

In June 1998, President Clinton said it was "important that the Senate debate and vote on the Comprehensive Test Ban Treaty without delay."

On August 9 of this year, the President asked "the full Senate to vote for ratification as soon as possible."

On April 1 of this year, Secretary of State Albright gave a speech calling for action on the CTBT, "this year, this session, now."

And some of our colleagues on the other side of the aisle were quite outspoken in calling for a vote on the treaty. In 1998, the Democratic leader, Senator DASCHLE said on the Senate floor that "We believe that it's important for us to move this very important treaty this year." And just over 2 weeks ago, he stood on the Senate floor and said, "I still think, one way or the other, we ought to get to this treaty, get it on the floor, debate it, and vote on it."

And as we all know, it was the threat to bring the business of the Senate to a halt that led the majority leader to offer a unanimous consent agreement on the CTBT. On September 8—with 22 days remaining in the fiscal year to dispose of the remaining appropriations bills—Senator DORGAN said the following:

When [the majority leader] comes to the floor, I intend to come to the floor and ask him when he intends to bring this treaty to the floor. If he and others decide it will not come to the floor, I intend to plant myself on the floor like a potted plant and object. I intend to object to other routine business of the Senate until this country decides to accept the moral leadership that is its obligation and bring this treaty to the floor for a debate and a vote.

Supporters of the CTBT clearly wanted a vote on the treaty; it now turns out they actually only wanted a vote if they could win. Well, that's not the way it works.

I have also been surprised that some Senators have complained that the time for consideration of the treaty was too short. Let's remember that the time-frame for consideration of the treaty was established by unanimous consent. In fact, the majority leader first offered a unanimous-consent agreement on September 30. The Democratic leader objected to that first request, asking for it to be modified to add more time—4 more hours of general debate, and up to 8 hours for amendments (in addition to the 10 hours already allocated). The majority leader accommodated the Democratic request, and on October 1, a modified version of the unanimous-consent request was again offered, and not a single Senator objected either to the time or to the date. The latter is also important, because setting the date for the vote on October 12 or 13 (it occurred on the 13th) meant there were almost 2 weeks for "education" of Senators who had not already become educated on the treaty. (Presumably those who were fomenting consideration of the treaty had taken the time to familiarize themselves with it. They can

hardly argue they needed more time in view of their insistence.)

In any event, we all agreed on a timetable to take up the treaty. This is why I am disappointed that some have charged that the majority leader scheduled the vote out of some sense of partisanship. If Members had a concern about the time frame for the treaty's consideration, any single Senator could have objected—but none did. And the week after the agreement, three Senate committees held hours of hearings. Responsible Senators had plenty of time to learn enough to make an informed decision, witness the early expression of support by those who said others needed more time (i.e., those who didn't agree with them).

I am also disappointed by assertions that, by rejecting the CTBT, the United States Senate has diminished America's moral authority in the fight against nuclear proliferation. I deeply regret that this sentiment has been echoed, and to some degree instigated, by Members of this body and the administration who find themselves on the losing side of the debate.

Nothing could be further from the truth. By rejecting this deeply flawed accord, the Senate has anchored the United States firmly on the moral high ground.

My vote against this treaty rested on three premises:

First, we must be able to test if we are to maintain safe and reliable nuclear weapons because they help to secure peace for American citizens and for the rest of the world.

Second, this unenforceable, unverifiable treaty would have little if any impact on the problem of proliferation. In fact, it might actually cause more nations to seek nuclear weapons if they became unsure of the reliability of the U.S. nuclear umbrella.

It is vitally important that our Nation pursue efforts to combat nuclear proliferation. But we should pursue meaningful efforts with real effects. Unfortunately, while criticizing treaty opponents of not being serious about proliferation, it is the Clinton administration that has not been willing to take serious actions to combat proliferation. For example, in 1997, when reports began to surface about Russian missile assistance to Iran, I led a group of 99 Members of the House and Senate, in writing to the President to urge him to invoke sanctions to halt this trade. The President refused. In November 1997, the Senate unanimously passed a concurrent resolution that I sponsored, expressing the sense of the Congress that the President should sanction the Russian organizations involved in selling missile technology to Iran. The House also passed this resolution overwhelmingly by a vote of 414 to 8. Again the President refused to impose sanctions.

The Congress tried again to spur the administration to action 6 months later, when we passed the Iran Missile Proliferation Sanctions Act mandating

sanctions on any organization involved in assisting Iran's missile program. This bill passed the Senate by a vote of 90 to 4. Yet when it reached the President's desk, he vetoed the bill. As these examples show, this administration is simply not willing to take the tough actions necessary to prevent proliferation. It is these meaningful measures that will reduce proliferation, not an unenforceable, unverifiable treaty.

The third and final reason I voted against the CTBT is that the Constitution establishes the Senate as co-equal with the President in committing this country to treaties. I take this responsibility seriously, and will not simply rubber-stamp any arms control agreement that does not meet at least minimum standards—and this one does not. Rejection will help future negotiators insist on meaningful provisions that are verifiable and enforceable.

Each of these premises is morally sound; in my view they are morally superior than a vote for this flawed pact, no matter how well-intentioned.

Because this treaty would have harmed our security, its ratification would have been an abdication of our moral responsibility to maintain peace through strength. In 1780, President George Washington said, "There is nothing so likely to produce peace as to be well prepared to meet an enemy." Two hundred years later, President Ronald Reagan called this doctrine "Peace Through Strength." History has redeemed the judgment of Ronald Reagan in first adopting this stance with the Soviet Union; I believe that history will redeem the rejection of the CTBT as well.

#### CTBT COMMISSION

Mr. WARNER. Mr. President, on Wednesday evening, the Senate cast a historic vote on the Comprehensive Test Ban Treaty.

In the aftermath of this vote, I am reminded of the old saying, "The past is prologue."

At some point we have to lift this issue from the cauldron of politics.

Now, is it not time to build bridges and find common ground on the issue of a possible treaty covering nuclear testing? Let the issues be worked on, for a while, by people of the caliber, of the experience, of those who wrote to the Senate, who testified, and called or sent statements during the Senate's debate. Their wisdom can then be returned to our next President and the 107th Congress.

That is why, today, I propose the creation of a bipartisan, blue ribbon commission of experts, representing differing viewpoints on the basic issues, to study this issue and make recommendations—including possible changes to the treaty. Colleagues, I ask for your "advice and consent" as I pursue this goal of a commission.

During the course of the debate in the Senate, it was clear that a number of Members could have supported some

type of a test ban treaty, but were troubled by several key provisions in the Comprehensive Test Ban Treaty that was before us.

Of a particular concern was the zero-yield threshold. Legitimate concerns were raised about our ability to monitor violations down to the zero-yield level, and with our need to conduct, at some point in the future, very low yield nuclear explosions to verify the safety of our stockpile, or to ensure the validity of the stockpile stewardship program. Perhaps it would have been better to agree to a Treaty which allowed very low yield testing—as all past presidents, beginning with President Eisenhower, have proposed.

Another grave concern was the fact that this Treaty bans nuclear testing in perpetuity. When we are dealing with the safety and credibility of the U.S. nuclear arsenal, we should exercise the greatest degree of caution. Would it not have been better to have a treaty which required, specifically in its text, periodic reviews, at fixed intervals, as did the Nuclear Non-Proliferation Treaty, NPT. At the time the Senate considered that Treaty, the NPT provided for automatic reviews every 5 years.

The Stockpile Stewardship Program was another issue of concern. In my view, it is just not far enough along, as confirmed by qualified experts, for the United States to stake the future of its nuclear arsenal on this alternative to actual testing. More needs to be done on that issue. For example, there is currently underway a panel, pursuant to a provision in the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999, to study and report on the reliability, safety and security of the U.S. nuclear stockpile. Perhaps some of the fine work of this commission, which is comprised of experts such as former Secretary of Defense James Schlesinger and Dr. Johnny Foster, could be incorporated into the work of a test ban commission.

These are but examples of a number of issues related to this Treaty where there are honest differences of opinion, and over which bridges must be built to reach common ground. These issues could benefit from examination now by a group outside of the political arena—a group of experts.

Recent history is replete with examples of commissions, composed of a bipartisan group of experts, who have successfully advised the Congress, the President.

For example, in 1994, when I was Vice Chairman of the Intelligence Committee and the CIA was under attack, I included legislation in the FY 1995 Intelligence Authorization Act establishing a commission to study the roles and capabilities of the Intelligence Community. The commission was formed by the President and the congressional leadership. It was chaired by former secretaries of defense Les Aspin and Harold Brown and former Senator Warren Rudman. They met the challenge; their advice was accepted.

Let's join together; get it done.

I ask unanimous consent that a number of items be printed in the RECORD at this point.

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

**EXCERPTS FROM THE STROM THURMOND NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999 CONFERENCE REPORT**

**SEC. 3159. PANEL TO ASSESS THE RELIABILITY, SAFETY, AND SECURITY OF THE UNITED STATES NUCLEAR STOCKPILE.**

(a) REQUIREMENT FOR PANEL.—The Secretary of Defense, in consultation with the Secretary of Energy, shall enter into a contract with a federally funded research and development center to establish a panel for the assessment of the certification process for the reliability, safety, and security of the United States nuclear stockpile.

(b) COMPOSITION AND ADMINISTRATION OF PANEL.—(1) The panel shall consist of private citizens of the United States with knowledge and expertise in the technical aspects of design, manufacture, and maintenance of nuclear weapons.

(2) The federally funded research and development center shall be responsible for establishing appropriate procedures for the panel, including selection of a panel chairman.

(c) DUTIES OF PANEL.—Each year the panel shall review and assess the following:

(1) The annual certification process, including the conclusions and recommendations resulting from the process, for the safety, security, and reliability of the nuclear weapons stockpile of the United States, as carried out by the directors of the national weapons laboratories.

(2) The long-term adequacy of the process of certifying the safety, security, and reliability of the nuclear weapons stockpile of the United States.

(3) The adequacy of the criteria established by the Secretary of Energy pursuant to section 3158 for achieving the purposes for which those criteria are established.

(d) REPORT.—Not later than October 1 of each year, beginning with 1999, the panel shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report setting forth its findings and conclusions resulting from the review and assessment carried out for the year covered by the report. The report shall be submitted in classified and unclassified form.

(e) COOPERATION OF OTHER AGENCIES.—The panel may secure directly from the Department of Energy, the Department of Defense, or any of the national weapons laboratories or plants or any other Federal department or agency information that the panel considers necessary to carry out its duties.

(2) For carrying out its duties, the panel, shall be provided full and timely cooperation by the Secretary of Energy, the Secretary of Defense, the Commander of United States Strategic Command, the Directors of the Los Alamos National Laboratory, the Lawrence Livermore National Laboratory, the Sandia National Laboratories, the Savannah River Site, the Y-12 Plant, the Pantex Facility, and the Kansas City Plant, and any other official of the United States that the chairman of the panel determines as having information described in paragraph (1).

(3) The Secretary of Energy and the Secretary of Defense shall each designate at least one officer or employee of the Department of Energy and the Department of Defense, respectively, to serve as a liaison officer between the department and the panel.

(f) FUNDING.—The Secretary of Defense and the Secretary of Energy shall each con-

tribute 50 percent of the amount of funds that are necessary for the panel to carry out its duties. Funds available for the Department of Energy for atomic energy defense activities shall be available for the Department of Energy contribution.

(g) TERMINATION OF PANEL.—The panel shall terminate three years after the date of the appointment of the member designated as chairman of the panel.

(h) INITIAL IMPLEMENTATION.—The Secretary of Defense shall enter into the contract required under subsection (a) not later than 60 days after the date of the enactment of this Act. The panel shall convene its first meeting not later than 30 days after the date as of which all members of the panel have been appointed.

\* \* \* \* \*

**EXCERPT FROM THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1995**  
**TITLE IX—COMMISSION ON THE ROLES AND CAPABILITIES OF THE UNITED STATES INTELLIGENCE COMMUNITY**

**SEC. 901. ESTABLISHMENT.**

There is established a commission to be known as the Commission on the Roles and Capabilities of the United States Intelligence Community (hereafter in this title referred to as the "Commission").

**SEC. 902. COMPOSITION AND QUALIFICATIONS.**

(a) MEMBERSHIP.—(1) The Commission shall be composed of 17 members, as follows:

(A) Nine members shall be appointed by the President from private life, no more than four of whom shall have previously held senior leadership positions in the intelligence community and no more than five of whom shall be members of the same political party.

(B) Two members shall be appointed by the majority leader of the Senate, of whom one shall be a Member of the Senate and one shall be from private life.

(C) Two members shall be appointed by the minority leader of the Senate, of whom one shall be a Member of the Senate and one shall be from private life.

(D) Two members shall be appointed by the Speaker of the House of Representatives, of whom one shall be a Member of the House and one shall be from private life.

(E) Two members shall be appointed by the Minority Leader of the House of Representatives, of whom one shall be a Member of the House and one shall be from private life.

(2) The members of the Commission appointed from private life under paragraph (1) shall be persons of demonstrated ability and accomplishment in government, business, law, academe, journalism, or other profession, who have a substantial background in national security matters.

(b) CHAIRMAN AND VICE CHAIRMAN.—The President shall designate two of the members appointed from private life to serve as Chairman and Vice Chairman, respectively, of the Commission.

\* \* \* \* \*

**SEC. 903. DUTIES OF THE COMMISSION.**

(a) IN GENERAL.—It shall be the duty of the Commission—

(1) to review the efficacy and appropriateness of the activities of the United States intelligence community in the post-cold war global environment; and

(2) to prepare and transmit the reports described in section 904.

(b) IMPLEMENTATION.—In carrying out subsection (a), the Commission shall specifically consider the following:

(1) What should be the roles and missions of the intelligence community in terms of providing support to the defense and foreign policy establishments and how should these relate to tactical intelligence activities.

(2) Whether the roles and missions of the intelligence community should extend beyond the traditional areas of providing support to the defense and foreign policy establishments, and, if so, what areas should be considered legitimate for intelligence collection and analysis, and whether such areas should include, for example, economic issues, environmental issues, and health issues.

(3) What functions, if any, should continue to be assigned to the organizations of the intelligence community, including the Central Intelligence Agency, and what capabilities should these organizations retain for the future.

(4) Whether the existing organization and management framework of the organizations of the intelligence community, including the Central Intelligence Agency, provide the optimal structure for the accomplishment of their missions.

(5) Whether existing principles and strategies governing the acquisition and maintenance of intelligence collection capabilities should be retained and what collection capabilities should the Government retain to meet future contingencies.

(6) Whether intelligence analysis, as it is currently structured and executed, adds sufficient value to information otherwise available to the Government to justify its continuation, and, if so, at what level of resources.

(7) Whether the existing decentralized system of intelligence analysis results in significant waste or duplication, and if so, what can be done to correct these deficiencies.

(8) Whether the existing arrangements for allocating available resources to accomplish the roles and missions assigned to intelligence agencies are adequate.

(9) Whether the existing framework for co-ordinating among intelligence agencies with respect to intelligence collection and analysis and other activities, including training and operational activities, provides an optimal structure for such coordination.

(10) Whether current personnel policies and practices of intelligence agencies provide an optimal work force to satisfy the needs of intelligence consumers.

(11) Whether resources for intelligence activities should continue to be allocated as part of the defense budget or be treated by the President and Congress as a separate budgetary program.

(12) Whether the existing levels of resources allocated for intelligence collection or intelligence analysis, or to provide a capability to conduct covert actions, are seriously at variance with United States needs.

(13) Whether there are areas of redundant or overlapping activity or areas where there is evidence of serious waste, duplication, or mismanagement.

(14) To what extent, if any, should the budget for United States intelligence activities be publicly disclosed.

(15) To what extent, if any, should the United States intelligence community collect information bearing upon private commercial activity and the manner in which such information should be controlled and disseminated.

(16) Whether counterintelligence policies and practices are adequate to ensure that employees of intelligence agencies are sensitive to security problems, and whether intelligence agencies themselves have adequate authority and capability to address perceived security problems.

(17) The manner in which the size, missions, capabilities, and resources of the United States intelligence community compare to those of other countries.

(18) Whether existing collaborative arrangements between the United States and other countries in the area of intelligence

cooperation should be maintained and whether such arrangements should be expanded to provide for increased burdensharing.

(19) Whether existing arrangements for sharing intelligence with multinational organizations in support of mutually shared objectives are adequate.

#### THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, October 14, 1999, the Federal debt stood at \$5,666,668,943,905.59 (Five trillion, six hundred sixty-six billion, six hundred sixty-eight million, nine hundred forty-three thousand, nine hundred five dollars and fifty-nine cents).

One year ago, October 14, 1998, the Federal debt stood at \$5,536,803,000,000 (Five trillion, five hundred thirty-six billion, eight hundred three million).

Five years ago, October 14, 1994, the Federal debt stood at \$4,691,920,000,000 (Four trillion, six hundred ninety-one billion, nine hundred twenty million).

Twenty-five years ago, October 14, 1974, the Federal debt stood at \$478,496,000,000 (Four hundred seventy-eight billion, four hundred ninety-six million) which reflects a debt increase of more than \$5 trillion—\$5,188,172,943,905.59 (Five trillion, one hundred eighty-eight billion, one hundred seventy-two million, nine hundred forty-three thousand, nine hundred five dollars and fifty-nine cents) during the past 25 years.

#### MESSAGE FROM THE HOUSE

At 11:33 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2679. An act to amend title 49, United States Code, to establish the National Motor Carrier Administration in the Department of Transportation, to improve the safety of commercial motor vehicle operators and carriers, to strengthen commercial driver's licenses, and for other purposes.

The message also announced that the House disagrees to the amendment of the Senate to the bill, H.R. 1000, to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. SHUSTER, Mr. YOUNG of Alaska, Mr. PETRI, Mr. DUNCAN, Mr. EWING, Mr. HORN, Mr. QUINN, Mr. EHLERS, Mr. BASS, Mr. PEASE, Mr. SWEENEY, Mr. OBERSTAR, Mr. RAHALL, Mr. LIPINSKI, Mr. DEFAZIO, Mr. COSTELLO, Ms. DANNER, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MILLENDER-MCDONALD, and Mr. BOSWELL as managers of the conference on the part of the House:

From the Committee on the Budget, for consideration of titles IX and X of the House bill, and modifications committed to conference: Mr. CHAMBLISS, Mr. SHAYS, and Mr. SPRATT.

From the Committee on Ways and Means, for consideration of title XI of the House bill, and modifications committed to conference: Mr. ARCHER, Mr. CRANE, and Mr. RANGEL.

From the Committee on Science, for consideration of title XIII of the Senate amendment and modifications committed to conference: Mr. SENEN-BRENNER, Mrs. MORELLA, and Mr. HALL of Texas.

#### MEASURE REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 2679. An act to amend title 49, United States Code, to establish the National Motor Carrier Administration in the Department of Transportation, to improve the safety of commercial motor vehicle operators and carriers, to strengthen commercial driver's licenses, and for other purposes; to the Committee on Commerce, Science, and Transportation.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-5626. A communication from the General Counsel, Department of Defense, transmitting, pursuant to law, a report relative to the methods of selection of members of the Armed Forces to serve on courts-martial; to the Committee on Armed Services.

EC-5627. A communication from the Deputy Secretary of Defense transmitting a report relative to the Department of Energy Stockpile Stewardship Program; to the Committee on Appropriations.

EC-5628. A communication from the Commissioner, Bureau of Reclamation, Department of the Interior, transmitting, pursuant to law, the financial reports of the Colorado River Basin Project for fiscal year 1997; to the Committee on Energy and Natural Resources.

EC-5629. A communication from the Assistant Secretary for Environmental Management, Department of Energy, transmitting, pursuant to law, the annual report on Accelerated Land Transfer and Technology Integration; to the Committee on Energy and Natural Resources.

EC-5630. A communication from the Deputy General Counsel, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Small Business Investment Companies (LMI)" (FR Doc. 99-25244, Published 9/30/99, 64 FR 52641), received October 13, 1999; to the Committee on Small Business.

EC-5631. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Individual Development Accounts" (Rev. Rul. 99-44), received October 14, 1999; to the Committee on Finance.

EC-5632. A communication from the Commissioner of Social Security, transmitting, pursuant to law, a report relative to the processing of continuing disability reviews for fiscal year 1998; to the Committee on Finance.

EC-5633. A communication from the Director, Administrative Office of the United