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Senate

The Senate met at 9 a.m., 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 of Justice, we turn to You with a just cause. We are profoundly disturbed by the burning of the church buildings of black and multiracial congregations in our land. Our consternation has grown as this hateful, destructive arsonism has continued. Father, we have prayed through the years for Your power to combat racism in America and You have helped us make some progress. Now we ask You to stay the hand of the collusive, coercive forces that have committed these cowardly acts of setting fire to sanctuaries of worship. Intervene to expose them so that they can be brought to justice. Control the unresolved prejudices in others who might be instigated to copy these crimes. Thank You for raising up people of all races who have rallied to help reconstruct the burned out sanctuaries. Oh God, in this land where You have given us freedom to worship You, step in to save the sanctuaries of Your people. In Your all-powerful name. Amen.

RECOGNITION OF THE MAJORITY LEADER

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

Mr. LOTT. Thank you, Mr. President.

SCHEDULE

Mr. LOTT. Mr. President, today, the Senate will immediately resume consideration of S. 1745, the Department of Defense authorization bill and the pending Dorgan amendment. There will be 15 minutes of debate on the Dorgan

amendment this morning, with a vote on or in relation to that amendment immediately following that debate time.

Also, Senators should be reminded after this morning's vote, there will be other votes, of course, throughout the day. We will be doing our very best to keep the time limit on the votes to 20 minutes. There are always extenuating circumstances, but we will start off today by trying to keep that commitment. Senators are encouraged to respond promptly to the votes, and if you have amendments that you want to offer, please be here with them so we can have those amendments offered and debate so we can do it during the daylight instead of very, very late tonight.

Mr. President, also, I announce that the Democratic leader and I are continuing with negotiations with respect to minimum wage, small business tax package, and other issues. We are in hope of reaching some agreement shortly with respect to this issue and all the other related matters. We have not been able to complete that effort, but we are working on it very seriously. We hope to be able to get that done shortly. We will come to the floor and make that announcement.

I yield the floor.

RESERVATION OF LEADER TIME

THE PRESIDING OFFICER (Mr. INHOFE). Under the previous order, the leadership time is reserved.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

The PRESIDING OFFICER. The Senate will now resume consideration of S. 1745, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1745) to authorize appropriations for fiscal year 1997 for military activities of

the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe strengths for such fiscal year for the Armed Forces, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Dorgan amendment No. 4048, to reduce funds authorized for research, development, test, and evaluation for national missile defense.

Kyl amendment No. 4049, to authorize underground nuclear testing under limited conditions.

AMENDMENT NO. 4048

The PRESIDING OFFICER. There will now be 15 minutes of debate on the pending Dorgan amendment No. 4048, equally divided.

Mr. DORGAN. Mr. President, I understand there is a period of time to continue debate ever so briefly prior to the scheduled vote. Senator LEVIN, I believe, wishes to take just a couple of minutes. I intend to yield to him when he arrives. When Senator THURMOND comes through, I will be happy to yield to him.

Let me describe just briefly exactly what this amendment is and what it is not. The Defense authorization bill that comes to the floor of the Senate includes in it \$508 million for research and development for a national missile defense program. That is a program that has been bantered about around here. Some call it national missile defense, some call it Defend America, some call it star wars. Whatever you call it, it is a program to try to find a way to intercept potential incoming missiles launched by a rogue nation, an adversary, or launched accidentally by someone else. This is the outgrowth of the old star wars proposals back in the early 1980's.

There is in the Clinton budget a proposal for continued research and development of \$508 million. The majority party, in constructing the piece of legislation brought to the floor today,

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



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said, "That is not enough. We want to add \$300 million to that; \$508 million is not enough. We want it to be \$808 million."

My amendment very simply says, "no," we should get rid of the \$300 million that was added extra, and go back to the \$508 million base proposal offered in the administration's budget, \$508 million requested by the Pentagon, \$508 million requested by the Chairman of the Joint Chiefs of Staff, by the Secretary of Defense, saying, "This is what our country needs. This is what is advisable to spend." The bill brought to the floor said "No, the Defense Department does not know what it is talking about. We want to authorize you to spend \$300 million more."

I read a quote from General Shalikashvili, the Chairman of the Joint Chiefs of Staff, who says, in speaking of this kind of activity, adding \$300 million—which, by the way, is designed to provide for and require an early deployment on a national missile defense program of some type which would provide multiple sites and spaced-based components which will undercut the arms control agreements, the very agreements that are now leading to a reduction in the nuclear threat. There are missiles being destroyed in the old Soviet Union, in Russia today, because we have arms control agreements that provide for the destruction of those missiles. The world is safer because those missiles do not exist, those nuclear warheads do not exist, and they do not exist because of arms control agreements that have provided that both the Russians and the Independent States of the old Soviet Union are reducing launchers, warheads, bomber airplanes and others. We are doing the same. This makes eminent good sense.

This proposal, incidentally, leads to an undercutting of all those arms control agreements. Should we protect our country? Of course we should. However, should we do so in a way that undercuts the arms control agreements that are now leading to a reduction in the threat? No, I do not think that makes any sense.

General Shalikashvili says the following:

Efforts which suggest changes to or withdrawal from the ABM Treaty may jeopardize Russian ratification of START II and could prompt Russia to withdraw from START I. I am concerned that failure of either START initiative will result in Russian retention of hundreds or even thousands more nuclear weapons, thereby increasing both the costs and the risks that we face.

In short, the decision, in fact, the requirement by those who support this piece of legislation that we spend \$300 million more in pursuit of a policy that may result in a potential adversary having hundreds or even thousands of more nuclear weapons is, in my judgment, a failed policy.

Mr. President, \$300 million ought not be added to this. My amendment withdraws the \$300 million.

How much time is remaining?

The PRESIDING OFFICER. The Senator has 2 minutes and 5 seconds.

Mr. DORGAN. I yield 2 minutes to the Senator from Michigan, Senator LEVIN.

Mr. LEVIN. Mr. President, I thank the Chair and I thank Senator DORGAN for his leadership on this. We ought to rely on the uniformed military in terms of what is needed to produce a national missile defense in a sensible time period so that we can make a decision to deploy at a time a decision to deploy is needed.

What do the uniformed military say about funding levels? We have heard a lot of political rhetoric about national missile defense. The proposed budget in front of us would add \$300 million to the \$500 million the administration requested. These are not just numbers hopefully pulled out of the air. The \$500 million that the administration asked for is what our uniformed military say is needed to produce and develop a national missile defense in a timely way.

Now, that is not President Clinton saying it, that is not Secretary Perry saying it; that is the uniformed military saying it. It is called the Joint Requirements Oversight Council, the JROC. The JROC, in January of this year, wrote to their chiefs—these are the Vice Chiefs of the four Departments—saying that they wanted and needed no more than \$500 million per year for national missile defense. This is a memorandum which I am going to ask to have inserted into the RECORD. This is what our uniformed military say: The JROC believes that with the current and projected ballistic missile threat that the funding level "for national missile defense should be no more than \$500 million per year." That is in the budget request of the administration. They went on to say, "We believe that the proposed acquisition level for national missile defense is balanced in proportion."

I ask unanimous consent that the letter from the Chiefs of the Army, Navy, Marine Corps, and Air Force, be printed in the RECORD at this time in support of the administration's request and which is very inconsistent with the add-on of \$300 million by the Armed Services Committee.

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

THE VICE CHAIRMAN OF THE
JOINT CHIEFS OF STAFF,
Washington, DC.

Memorandum for the Under Secretary of Defense for Acquisition and Technology.
Subject: National Missile Defense.

1. This memorandum is to inform you of The Joint Requirements Oversight Councils (JROC) position of prioritizing a Theater Missile Defense (TMD) capability over a National Missile Defense (NMD) capability.

2. The JROC believes that with the current and projected ballistic missile threat, which shows Russia and China as the only countries able to field a threat against the US homeland the funding level of NMD should be no more than \$500 million per year and TMD should be no more than \$2.3 billion per year through the FYDP. These funding levels

will allow us to continue to field critical TMD/NMD systems to meet the projected threats and, at the same time, save dollars that can be given back to the Services to be used for critical recapitalization programs.

3. We believe the proposed TMD/NMD acquisition levels are balanced and proportional and after great potential for achieving an affordable ballistic missile defense architecture that meets our joint warfighting needs.

W.A. OWENS,
Vice Chairman of the
Joint Chiefs of Staff.
THOMAS S. MOORMAN, Jr.,
General, USAF, Vice
Chief of Staff.
J.W. PRUEHER,
Admiral, U.S. Navy,
Vice Chief of Naval
Operations.
R.D. HEARNEY,
Assistant Commander
of the Marine Corps.
RONALD H. GRIFFITH,
General, U.S. Army,
Vice Chief of Staff.

Mr. THURMOND. Mr. President, before we vote on the Dorgan amendment, I would like to make a few brief remarks and strongly urge my colleagues to oppose the amendment.

First of all, let me be clear that the additional funds added in the bill for national missile defense are not to support a space-based or star wars defense system. In fact the funds are not to support a deployment decision at all. We have simply followed the advice of the Director of the Ballistic Missile Defense Organization who has informed the committee that about \$800 million per year is needed to support a robust technology development effort. This additional funding is consistent with the administration's own NMD Program, which is supposed to preserve the option of deploying a system by 2003. Regardless of whether you support the Defend America Act, the administration's NMD plan, or some other approach, you should support the funding recommended by the committee to allow for a more comprehensive testing program.

The Armed Services Committee did not earmark the funds for systems that are not currently being developed by the Department of Defense. We simply suggest more robust testing within the administration's own program. This program would rely on a ground-based system. Nothing associated with the additional funds in any way conflicts with the ABM Treaty or even with the administration's own 3-plus-3 NMD Program.

I would also remind all Senators that Congress added \$375 million above the budget request for NMD in fiscal year 1996, which the administration is presently obligating. The Department of Defense recognized that additional funds were needed. The Director of BMDO has stated this explicitly, and the committee added the funds in an

effort to reduce technical risk and preserve a realistic deployment option around 2003.

Mr. President, in closing, let me urge my colleagues to oppose the Dorgan amendment and to support the additional funds for NMD risk reduction.

I yield to the able Senator from Oklahoma, Senator NICKLES.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. How much time remains?

The PRESIDING OFFICER. Five minutes.

Mr. NICKLES. I will be very brief. I compliment the Senator from South Carolina for his leadership. I urge my colleagues to vote "no" on this amendment. This amendment would strike \$300 million of money that is used for research and development for missile defense. It is kind of a shocking thing for most Americans to find out that we do not have capabilities now to shoot down incoming missiles if you think the primary responsibility of the Federal Government is the protection of our people, the protection of our freedom. Yet, we do not have the capabilities today to shoot down an incoming missile from wherever it comes from. It may come from a belligerent nation, it may come from other rogue nations, it may come from someone getting control over missiles in the former Soviet empire.

But we do not have the capability to shoot them down. That bothers me. Somebody might say, well, we have the Patriot. The Patriot worked semisuccessfully in the Persian Gulf war. It shot down some Scud missiles when they were right over their backyard. Not very effective. As a matter of fact, we had American soldiers who lost their lives in Saudi Arabia because of Scud missiles that were 20-some-odd years old that landed in that neighborhood. The Patriot did not stop these. They stopped some missiles. It is not effective.

We need to be able to have the capability to shoot down missiles before they end up in our backyard. The threats are becoming more serious all the time, and we need to be moving now in research and development so we will have the system capability sooner rather than when it is too late. When you have North Korea firing missiles in the direction of Japan, when you have China firing missiles in the direction of Taiwan, when you have China making implicit threats to the United States, and even specifically Los Angeles, you realize this is a much more dangerous world than it was 3 years ago.

We are now using our money to help Israel develop missile defense capabilities. I support that. But it is very ironic that we do not give ourselves the capability and enough resources to develop missile technology to defend ourselves against an incoming missile, whether it be an incoming intercontinental ballistic missile, with whatever warheads—nuclear warheads, biological

or chemical warheads. We should not leave ourselves defenseless.

I am afraid that if we adopt the amendment by our friends on the other side, we are doing just that—we are cutting back too much. People like to call missile defense star wars, and maybe they score political points by doing so. But they leave us without the capability of moving forward rapidly, as quickly as possible, to shoot down incoming missiles. The No. 1 priority of the Federal Government should be the protection of our people, the protection of our freedom. We need to have the capability to destroy incoming missiles from whatever source. We need this money.

I compliment the chairman of the Armed Services Committee. I hope our colleagues will vote to delete and vote against this amendment. I yield the floor.

Mr. THURMOND. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from South Carolina has 1 minute 45 seconds. The Senator from North Dakota has 45 seconds.

Mr. THURMOND. I will yield back my time, unless somebody wants to speak.

I understand the Senator from Oklahoma desires to speak.

The PRESIDING OFFICER (Mr. NICKLES). The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, I thank the Senator for his leadership in this issue that we are discussing. Nothing new can be said on this subject. I know what the final remarks will be from the Senator from North Dakota. I want to talk about two things. No. 1, the threat; No. 2, the cost. If anybody out there believes it is going to cost so that we will ultimately have the ability to save ourselves, protect ourselves from missile attack—look at the CBO report and the figures that they are battling around, \$30 to \$60 billion over 14 years, and that has now been downgraded.

It is quite obvious that we wanted to have an Aegis ship with the space sensors. We already have a \$50 billion investment in 22 Aegis ships that are out there. We can upgrade those, and reach into the upper tier for about \$3 to \$4 billion over 4 years. If you add the \$5 billion for sensors we could have a system in place that will stop an incoming ballistic missile for the United States. Right now we have nothing.

The vast majority of American people believe that after we have spent all of this money that we have a system but we do not. We are almost there. It is 90 percent paid for, and the threat is real.

For those who question the threat, remember the words of James Woolsey who was the CIA Director for President Clinton. He said 2 years ago that we know of between 20 and 25 nations that have or are in the final stages of developing weapons of mass destruction and the missile means of delivering those

weapons. One expert after another expert testified that threat is out there, that threat is real.

So, I would only say when you are considering taking out this little bit of money that we have to try to go forward with this program, stop and realize and stop and ask yourself the question. What if all of these experts are right? Look at Oklahoma City. The Presiding Officer and I represent the State of Oklahoma. We saw the devastation that took place there. That was what is comparable to one ton of TNT. The smallest nuclear warhead known is a kiloton, 1,000 times that power.

So if you are wrong, we are making a terrible mistake if we pass this amendment.

Mr. DORGAN. Mr. President, this is not about whether there should be a missile defense program in this country. There exists in the bill brought to this floor \$2 billion for theater missile defense. I think everyone probably knows that. It has not been mentioned. The implication was that there was nothing in this bill for missile defense. There is \$2 billion for theater missile defense and \$508 million was proposed by the Pentagon for national missile defense. The bill comes to the floor saying \$508 million for research and development is not enough.

I simply say for the people who support throwing dollars at this problem on national missile defense that it is not going to solve the problem. The uniformed officers say \$508 billion is enough of research and development. Those of you who think that there is not an amount that is enough, the more the merrier and let us spend as much as we can spend are wrong.

This is a very simple vote to cut \$300 million from this authorization bill.

I hope my colleagues will support the amendment.

The PRESIDING OFFICER (Mr. INHOFE). The question is on agreeing to the amendment of the Senator from North Dakota.

Mr. THURMOND. Mr. President, how much remains?

The PRESIDING OFFICER. All time has expired.

Mr. NICKLES. 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 agreeing to the amendment of the Senator from North Dakota. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR], the Senator from Arkansas [Mr. BUMPERS] and the Senator from New Jersey [Mr. BRADLEY] are necessarily absent.

I further announce that, if present and voting, the Senator from Arkansas [Mr. BUMPERS] and Senator from New

Jersey [Mr. BRADLEY] would each vote "aye."

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

The result was announced—yeas 44, nays 53, as follows:

[Rollcall Vote No. 160 Leg.]

YEAS—44

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

NAYS—53

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

NOT VOTING—3

Bradley	Bumpers	Pryor
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The amendment (No. 4048) was rejected.

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

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

The motion to lay on the table was agreed to.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, the Democratic leader and I are continuing our negotiations with respect to the minimum wage issue. Therefore, in hopes of reaching some agreement with respect to this issue and other related matters, I now ask unanimous consent that no minimum wage amendment or legislation be in order prior to the hour of 1 p.m. today and, at 1 p.m., the majority leader be recognized so we can discuss this issue.

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

Mr. LOTT. I yield the floor.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

AMENDMENT NO. 4049

Mr. BIDEN. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. The business before the Senate is the Kyl-Reid amendment to S. 1745.

Mr. BIDEN. Mr. President, I ask unanimous consent I be able to proceed for 5 minutes as in morning business.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, might I ask the Senator to yield for one moment so I may ask for the yeas and nays on the amendment which is pending?

Mr. BIDEN. Sure.

Mr. KYL. 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 ATTACK ON HARIS SILAJDZIC

Mr. BIDEN. Mr. President, I rise today to deplore in the strongest possible terms the brutal assault last Saturday on former Bosnian Prime Minister Haris Silajdzic.

For more than 4 years, I have protested the bloody aggression by Serbia and its Bosnian Serb proxies against the Republic of Bosnia and Herzegovina. Even today Senator LIEBERMAN, Senator LUGAR, and I are introducing a resolution calling upon our Government to give stronger support to the International War Crimes Tribunal in the Hague, including making it an urgent priority for IFOR to detain and bring to justice persons indicted by the tribunal.

But, Mr. President, it was not Bosnian Serbs under the direction of the war criminals Karadzic and Mladic who attacked Haris Silajdzic. Nor was it carried out by the notorious Bosnian-Croat thugs from Herzegovina.

No, the attack was carried out by Bosnian Muslims belonging to the ruling party of democratic action, the SDA, of Bosnian President Izetbegovic. Former Prime Minister Silajdzic was making an election campaign speech in the Bihac area of northwestern Bosnia when about 100 young toughs waving SDA flags reportedly began terrorizing citizens at the rally. Some of them struck Prime Minister Silajdzic on the head with a metal bar, opening a bloody wound on his temple. He was rushed off to a hospital.

Many of my colleagues and I regard Haris Silajdzic as the single best hope for a multireligious democracy in Bosnia. For years he has fought against the vicious tribalism that unscrupulous politicians have used to stir up hatreds, even as he has tirelessly struggled to keep his embattled country alive.

Undaunted earlier this year after he was forced out of the prime ministership, Haris Silajdzic founded the party for Bosnia and Herzegovina, a coalition of Bosnian Muslims, Bosnian Serbs, and Bosnian Croats whose vision rises above the pathetic provincialism of the ethnic and religious-based parties intent on fragmenting the country.

The reaction of the ruling SDA in Sarajevo was, sad to say, typical of people who learned their politics at the foot of the old Yugoslav league of Communists.

Mr. Silajdzic has been harassed at every turn. Knowing of his broad inter-

national contacts, the authorities made it impossible for him to place telephone calls abroad. For example, when I have wanted to talk with him during the past few months, I have had to phone his home from Washington. And our conversations are routinely cut off in mid-sentence.

This is the treatment that President Izetbegovic's government accords a former prime minister with a worldwide reputation for bravery and integrity.

Moreover, Haris Silajdzic's multi-religious party for Bosnia and Herzegovina has been systematically denied a level playing field in the campaign for national elections, which according to the Dayton accords must take place by September 14.

They have found it excruciatingly difficult to get television time with which to spread their message of tolerance and democracy. I have already described how the SDA hoodlums broke up their campaign rally last weekend.

Mr. President, I would submit that the Bosnian people have no better friend in this Congress than this Senator. But let me be absolutely clear: The patience of even the strongest supporters of Bosnian independence has limits.

President Izetbegovic and his party must understand that we have not sent young American fighting men and women at the head of an international force thousands of miles from home merely to make it safe for a power-hungry, narrow-minded Bosnian Muslim clique to mimic the vicious, anti-democratic behavior of their Bosnian Serb oppressors.

The clock is ticking on the implementation of the Dayton accords. There are still many fundamental problems to solve. Until now the record of the Bosnian Government, though far from perfect, has been better than that of Serbia and Croatia and their respective Bosnian proxies.

But this latest outrage against Haris Silajdzic is a terrible step in the wrong direction. I call upon President Izetbegovic to take heed: Either get your party to clean up its act, or the United States of America may have to reconsider its Bosnian policy.

I thank the Chair, and I yield the floor.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

The Senate continued with the consideration of the bill.

AMENDMENT NO. 4049

Mr. SIMON. Mr. President, I rise in opposition to the amendment offered by Senator KYL from Arizona. I knew our distinguished colleague from Arizona when he was in the House, but I did not know him well. I have come to have great respect for him as a legislator. He really is a legislator who works