

Congress reaching a broader budget agreement, but the fact of the matter is, such an agreement would not represent the tight, fiscally responsible budget requirements that we passed on November 17, but rather is beginning to rely, in my opinion, on the same kind of smoke and mirrors characterized by previous budget agreements.

How many times have we voted—either the House or the Senate—on agreements in the past that were going to result in a balanced budget? I can remember my colleagues, in 1990, coming to me in support of the Bush administration agreement that was reached at Andrews Air Force Base, saying, “You have to do this for President Bush.” And I said, “I don’t think this is going to result in a balanced budget. I don’t like the tax-increase aspect of it.” “Oh, yes, it guarantees we’re going to have a balanced budget.”

I remember the President’s Chief of Staff and his budget officers all visiting with me about that subject—guaranteed to happen. Of course, it did not happen. It did not happen on any of the previous occasions, and it has not happened on the one subsequent occasion either.

The fact of the matter is, we get to a political point in these negotiations where we leave the fiscally responsible way of doing it, which is what we crafted and what we passed on November 17 and what the President vetoed on December 6. It becomes so hard to make that stick that we finally begin to compromise, and we reach an agreement which, in our heart of hearts, we realize will never really result in a balanced budget. It will make sense for a year or two, but it never gets us to the end. In 7 years who cares? That is somebody else’s problem.

Under the Clinton proposal, which we are largely meeting here, if we spend this \$4.8 billion-plus, the other billions, it adds up to almost \$8 billion more. What we are getting is a commitment to make most of the discretionary savings in the last 2 years. And 95 percent of the discretionary savings in the President’s proposal would have to be achieved in the last 2 years.

Mr. President, you and I both know that is an impossibility. We are having a hard enough time doing about one-tenth of it in the first year. That is about how much we would be trying to do here in the last years. It is not even one-seventh over 7 years. Even the Republican proposal puts more of it in the last 2 years than I think most of us would like.

The years 2001 and 2002, the sixth and seventh years, are after Bill Clinton will have left the Presidency, even if he is reelected to a second term. It is beyond the time when many of us would still be serving in the Congress. “A problem deferred is a problem solved” is the slogan of many. It is not the way to ensure a balanced budget.

Frankly, I am about to come to the conclusion that if we adopt this omni-

bus appropriations bill, we will be pretending to have achieved a balanced budget in 7 years. The President will pat himself on the back, we will pat ourselves on the back, and in 7 years we will look back on this and say, “Well, we didn’t quite get it done then, did we?” It did not work out that way.

I am simply trying to make the point right now that is the way it will turn out. It may not be the popular thing to say, Mr. President, but I think that is the way it is going to turn out. So I am at this point not inclined to vote for this legislation.

The problem is that in making the compromise this first year, having the lack of courage to do what is right even in this first year, we will never have the courage to do what is right in those last couple of years when it will be much more difficult, the choices will be much harder to make, because there will be a lot more special interests who will be heard at that time or claim that they are being heard.

I believe this bill moves in the wrong direction. I think virtually all the amendments that added money move in the wrong direction. My own view is we should vote down these amendments that add more money to the program. The House of Representatives barely passed a bill which is much more narrow. In conference I do not think we can expect the House to accept any of the add-ons that we have done.

Yet, the President says he will veto a bill that does not include these add-ons or at least many of them. So it seems to me that we are still at the impasse that we were at shortly after Christmastime, Mr. President, and that is simply a philosophical difference between the President who wants to spend about \$8 billion more than the Congress wants to spend.

We moved a long way in his direction during these budget negotiations. But I am not sure we can ever both satisfy him and also meet the requirement of a balanced budget. It may technically meet the balanced budget, but in reality, politically, we know we will never get there. I do not think that is being honest with the American people. So, as it stands right now, I am disinclined to vote for this appropriations package, especially if more of these amendments are adopted.

I guess my own prediction is that either we will have a responsible bill, which the President will inevitably veto, or further down the road we will not have a responsible bill in terms of achieving a balanced budget in the year 2002.

Mr. President, at this point, I ask unanimous consent to speak for no more than 10 minutes as in morning business.

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

## THREAT OF MISSILE ATTACK ON THE UNITED STATES AND OUR ALLIES

Mr. KYL. Mr. President, the second subject I address today deals with the subject of defense and specifically the threat of missile attack on the United States or our allies or our troops deployed abroad.

Today, the Washington Times carried a story reporting on testimony that was given yesterday to the House National Security Committee, the equivalent to the Senate Committee on Armed Services. Yesterday, the former CIA Director, James Woolsey, according to this story, told a House committee that the recent intelligence estimate on the missile threat to the United States was flawed and it should not be used as the basis for defense policy.

James Woolsey is an extraordinarily qualified source to speak to this. He served as the CIA Director for 2 years under President Clinton, and missile defense proliferation of weapons of mass destruction were one of his primary interests while serving in that capacity.

What Mr. Woolsey said, according to this news report, is that the conclusions of this recent National Intelligence Estimate, called the NIE, that says that no long-range missiles could threaten the 48 contiguous United States for at least 15 years, would be a faulty basis upon which to base U.S. policy. He urged that the United States set up a special team of outside experts to explore just how we should develop ballistic missiles and defenses to ballistic missiles in response to this threat.

He said—and I am quoting from the article:

I would bet that we would be shocked at what they could show us about available capabilities in ballistic missiles.

He also is reported to have said that if the President extrapolated a general conclusion from the very limited threat assessment of the NIE, “I believe that this was a serious error.”

That is precisely what happened. Based on this NIE, which a lot of experts have now said appear to have been politically driven—at least is not based upon the best intelligence data, or is skewed in its conclusion because of the assumptions behind it based on that document—the administration has drastically revised the spending priorities of the Congress and has said simply that it is not going to spend money that we have appropriated pursuant to a defense authorization to develop two antiballistic missile systems on the schedule that we dictated.

We are not talking here even about a national missile system to protect the continental United States, but rather the theater systems called THAAD and the so-called Navy Upper-Tier Program. In both cases, the administration, through Secretary Perry, has said they are going to delay that spending. I submit that is an unconstitutional action on the part of the administration when the Congress has specifically

authorized and appropriated the money pursuant to a schedule which requires expenditures to meet certain goals at certain points in time.

The administration based that decision on faulty intelligence estimates. Why do we say faulty? Not only is CIA Director James Woolsey saying they are faulty, but previous administration spokesmen have disagreed with the assessment. You have to look at it carefully to see what they are saying. What the assessment may be saying is that no country is going to begin from scratch and totally indigenously develop an intercontinental ballistic missile system that could threaten the 48 contiguous States in less than 15 years. That may be true, but it is largely irrelevant because virtually no state today is attempting to indigenously develop a weapon.

They are not starting today. Iran, Iraq, North Korea, Syria, China, Russia, other countries in the world have used systems developed by others—except for the country of Russia—and have built on those systems by acquiring components from, I am sad to say, Western countries, including the United States. We know Saddam Hussein was within 18 months of having a nuclear weapon, or close, based on components he purchased from Germany, Italy, France, the United States, and others. He had the missiles which he had acquired from Russia, so-called Scuds. He had them modified to carry a payload, a longer range than the original Scud. That is how the countries do it.

So if you say no country is starting from scratch today, using a strictly indigenously developed program is going to have an intercontinental missile hit the 48 contiguous States may be right, but it is irrelevant. You should not change American defense policy based on that. The 48 contiguous States are not really the relevant factor. You have Alaska and Hawaii, both of which are going to be within range of missiles from North Korea in the relatively not-too-distant future.

How soon? Well, taking the testimony of Admiral Studeman, the Acting Director of the CIA in between Jim Woolsey and now John Deutch. Last April, he testified that his analysis indicated that the Taepo Dong I or Taepo Dong II—the missiles that North Korea is developing—were 3 to 5 years away, maybe less. John Deutch himself testified on August 11, 1994, that the Taepo Dong II may be able to strike U.S. military by the end of the decade. By U.S. territory, we mean including Hawaii or Alaska. We are talking now 4 years from now.

These statements, obviously, were based upon the U.S. intelligence community's 1995 missile threat assessment. I leave the point at this: Our intelligence community has said that these countries using components purchased elsewhere will have missiles that can reach U.S. territory, not necessarily the contiguous 48 States, in

the not-too-distant future—3, 4, 5 years—meaning we have to get moving on a missile defense system.

None of the administration's actions will achieve that objective. That is why the Congress has said we should get moving with these programs. We focused on the theater threats initially because some of those theater threats could be deployed in such a way as to deal with the threats that are probably most timely, rather than the large intercontinental ballistic missile threat against the continental United States.

Navy upper-tier is a program which is deployed using existing missiles and existing radar on Navy Aegis cruisers by deploying the cruisers in the appropriate places in the Pacific, and in that vicinity of the world, we would be able to help defend against a North Korean missile threat, but not unless we get moving with the program as the Congress has directed. That is why the administration's holdup on that program, based upon a faulty intelligence estimate, is so dangerous, both to the United States, our people, our forces deployed abroad in places like South Korea and Japan, for example, and also to our allies who might want to depend on our help.

Mr. President, I ask unanimous consent an article from the Washington Times dated March 15, 1996, be made a part of the RECORD at the conclusion of the remarks.

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

(See exhibit 1.)

Mr. KYL. Mr. President, I think the Congress must be much more assertive in making certain we have basic policy on correct intelligence estimates, that the country proceed with the development of an adequate ballistic missile defense program, and that the administration abide by the law passed by the Congress and signed into law by the President of the United States—that it cannot ignore the law.

Statements based on the U.S. intelligence community's 1995 missile threat assessment concluded:

First, the proliferation of ballistic missiles is significant and growing, both in terms of numbers of missiles and in terms of the technical capabilities of those missiles;

Second, the trends in missile proliferation is toward longer range and more sophisticated ballistic missiles;

Third, a determined country can acquire an ICBM in the future, and with little warning, by means other than indigenous development; and,

Fourth, the North Koreans may deploy an ICBM capable of reaching the continental United States within 5 years.

The new CIA letter was apparently based on the most recent national intelligence estimate [NIE] for 1996 which concludes that, while several countries continue to seek longer range missiles, the North Korean ICBM system is now reassessed as having a "very low" prob-

ability of being operational by the year 2000. In addition, the NIE assumes it is extremely unlikely any nation with ICBMs will be willing to sell them. Finally, the NIE states that U.S. warning capabilities are sufficient to provide notice many years in advance of indigenous development of ICBM's.

You might wonder, as I did, what exactly has changed since the 1995 assessment? What has changed is, not the facts, but the interpretation of the data. Either the intelligence community has adopted a new methodology to determine the extent of a threat, or outside—maybe even political—influences are at play. In either case, I intend to pursue this matter through the Senate Intelligence Committee.

To conclude my first point, I believe that its failure to support a viable, sustainable, and sensible ballistic missile defense program will be recorded as one of the major mistakes of the Clinton administration national security strategy. A second major error is the failure to maintain a strong, coherent, nonproliferation policy.

I conclude on one other item, Mr. President. Within the last 3 weeks, Majority Leader BOB DOLE and other Members of this body sent a letter to the President complaining about this very matter and indicating to him that if the administration did not proceed with the development of these two missile systems as directed by the Congress and as signed into law, that the Congress would have to take whatever means it could to ensure that the law be complied with.

There are now mechanisms for forcing compliance with that law under consideration by people in this body. I suspect that we will have to take those actions very soon if the administration does not change its position. I hope that people from the administration will consider this offer to try to cooperate so that we do not have to take action that they will find unpalatable.

I ask unanimous consent to have printed in the RECORD the letter to the Secretary of Defense from Majority Leader BOB DOLE and other Members of the Senate on this subject.

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

U.S. SENATE,  
OFFICE OF THE REPUBLICAN LEADER,  
Washington, DC, March 5, 1996.  
Hon. WILLIAM J. PERRY,  
Secretary, Department of Defense, Washington,  
DC.

DEAR MR. SECRETARY: We are deeply troubled by your plans to disregard provisions of law related to ballistic missile defense contained in the Fiscal Year 1996 Department of Defense authorization bill. We find this course of action indefensible before the law and the American people.

On numerous occasions over the past year, members of the Republican majority have communicated their strong support for ballistic missile defense—most recently in letters sent to you on November 7, 1995 and December 22, 1995. In these letters, we emphasized our deep commitment to providing future funding for these programs identified in

sections 216 and 234 of Public Law 104-106, the Fiscal Year 1996 defense authorization bill which the President signed into law on February 10, 1996. In particular, we called your attention to the Space and Missile Tracking System, the Theater High Altitude Area Defense (THAAD) program, and the Navy Upper Tier program. Therefore, we were dismayed by your February 16 press conference, in which you announced your intention to disregard key provisions of Public Law 104-106 by failing to provide funding sufficient to comply with this law.

With each passing day, new facts emerge which highlight the escalating proliferation threat. Your announcement of a decreased ballistic missile defense effort can only serve to strengthen the determination of nations with interests inimical to our own to continue to pursue these weapons of mass destruction and delivery systems which endanger American lives and interests. Conversely, eliminating our vulnerability in this area can only significantly reduce the incentive of rogue nations to pursue nuclear, chemical and biological weapons, as well as ballistic missile delivery systems.

The funding level you announced on the 16th of February is insufficient for the THAAD and Navy Upper Tier programs, respectively. We will authorize and appropriate funding in the Fiscal Year 1997 defense bills for these programs—which we believe complement, but cannot replace each other—at the levels necessary to achieve operational capability by the dates now specified in law. While we hope to accommodate as much of your FY '97 budget request as possible, please understand that we will not hesitate to alter the budget request as necessary to bring it into compliance with section 234 of Public Law 104-106.

Sincerely,

John Warner; Richard Shelby; Ted Stevens; Kay Bailey Hutchinson; Jesse Helms; Spencer Abraham; Conrad Burns; Rick Santorum; Bob Smith; Mike DeWine; Paul Coverdell; Connie Mack; Don Nickles.

Jon Kyl; Thad Cochran; Jim Inhofe; Larry E. Craig; Chuck Grassley; John McCain; Rod Grams; John Ashcroft; Mitch McConnell; Orrin Hatch; Al Simpson; Trent Lott.

#### EXHIBIT 1

[From the Washington Times, Mar. 15, 1996]

#### REPORT ON MISSILE THREAT TO U.S. TOO OPTIMISTIC, WOOLSEY CHARGES (By Bill Gertz)

Former CIA Director R. James Woolsey told Congress yesterday that a recent intelligence estimate on the missile threat to the United States was flawed and should not be used as a basis for defense policies.

Appearing before the House National Security Committee, Mr. Woolsey challenged the conclusions of a recent national intelligence estimate (NIE) that said no long-range missiles will threaten the 48 contiguous United States for at least 15 years.

Limiting the estimate's focus on the missile threat to the 48 states "can lead to a badly distorted and minimized perception of very serious threats we face from ballistic missiles now and in the very near future—threats to our friends, our allies, our overseas bases and military forces—and some of the 50 states," he said.

Broad conclusions drawn by policy-makers from the estimate could be "quite wrong," he said, noting that North Korean intermediate-range missiles could threaten Alaska and Hawaii with "nuclear blackmail" in "well under 15 years."

To make policy judgments on missile defense needs from the limited analysis is

"akin to saying that, because we believe that for the next number of years local criminals will not be able to blow up police headquarters in the District of Columbia, there is no serious threat to the safety and security of our police," Mr. Woolsey said.

The estimate, based on public testimony and statements about it, also is flawed because it underestimates the danger of long-range missiles or technology being acquired internationally by rogue states, or the possibility that friendly states with missiles could turn hostile, he said.

A CIA spokesman could not be reached for comment.

Mr. Woolsey called for setting up a special team of outside experts to explore how to develop ballistic missiles. "I would bet that we would be shocked at what they could show us about available capabilities in ballistic missiles," he said.

Rep. Floyd D. Spence, South Carolina Republican and committee chairman, said that to say the United States is secure from foreign missile threats over the next 15 years is "dangerously irresponsible" because of the global turmoil.

Mr. Spence has asked the General Accounting Office to investigate whether the 1995 NIE on the missile threat was "politicized" to fit Clinton administration opposition to missile defenses.

The first statements about the NIE were made public by Senate Democrats during debate on the fiscal 1996 defense authorization bill, which President Clinton vetoed in December because he opposed its provisions requiring deployment of a national missile defense.

Mr. Clinton said at the time of the veto that U.S. intelligence did not foresee a missile threat to the United States within the next decade.

Mr. Woolsey said that, if the president extrapolated a general conclusion from the very limited threat assessed by the NIE, "I believe that this was a serious error."

In separate testimony, Richard Perle, assistant defense secretary during the Reagan administration, criticized the Clinton administration's effort to expand the Anti-Ballistic Missile (ABM) Treaty to cover short-range anti-missile defenses.

"To diminish our capacity to deal with these threats in the mistaken belief that it is more important to preserve the ABM treaty unchanged is utter nonsense," Mr. Perle said. "Those who urge this course are hopelessly mired in the tar pits of the Cold War."

Mr. KYL. Mr. President, I have several unanimous consent requests on behalf of the majority leader. Mr. President, all of these requests have been cleared by the Democratic side.

#### MORNING BUSINESS

Mr. KYL. Mr. President, I ask unanimous consent there be a period for the transaction of morning business, with Senators permitted to speak up to 5 minutes each.

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

#### THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, March 14, 1996, the Federal debt stood at \$5,035,165,720,616.33.

On a per capita basis, every man, woman, and child in America owes \$19,111.91 as his or her share of that debt.

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Banking, Housing, and Urban Affairs.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGES FROM THE HOUSE

##### ENROLLED JOINT RESOLUTION SIGNED

At 11:40 a.m., a message from the House of Representatives, delivered by one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 163. Joint resolution making further continuing appropriations for the fiscal year 1996, and for other purposes.

The enrolled joint resolution was signed subsequently by the President pro tempore (Mr. THURMOND).

At 12:57 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2854) to modify the operation of certain agricultural programs and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. ROBERTS, Mr. EMERSON, Mr. GUNDERSON, Mr. EWING, Mr. BARRETT of Nebraska, Mr. ALLARD, Mr. BOEHNER, Mr. POMBO, Mr. DE LA GARZA, Mr. ROSE, Mr. STENHOLM, Mr. VOLKMER, Mr. JOHNSON of South Dakota, and Mr. CONDIT as the managers of the conference on the part of the House.

The message also announced that the House has passed the bill (S. 735) to prevent and punish acts of terrorism, and for other purposes, insists upon its amendments, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. HYDE, Mr. MCCOLLUM, Mr. SCHIFF, Mr. BUYER, Mr. BARR of Georgia, Mr. CONYERS, Mr. SCHUMER, and Mr. BERMAN as the managers of the conference on the part of the House.

#### MEASURES REFERRED

The Committee on Energy and Natural Resources was discharged from further consideration of the following measure which was referred to the Committee on Environment and Public Works:

S. 1412. A bill to designate a portion of the Red River in Louisiana as the "J. Bennett Johnston Waterway," and for other purposes.

The Committee on Environment and Public Works was discharged from further consideration of the following