a time when we are slashing budgets for hundreds of social programs that protect the vulnerable, preserve our lakes and streams, and provide for expanded opportunities for the elderly and the broad middle class, such as student loans, Medicare, and job retraining, it is wrong to increase, substantially, already bloated military spending.

In defense, as elsewhere in the Federal budget, there are responsible ways to eliminate wasteful and unnecessary spending; by cutting obsolete cold war weapons systems, imposing money-saving reforms within the bureaucracy, and streamlining procurement policy to make the system more efficient and more cost effective. I have proposed a number of ways to do this in recent months, including scaling back bloated Pentagon travel budgets, which the General Accounting Office has found could provide substantial savings—hundreds of millions of dollars per year. Over and over, these attempts have either been voted down here on the Senate floor, or the bills to accomplish these ends have been bottled up in committee.

In the end, there is almost no Pentagon streamlining, no elimination of waste, provided for in this bill. Instead, when faced with difficult choices between competing weapons systems, basic housing improvements for our troops, and other readiness requirements, the committee decided simply to buy all of the big weapons systems, ships, and planes that they could, larding the bill with special interest funds for defense contractors in Armed Services or Appropriations Committee Members' home States, often accelerating purchases not scheduled to be made for many years, if at all. In fact, the purchase of many of these extravagantly expensive weapons systems is actively opposed by the Pentagon, because they have identified higher national security priorities for the funding that is available.

I also have serious concerns about the potentially catastrophic arms control consequences of this bill. For example, I voted against even the so-called compromise on the national missile defense or star wars system because I believe that, even though it was better than the original bill, the approach urged by the compromise amendment would seriously undermine the 1972 ABM Treaty, and is likely to jeopardize the nuclear weapons reductions in the START I and II treaties.

While some have argued, I think in good faith, that this compromise meets basic arms control and nonproliferation requirements, I disagree. As a practical matter, there is no question in my mind that enactment of this bill would lead us toward near-term deployment of a national missile defense system. It is the latest version of the earlier star wars system that was roundly rejected by most knowledgeable scientists, and national security experts, as a waste of money and a fraud.

Senator WARNER has been very clear that he believes this compromise will move us along toward rapid deployment of such a system. Since, regrettably, I agree with Senator WARNER that that is so, while I commend Senator LEVIN and others on our side for their efforts to develop the compromise, I could not support the final agreement. I believe that spending scores of billions of additional dollars to deploy an elaborate national missile defense system that's not likely to work effectively, and thus violating the ABM Treaty, to defend against a far-fetched scenario in which a ballistic missile is fired on the United States from a rogue terrorist state, is irresponsible. The more likely means that terrorists might use to deliver such a bomb—in a suitcase placed in some public place, or in a Ryder truck, or in a van parked underneath a building—is a far more serious threat. And that is a threat we can combat for a lot less than $50 to $100 billion.

I also believe that the additional funding provided by the bill for hydronuclear testing in Nevada will likely have a profoundly negative impact on the test ban negotiations now underway in Geneva. The French nuclear test detonated in the South Pacific yesterday underscores the urgency of bringing to a successful close negotiations on a truly comprehensive test ban that is enforceable, and that constrains its signatories from further tests.

There are a host of other serious problems with this bill, Mr. President, some of which we have tried to address during the debate through various amendments. Virtually none of them have been resolved. I believe that this bill in its current form spends vastly more on defense than we can afford, would threaten longstanding arms control agreements and nonproliferation efforts, and would not be in our national security interests. I hope the President will follow through on his threatened vetoes of these bills. I urge my colleagues to vote against these huge and unwarranted increases in defense spending, as I will. I yield the floor.

Mr. DODD. Mr. President, I rise in opposition to final passage of S. 1026, the DOD authorization bill. And as was the case with the 1996 Defense appropriations bill, I do so with a heavy heart.

I would inform my colleagues that today marks the first time in my 15 years of Senate service that I will vote against final passage of a Defense authorization bill. This is a not so much a vote of disagreement, but a vote of conscience.

The 1996 Defense authorization bill contains spending instructions of almost $7 billion above the Pentagon's initial request. Let me clarify that point, neither the President nor the respective service chiefs have asked for these funds. The programs earmarked for these increases were never part of the Pentagon's original budget request. That fact weighs heavily in my decision today.

I think most of my colleagues know that I have consistently supported prudent and necessary spending for our national defense. On more than one occasion in my career, I have listened carefully to the words of various Secretaries of Defense when the Pentagon badly needed support for future weapons programs. And on each of those occasions, I supported those requests without regard for party affiliation or personal politics. I did so because it was in the best interest of our country.

However, this is a very different situation. This Defense authorization bill contains almost $7 billion in additional funding for Defense programs not contained in the original Pentagon request—$7 billion is simply too much to add to a bill while entire agencies are eliminating programs that are crucial to working families across this Nation.

As I stated earlier, Head Start, Goals 2000, and other critical investment programs for our Nation's youth are near extinction, while this bill authorizes increased Defense spending. I cannot rationalize that inequity.

As a member of the Senate Budget Committee, I opposed the increases in the Department of Defense spending allocations. Likewise, on three separate occasions during floor debate, I voted to keep defense spending at the original levels requested by the administration. I did so because it was right, and because to do otherwise would be an endorsement of the cuts in other vital domestic programs.

Let me conclude by saying I respect the members of the committee for their diligent and hard work in bringing this important bill to the floor. But this is an issue of priorities. And I vehemently disagree with those priorities as presented in this bill.

I urge my colleagues to reject this bill.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

UNANIMOUS-CONSENT AGREEMENT

Mr. NUNN. Mr. President, I ask unanimous consent to modify the previously adopted Nunn amendment No. 2078 by striking out subsection (d) thereof. This has been cleared on both sides.

Mr. THURMOND. Mr. President, we have no objection.

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

Are there further amendments?

Mr. THURMOND. Mr. President, I ask for third reading of the bill.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. THURMOND. Mr. President, I urge passage of the bill and ask for the yeas and nays.

The PRESIDING OFFICER. If the Senator will withhold.

Under the previous order, H.R. 1530 is discharged from the committee, and the clerk will report the bill.

The legislative clerk read as follows:

A bill (H.R. 1530) to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1996, and for other purposes.

The PRESIDING OFFICER. All after the enacting clause of the bill is stricken, and the text of S. 1026 is inserted in lieu thereof, and the House bill is considered read the third time.

The Senator may now request the yeas and nays.

Mr. THURMOND. Mr. President, I 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 passage of H.R. 1530, as amended.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Alaska [Mr. MURKOWSKI] is necessarily absent.

Mr. FORD. I announce that the Senator from Hawaii [Mr. AKAKA] is absent because of attending a funeral.

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

The result was announced—yeas 64, nays 34, as follows:

[Rollcall Vote No. 399 Leg.]

YEAS—64

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|---|---|---|
| Abraham | Frist | McConnell |
| Ashcroft | Gorton | Mikulski |
| Bennett | Graham | Nickles |
| Bond | Gramm | Nunn |
| Breaux | Grams | Packwood |
| Brown | Grassley | Pressler |
| Bryan | Gregg | Reid |
| Burns | Hatch | Robb |
| Campbell | Heflin | Roth |
| Chafee | Helms | Santorum |
| Coats | Hollings | Shelby |
| Cochran | Hutchison | Simpson |
| Cohen | Inhofe | Smith |
| Coverdell | Inouye | Snowe |
| Craig | Kassebaum | Specter |
| D'Amato | Kempthorne | Stevens |
| DeWine | Kerrey | Thomas |
| Dole | Kyl | Thompson |
| Domenici | Lieberman | Thurmond |
| Faircloth | Lott | Warner |
| Feinstein | Lugar | |
| Ford | Mack | |

NAYS—34

| | | |
|---|---|---|
| Baucus | Feingold | McCain |
| Biden | Glenn | Moseley-Braun |
| Bingaman | Harkin | Moynihan |
| Boxer | Hatfield | Murray |
| Bradley | Jeffords | Pell |
| Bumpers | Johnston | Pryor |
| Byrd | Kennedy | Rockefeller |
| Conrad | Kerry | Sarbanes |
| Daschle | Kohl | Simon |
| Dodd | Lautenberg | Wellstone |
| Dorgan | Leahy | |
| Exon | Levin | |

NOT VOTING—2

Akaka Murkowski

So the bill (H.R. 1530), as amended, was passed, as follows:

[The text of H.R. 1530 will appear in a future edition of the RECORD.]

Mr. THURMOND. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. THURMOND. Mr. President, I ask unanimous consent that H.R. 1530, as amended, be printed as passed.

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

Mr. THURMOND. Mr. President, I ask unanimous consent that the Senate proceed immediately to the consideration en bloc of the following bills:

S. 1124 through S. 1126, Calendar Order Nos. 167, 168, 169; that all after the enacting clause of those bills be stricken and that the appropriate portion of H.R. 1530, as amended, be inserted in lieu thereof, according to the schedule as follows, which I have sent to the desk; that these bills be advanced to third reading and passed; that the motion to reconsider en bloc be laid upon the table; and that the above actions occur without intervening action or debate.

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

So the bill (S. 1124) was deemed read the third time and passed.

(The text of S. 1124 will appear in a future edition of the RECORD.)

So, the bill (S. 1125) was deemed read the third time and passed.

(The text of S. 1125 will appear in a future edition of the RECORD.)

So, the bill (S. 1126) was deemed read the third time and passed.

(The text of S. 1126 will appear in a future edition of the RECORD.)

Mr. THURMOND. Mr. President, with respect to H.R. 1530, previously passed by the Senate, I ask unanimous consent that the Senate insist on its amendment to the bill and request a conference with the House on the disagreeing votes of the two Houses and the Chair be authorized to appoint conferees; that the motion to reconsider the above-mentioned votes be laid upon the table; and that the foregoing occur without intervening action or debate.

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

Mr. THURMOND. Mr. President, I ask unanimous consent with respect to S. 1124 through S. 1126, as just passed by the Senate, that if the Senate receives a message with regard to any one of these bills from the House of Representatives, that the Senate disagree with the House on its amendment or amendments to the Senate-passed bill and agree to a conference with the House on the disagreeing votes of the two Houses and the Chair be authorized to appoint conferees and the foregoing occur without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered. Under the previous order, S. 1026 is indefinitely postponed.

Mr. THURMOND. Mr. President, we have completed many long hours of debate on S. 1062, the National Defense Authorization Act for fiscal year 1996.

I would like to thank the distinguished ranking member of the committee, Senator NUNN, for his insight, wisdom, and devotion to our Nation. He and I have always worked to achieve the same objective of providing our Armed Forces with the direction and resources necessary to carry out their difficult responsibilities.

Mr. President, I want to extend my deep appreciation to the distinguished majority leader, Senator DOLE, who has been most helpful in every way in bringing this bill to passage. He is a great leader of whom the Senate can be proud.

I would also like to thank all the Senators from both sides of the committee and the entire committee staff, and I commend them for their dedication and support. In particular, I would like to thank personally my staff director, Gen. Dick Reynard, for his fine work, and Gen. Arnold Punaro, the staff director for the minority. I ask unanimous consent that a list of the committee staff be printed in the RECORD following my remarks.

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

(See exhibit No. 1.)

Mr. THURMOND. We have achieved a number of important successes in this bill, and I commend my colleagues for their good judgment. Among these are:

Adding $7 billion to the administration's budget request to revitalize the procurement, and research and development accounts which are the core of future readiness;

Passing the Missile Defense Act which initiates a policy to deploy a national missile defense system, and prohibits inaccurate interpretation of the ABM Treaty which would serve to limit theater missile defense systems;

Correcting the erosion in nuclear weapons capabilities by reasserting that the primary responsibility of the Department of Energy is to strengthen the strategic stockpile;

Directing improvements and modifications in nuclear weapons production facilities and supporting important initiatives at the nuclear weapons laboratories;

Adequately funding current readiness while reducing funding for nondefense programs;

Significantly improving quality of life programs for our troops and their families, including funds for housing, facilities, and real property maintenance;

Approving a 2.4-percent pay raise for military members and a 5.2-percent increase in basic allowance for quarters, and achieving COLA equity for retirees;

Providing funding for DOD and DOE environmental programs;

Establishing a dental insurance program for the selected reserves and an income protection insurance program for self-employed reservists who are mobilized;

Providing funding for essential equipment for the Active, Guard, and Reserve components.

Once again I thank Senator NUNN, Senator DOLE, the members of the committee, and the staff. I thank the Chair, and yield the floor.

EXHIBIT 1

MINORITY

Dick Combs, Chris Cowart, Rick DeBobes, John Douglass, Andy Effron, Jan Gordon, Creighton Greene, P.T. Henry, Bill Hoehn, Jennifer Lambert, Mike McCord, Frank Norton, Arnold Punaro, Julie Rief

MAJORITY

Charlie Abell, Alec Bierbauer, Les Brownlee, Dick Caswell, Monica Chavez, Chris Cimko, Greg D'Alessio, Don Deline, Marie Dickinson, Jon Etherton, Pamela Farrell, Melinda Koutsoumpas, Larry Lanzillotta, George Lauffer, Shelley Lauffer, Steve Madey, John Miller, Ann Mittermeyer, Joe Pallone, Cindy Pearson, Connie Rader, Sharen Reaves, Dick Reynard, Jason Rossbach, Steve Saulnier, Cord Sterling, David Stone, Eric Thoemmes, Roslyne Turner, Deasy Wagner, Jennifer Wallace

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I thank the Senator from South Carolina for his summation of this bill. As he said, there are many important features in this bill. I supported the bill in the final form that it passed. I think there have been dramatic improvements made on the floor.

The Corps SAM Program has been restored, which is an important part of our overall theater missile defense capability. The national missile defense language has been, I think, made much more acceptable and compatible with America's security interests. That has been done on an amendment we passed this morning. An important program on the junior ROTC that had been cut has now been restored. The civil-military language has been modified and, in my opinion, strengthened, and some of the problems there have been corrected. The humanitarian and disaster assistance, which had been cut, has been partially restored, which is important. And there have been very significant changes made on the floor in the Department of Energy section.

We need to ensure that the conference maintains the Senate approach in these areas. We also have other challenges in the conference. I think too much has been cut out of defense research, even in our bill. The TRP Program has been cut in ways that I think need to be reexamined in conference, in close consultation with Secretary of Defense Perry, who probably knows more about this program than any person in America and has spent an enormous amount of his Secretary of Defense time and energy in making sure that this program is successfully implemented.

Also, I think there is too much micromanagement of the ballistic missile defense accounts in our bill and in the House bill, and that needs to be addressed in conference.

We have some serious challenges on the House bill that are going to be difficult to work out when we get to conference, including language on abortion, including language on HIV, including command and control of U.S. forces participating in multilateral organizations, including peacekeeping and contingency operations, as well as some of their language—and perhaps, from their point of view, some of our language—on missile defense and other programs.

My final assessment is that we have a bill here that has been improved on the floor, that we have an opportunity to work on and make further improvements on in conference, working in good faith with the House. We have a lot of high hurdles to clear if we are going to have this bill become law this year, based not on what I have been told formally but on what I have heard informally from the White House and from the Department of Defense. But I have seen a lot of high hurdles in the past and I have seen those high hurdles overcome by people working in good faith for the national security interests of our country. So it is my hope that, with a cooperative spirit and a constructive approach, we will be able to work with our House conferees and with the administration to see that the Defense authorization bill becomes law this year. That remains a serious challenge, but I think it is one that we must all strive to meet.

I thank the Senator from South Carolina and all of his staff and all of the staff on the Democratic side and all the members of the committee for a very, I think, commendable effort. I thank the Chair.

The PRESIDING OFFICER. The distinguished majority leader.

Mr. DOLE. Mr. President, let me first of all congratulate the managers. This is a major piece of legislation that is always very difficult to bring to a conclusion. But it has been done because of the leadership of the distinguished Senator from South Carolina, Senator THURMOND, and the cooperation of the distinguished Senator from Georgia, Senator NUNN. They have worked together to bring it together, as have other Senators, particularly Senators WARNER and COHEN on this side, who have just resolved a very important issue by a vote of 85 to 13. In my view, that compromise should have been passed by that lopsided margin. There is still a conference. They can still make other changes.

But I congratulate all the members of the committee and members of their staffs for what I think is an excellent bill. We just heard the Senator from Georgia address some of the concerns that were resolved. The Senator from South Carolina addressed some of the concerns earlier. Now it goes to conference. I think, again, it indicates we are making progress in the Senate. Plus the appropriations bill will be ready for passage as soon as the House acts on it. So as far as the defense area is concerned, I think we are in good shape on the Senate side.

## UNANIMOUS-CONSENT AGREEMENT

Mr. DOLE. Mr. President, I have been discussing, through staff, with the Democratic leader, and I now ask unanimous consent that, after all the discussions on the DOD bill, there be a period for morning business not to extend beyond the hour of, I think we will make it 11 o'clock, now, with Senators permitted to speak for up to 10 minutes each.

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

Mr. DOLE. I further ask unanimous consent the Senate stand in recess between the hours of 1 p.m. and 2 p.m. today in order for the Democratic Members to conduct their weekly caucus luncheon.

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

Mr. DOLE. Mr. President, I also ask unanimous consent the Senate resume the welfare bill following the morning business period just provided for.

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

## PROGRAM

Mr. DOLE. Again, let me indicate to my colleagues, we are trying to accommodate many who wish to go to the baseball game tonight, a very important baseball game in Baltimore. If we can work out some agreement where we can have a vote fairly early tomorrow morning on the Democratic welfare proposal—because it is my hope to