

bravery that he displayed at the youthful age of 25, I am reminded of another account of bravery, this one told by the poet William E. Henley who, as a young man, lost his leg as a result of tuberculosis of the bone. He wrote these words from his hospital bed.

Out of the night that covers me,
Black as the Pit from pole to pole,
I thank whatever gods may be
For my unconquerable soul.

In the fell clutch of circumstance
I have not winced nor cried aloud.
Under the bludgeonings of chance
My head is bloody, but unbowed.
Beyond this place of wrath and tears
Looms but the Horror of the shade,
And yet the menace of the years
Finds, and shall find, me unafraid.

It matters not how strait the gate,
How charged with punishments the scroll,
I am the master of my fate;
I am the captain of my soul.

The year was 1875. The poem was "Invictus." The words belong to William Henley, but the spirit behind them belongs just as surely to Senator BOB KERREY. I salute him.

Mr. LEVIN. Mr. President, I rise to join my colleagues in honoring someone who has already done more to serve his country than most people could accomplish in several lifetimes, BOB KERREY.

Many of my colleagues today have described the circumstances thirty years ago when a twenty-five year old Lieutenant KERREY led an elite Navy Sea, Air, Land (SEAL) team to successfully apprehend a group of North Vietnamese soldiers. I stand in awe as they have recounted the way in which Lt. KERREY continued to direct the team despite his serious injury. For his extraordinary valor, Lt. KERREY was rightfully bestowed the nation's highest award for military service, the Medal of Honor in 1970, by President Richard Nixon.

These actions alone are worthy of reflection by this body thirty years after the event. However, this was only one episode in a lifetime of extraordinary service to his country by Senator BOB KERREY. Luckily for our nation, he did not allow the unfortunate events of that day thirty years ago to stop him from reaching the lofty goals that he had always set for himself. After a trying rehabilitation in Philadelphia, KERREY returned to Nebraska and began his life anew, becoming a successful businessman and eventually winning a race for the state's Governorship. In 1988, he won election to the Senate after mounting a spirited campaign.

During his time in the Senate, BOB KERREY has continued to exhibit exemplary bravery and dedication. He has taken on some of the most important and difficult issues this body faces: Social Security reform, IRS reform and repeated farm crises. Senator KERREY focused on the issue of Social Security early in his career, and his many efforts have greatly enhanced the prospects for reform of this important and far reaching program. Senator KERREY

is a champion of American agriculture, working tirelessly to support and protect family farmers facing economic hardship. He has also dedicated himself to improving health care services in the United States.

Mr. President, we honor Senator BOB KERREY today because thirty years ago he exhibited extraordinary heroism under the most difficult of circumstances. Senator KERREY's duty and sacrifice on that day and his important contributions since continue to earn him the respect of the people of Nebraska and the United States. I am delighted to join my Senate colleagues in honoring Senator BOB KERREY.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, the resolution is agreed to and the preamble is agreed to.

The resolution (S. Res. 61) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows

S. RES. 61

Whereas Honorable J. Robert "Bob" Kerrey has served the United States with distinction and honor for all of his adult life;

Whereas 30 years ago this past Sunday, on March 14, 1969, Bob Kerrey lead a successful sea-air-land (SEAL) team mission in Vietnam during which he was wounded;

Whereas he was awarded the Medal of Honor for his actions and leadership during that mission;

Whereas according to his Medal of Honor citation, "Lt. (j.g.) Kerrey's courageous and inspiring leadership, valiant fighting spirit, and tenacious devotion to duty in the face of almost overwhelming opposition sustain and enhance the finest traditions of the U.S. Naval Service";

Whereas during his 10 years of service in the United States Senate, Bob Kerrey has demonstrated the same qualities of leadership and spirit and has devoted his considerable talents to working on social security, Internal Revenue Service, and entitlement reform, improving health care services, guiding the intelligence community and supporting the agricultural community: Now, therefore, be it

Resolved, That the United States Senate commends the Honorable J. Robert Kerrey for the service that he rendered to the United States, and expresses its appreciation and respect for his commitment to and example of bipartisanship and collegial interaction in the legislative process.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the Honorable J. Robert Kerrey.

NATIONAL MISSILE DEFENSE ACT OF 1999

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 257, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 257) to state the policy of the United States regarding the deployment of a missile defense system capable of defending the territory of the United States against limited ballistic missile attack.

The Senate resumed consideration of the bill.

Pending:

Cochran Amendment No. 69, to clarify that the deployment funding is subject to the an-

nual authorization and appropriation process.

AMENDMENT NO. 69

The PRESIDING OFFICER. There will now be 1 hour of debate on the pending Cochran amendment No. 69, to be divided equally between the chairman and ranking member, or their designees.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, yesterday, we began debate of the National Missile Defense Act of 1999. We have reached a point where we will soon be voting on an amendment that seeks to more clearly define the context for this legislation and the purpose we see that it will serve. This legislation is a statement of a new policy for our Government with respect to the need to develop and deploy a national missile defense system as soon as technology permits.

It is very clear from recent developments that we identified yesterday that we are confronted with a very real threat to our national security interests from ballistic missile technology, the proliferation of this technology, and the capacity of other countries to use it to deliver weapons of mass destruction against the territory of the United States.

Americans today are completely vulnerable to a ballistic missile attack. We need to see that that is changed. We need to see that the technology that we have available to us is used to develop and deploy a defense against ballistic missile attack to protect American security interests and American citizens.

During the discussion yesterday, there was some suggestion that administration officials and military officials in our country were opposed to this legislation. I must say that I heard some of these officials testify at hearings, and I disagree with that conclusion. I think there is ample evidence in the record of our Defense Appropriations Subcommittee hearings, and in other statements that officials have made, both civilian and military officials, to the media about their views on this subject, that we can draw a completely different conclusion from the conclusion that was expressed yesterday by some of those who participated in this debate.

Let me give you one example. The other day, on March 3, I was in a meeting of our Defense Appropriations Subcommittee. We were having a hearing reviewing the request for funds for the Department of Defense for the next fiscal year. The Deputy Secretary of Defense, Dr. Hamre, was a witness, and we started a discussion about whether or not the administration interpreted this legislation that is pending now in the Senate to mean that the Department of Defense should disregard measures relating to the operational effectiveness of developmental testing in determining whether the national missile defense system is technologically ready

to provide an effective defense against limited ballistic missile attack.

I asked Dr. Hamre, the Deputy Secretary of Defense, what his interpretation of that legislation was, and if he read the language in a way that suggested we would be deploying an operationally ineffective system or would require the administration to do so. Here is what the Deputy Secretary of Defense said. I am quoting.

No, sir . . . I read the language that it says that you would still expect us to be good program managers. You would still expect us to do testing, disciplined rigorous testing. Not slowing things up just to test for test's sake but to do disciplined testing and know that it really would be effective and that it really would work.

So it is clear from that response to my question that in the mind of the Deputy Secretary of Defense this bill does not require deployment of a missile defense system that is operationally ineffective. On the contrary, he understands clearly, as do the cosponsors of this legislation, that we would put in place a policy and a practice that is common and ordinary in the acquisition process in our Department of Defense.

Finally, to those who suggest that a deployment decision should wait yet another evaluation of the threat, which was one of the four additional criteria outlined yesterday by the distinguished Senator from Michigan, I think a quote attributed to General Lyles, who is the Director of the Ballistic Missile Organization, might be helpful. He was asked again at a January press conference whether another evaluation of the threat would be necessary when the administration gave the go-ahead for production of the national missile defense system. This is what he said. I quote:

The key decision will be on the technological readiness. My statement about looking at the threat, that's something we do for all programs all the time. So yes, we will again look at the threat. But as the Secretary stated, we are affirming today that the threat is real and growing, so that's not an issue. But we will always look at the threat to see has it changed, is it coming from a different source, etc.? That's part of anything we do for any program.

So there is really no question in the minds of the military managers and the civilian leadership at the Department of Defense about the threat. In General Lyles' view, or in the view of Dr. Hamre, and as stated, as Senators know, by the Secretary of Defense, our former colleague, former Senator Cohen, it is routine and a matter of course that there will be a continued evaluation and a monitoring of the threat. But the question as to whether the threat of ballistic missile attack exists now against the United States has been more clearly demonstrated by the actions of North Korea than any other thing anybody can say. The evidence is hard and clear and obvious. There is a capability now in North Korea to launch a missile—multiple stage—with a solid fuel, third stage,

with a capacity to reach the territory of the United States.

As Secretary Cohen said when he came to talk to Senators not too long ago, "We have checked the threat box." "We have checked the threat box." The threat is clear. It is present. The threat exists.

That is why the administration's policy of waiting to see whether a threat develops to then decide whether we deploy a system that we have developed is an outdated policy and needs to be replaced with a current policy that matches the facts and the realities of our situation.

That is why this legislation is needed, and that is why this amendment is important, because it restates that the policy will be subject to the annual review of the authorization committees, of the appropriations committees, as every defense acquisition system is under current practices. That is what this pending amendment suggests—that we will see the jurisdictional responsibilities for authorizing a deployment, and funding the deployment will be constrained by budget considerations, by the realities of the threat as it then exists on the regular annual processes that this Congress follows each year.

The administration will have an opportunity to sign those bills, or veto them. So we are not changing the policies, or practices, or rules, or the laws that govern the appropriations and the authorization processes of Congress. That is what this amendment clearly suggests.

I am hopeful that with this further information that is available to the Senate as we proceed to wind up debate on this amendment Senators will ask whatever questions they have, and we will be glad to try to respond to them.

We appreciate having the cosponsorship for this amendment of the distinguished Senator from Hawaii, Senator INOUE, who is the senior member of the Defense Appropriations Subcommittee, Senator WARNER, who is the chairman of the Armed Services Committee, and Senator LIEBERMAN, who is also active in the review and assistance on this issue.

Mr. INOUE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, I commend and congratulate my colleague from Mississippi for his leadership in this area.

Most respectfully and candidly, I must say that I have been a bit surprised and saddened by the attacks made upon this measure. This bill, in my mind, is a wake-up call. It is telling all of us that there is a threat. Anyone who studies North Korea, anyone who looks at the Soviet Union, anyone who has taken time to study the situation in Iraq and Iran, would have to conclude that there is a threat. This measure does not deploy any ballistic missile defense system. It just tells us it is about time we begin looking to the possibility of deploying a system.

As the author of this measure has pointed out very clearly, we would have to go through the regular process of authorization. This Senate and this Congress will have an opportunity to have a full-scale debate, to debate whether we have the funds, whether the threat is real, whether there is a necessity for this system. Then it will have to go through the appropriations process. At each level, the President of the United States will have an opportunity of either concurring or vetoing our efforts. We are not in any way short-circuiting the process that has been laid down by our Founding Fathers. We are following the process. But we are, in essence, telling our Nation: Wake up. There is a threat, and it is about time we look at it seriously.

I am proud to be a cosponsor, not only of the amendment but of the bill itself. It is about time somebody took the leadership to do what Senator COCHRAN has been doing. So I hope my colleagues will reconsider their opposition, look at it very objectively, and I am certain they will concur with us.

For those who have been criticizing that this is going to be a very expensive bill, there is not a single dollar in this measure—not a single dollar. That will have to be determined at a later time if the Congress so decides.

I hope my colleagues on my side will join us when the final vote is taken to support this measure.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I know that under the order we are going to recess at 12:30, and then the order provides for 1 hour of debate on this amendment and then a vote at 2:15.

I am going to recommend—I do not know what the pleasure of the leadership will be—that we go ahead and have that vote and yield back the time on the amendment. That is going to be my recommendation to our leader on this side of the aisle. I don't know that we left anything out in our debate yesterday. We had time from 3 o'clock until 6:30 yesterday evening when we debated this issue and all of the issues that were involved. But I am happy to abide by whatever decision the leadership makes on that. I am just suggesting, for my part I will be happy to yield back our time on the amendment so we can vote at 2:15 when we resume our session after lunch.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. CONRAD. Mr. President, I ask unanimous consent that time for this introduction be allocated against the time on this amendment but appear as in morning business.

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

The Senator from North Dakota is recognized.

Mr. CONRAD. I thank the Chair.

(The remarks of Mr. CONRAD and Mr. DORGAN pertaining to the introduction of S. 623 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:40 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

NATIONAL MISSILE DEFENSE ACT OF 1999

The Senate continued with the consideration of the bill.

VOTE ON AMENDMENT NO. 69

Mr. DOMENICI. Mr. President, I ask for the yeas and nays on the pending amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN) is absent because of illness.

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

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 49 Leg.]

YEAS—99

Abraham	Edwards	Lincoln
Akaka	Enzi	Lott
Allard	Feingold	Lugar
Ashcroft	Fitzgerald	Mack
Baucus	Frist	McCain
Bayh	Gorton	McConnell
Bennett	Graham	Mikulski
Biden	Gramm	Moynihan
Bingaman	Grams	Murkowski
Bond	Grassley	Murray
Boxer	Gregg	Nickles
Breaux	Hagel	Reed
Brownback	Harkin	Reid
Bryan	Hatch	Robb
Bunning	Helms	Roberts
Burns	Hollings	Rockefeller
Byrd	Hutchinson	Roth
Campbell	Hutchison	Santorum
Chafee	Inhofe	Sarbanes
Cleland	Inouye	Schumer
Cochran	Jeffords	Sessions
Collins	Johnson	Shelby
Conrad	Kennedy	Smith (NH)
Coverdell	Kerrey	Smith (OR)
Craig	Kerry	Snowe
Crapo	Kohl	Specter
Daschle	Kyl	Stevens
DeWine	Landrieu	Thomas
Dodd	Lautenberg	Thompson
Domenici	Leahy	
Dorgan	Levin	
Durbin	Lieberman	

Thurmond	Voinovich	Wellstone
Torricelli	Warner	Wyden

NOT VOTING—1

Feinstein

The amendment (No. 69) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I rise to add my support to S. 257, The National Missile Defense Act of 1999.

Any questions on whether or not the United States faces a missile threat were answered by the Director of the Central Intelligence Agency, George Tenet, and the Director of the Defense Intelligence Agency, General Hughes, in testimony before the Armed Services Committee. In his opening statement Director Tenet described the threat of a new North Korean missile in the following terms:

With a third stage like the one demonstrated last August on the Taepo Dong-1, this missile would be able to deliver large payloads to the rest of the U.S.

General Hughes stated:

The number of Chinese strategic missiles capable of hitting the United States will increase significantly during the next two decades.

This testimony coupled with the findings of the Rumsfeld Commission make an overwhelming case for a National Missile Defense System. We must not be dissuaded by the impact of the National Missile Defense System on the ABM Treaty. The evidence of the missile threat to the United States is too overwhelming.

The bill before us is only a first step toward the deployment of a National Missile Defense System. It provides deployment flexibility to the Department of Defense. It states that it is the policy of the United States to deploy as soon as technologically possible an effective National Missile Defense system. It does not mandate a specific time nor a specific type of a system.

Mr. President, I want to express my appreciation to Senator COCHRAN for introducing this legislation and for his passionate and articulate expression of support for a National Missile Defense System. Our citizens owe him a debt of gratitude for his persistence in pursuit of a missile defense program to protect them and the Nation.

Mr. President, there has been enough discussion on this issue, it is time for the Nation and this Congress to act. I urge the Senate to express its support for the security of our Nation by overwhelmingly approving S. 257, The National Missile Defense Act of 1999.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. HUTCHINSON. Mr. President, I rise to express my strong support, along with the distinguished Senator

from South Carolina, for the National Missile Defense Act. It is, in my opinion, long overdue and will correct a serious deficiency in our defense policy, one that leaves us utterly defenseless against a threat that is real today and promises to get worse tomorrow.

Last week, Thursday, in the Wall Street Journal, this headline greeted us:

China Buys . . .

Stolen information about the U.S.'s most advanced miniature W-88 nuclear warhead from Los Alamos helped the Chinese close a generation gap in the development of its nuclear force.

This, of course, is a very abbreviated account of what the New York Times expanded on in great detail and great length. I think it describes for us not only a serious breach in our national security but a quantum leap in the ability of the Chinese Government to not only threaten the security of their neighbors in Asia but ultimately and eventually to threaten the security of American cities; thus, the importance of a National Missile Defense Act.

Mr. President, the Clinton administration is in its sunset, but the effects of its failed, flawed China policy are clearly on the horizon. We are faced today with a very disturbing situation. At the same time that the administration is fostering what it calls "constructive engagement" with the People's Republic of China, the Government of China is increasingly posing a threat to the United States and its interests. This policy is nothing if not contradictory and inconsistent. It is no less than a threat to American security.

China has made significant advances in its nuclear weapons program in recent years. By achieving the miniaturization of its bombs, the Chinese military can now attach multiple nuclear warheads to a single missile and hit several targets. China's technical advance means it can now deploy a modern nuclear force and pose an even greater threat to Taiwan, Japan and South Korea, not to mention the United States. The sad fact is that this technical advance was made possible by sensitive W-88 design information stolen from Los Alamos National Laboratory, a facility that we have discovered has very lax security.

The details that I am going to recount in the next few minutes are those that have all been published and have been available to the public in news accounts in recent days.

The W-88 is the smallest and most advanced warhead of the U.S. arsenal. It is typically attached to the Trident II submarine-launched ballistic missile. With smaller warheads, the Chinese military will be able to deploy intercontinental ballistic missiles with multiple warheads.

In the last 2 days, I have attended two briefings with the Secretary of Energy. To me, the accounts that we heard were chilling and alarming. The secret information on the W-88 was