

Collins	Inouye	Reid
Conrad	Jeffords	Robb
Coverdell	Johnson	Roberts
Crapo	Kennedy	Rockefeller
Daschle	Kerry	Roth
Dodd	Kerry	Santorum
Domenici	Kohl	Sarbanes
Dorgan	Kyl	Schumer
Durbin	Landrieu	Sessions
Edwards	Lautenberg	Smith (OR)
Feingold	Leahy	Snowe
Feinstein	Levin	Specter
Fitzgerald	Lieberman	Stevens
Gorton	Lincoln	Thomas
Graham	Lott	Thompson
Grams	Lugar	Thurmond
Grassley	Mack	Torricelli
Gregg	McConnell	Voinovich
Hagel	Mikulski	Warner
Harkin	Moynihn	Wellstone
Hatch	Murray	Wyden
Hollings	Nickles	
Hutchison	Reed	

NAYS—14

Allard	Enzi	Inhofe
Brownback	Frist	Murkowski
Bunning	Gramm	Shelby
Craig	Helms	Smith (NH)
DeWine	Hutchinson	

NOT VOTING—1

McCain

The PRESIDING OFFICER (Mr. SMITH of Oregon). On this vote, the yeas are 85, the nays are 14. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. LEAHY. Mr. President, is the Senator from Vermont correct that we have now voted cloture on both the nominations before the Senate?

The PRESIDING OFFICER. The Senator from Vermont is correct.

Mr. LEAHY. Then what is the parliamentary situation, as regarding the two nominations?

The PRESIDING OFFICER. There are 30 hours, evenly divided.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Mr. President, I have a unanimous consent request and closing script.

As you know, cloture was just invoked on two Ninth Circuit judges. I still hope we have not set a precedent. I don't believe we have because it was such an overwhelming vote to invoke cloture and stop the filibuster. We should not be having filibusters on judicial nominations and having to move to cloture. But we had to, and it was an overwhelming vote of 86-13 on the first one, and I guess that was the vote on the second one, too. I intend to offer a time agreement between the proponents and opponents regarding postcloture debate.

Mr. President, I ask unanimous consent that Senator SMITH of New Hampshire be in control of up to 3 hours of total debate on both nominations, and that Senator LEAHY, or his designee, be in control of up to 1 hour 30 minutes of total debate on both nominations; that following the conclusion or yielding back of the time, the Senate lay the

nominations aside until 2 p.m., at which time the Senate would proceed to back-to-back votes on or in relation to the confirmations of Berzon and Paez. That would be at 2 p.m. tomorrow.

Mr. LEAHY. Reserving the right to object, and I will not, I tell the distinguished leader I was struck by the comments of the distinguished leader in saying we should not have the precedents of filibusters and requiring cloture. I commend him for supporting the cloture motion and moving this forward so we would not have that precedent. I am concerned, though, because I have heard rumors that one of these votes may be on a motion to indefinitely postpone a vote on these nominees. I understand that while such a vote might be in order, there is no precedent for such a vote on a judicial nominee; am I correct on that? I mean in my lifetime, and I was born in 1940.

The PRESIDING OFFICER. There is a precedent that a motion to postpone is in order after cloture is invoked.

Mr. LEAHY. That was not my question, Mr. President. My question was very specific. In fact, I stated that I understand motions to postpone indefinitely, I believe, are always in order, as are filibusters. But as the distinguished leader said, we would not want to set a precedent of filibusters on judicial nominations. Am I correct that we have not used motions to postpone indefinitely on judicial nominations following cloture?

The PRESIDING OFFICER. The precedent does not state what the item of cloture is on.

Mr. LEAHY. Mr. President, if I understand, we have never had this circumstance. Certainly, I have not in my 25 years in the Senate. I do not believe ever having a circumstance where we have had cloture on two judicial nominations and then had a motion to postpone, in effect, killing the nominations.

Mr. LOTT. Will the Senator yield?

Mr. LEAHY. Yes.

Mr. LOTT. I believe, traditionally, it is in order postcloture to have a motion to table or a motion to postpone indefinitely. I don't know the precedents in terms of that actually having been used. I am certainly not advocating it. But under the rules of the Senate, I am under the impression that it would be in order. I thought maybe I could answer it succinctly without getting into the precedents.

Mr. President, has the request been—

Mrs. BOXER. Reserving the right to object, and I will not object, I say, first, to the majority leader that I appreciate very much his effort to bring the nominations forward, and voting for cloture, because without that we would not be where we are. I want that understood.

I state on the RECORD today that this Senator believes if there is going to be a motion made—which there very well may be because that is the rumor that

I hear—to indefinitely postpone a vote on one of these nominees, then I believe that kind of a motion is denying that nominee an up-or-down vote. You can argue that it is really like an up-or-down vote, but after we have gotten over 80 votes, with the help of the majority leader and Senator HATCH, in a bipartisan way—and Senator LEAHY worked on that—you would think we could vote up or down. There is no precedent that I have gotten from the Parliamentarian up to this point where he has been able to show me this was done with a judicial nomination after cloture was invoked. I wish to make that point because I don't like to ever blindsides my colleagues on anything.

I think that if we go this route, it will be interpreted as a way to deny a vote on the nominee, and I hope this will not be the case. Surely, I hope, if it is offered, we will defeat it. But it seems to me a bad precedent. I hope we won't see this go in that fashion. I thank the Chair. I shall not object.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. Then the votes will occur back to back at 2 p.m. on Thursday. In light of this agreement, there will be no further votes this evening. I believe our staffs have probably put everybody on notice of that.

LEGISLATIVE SESSION

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now resume legislative session.

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

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

NUCLEAR WEAPONS

Mr. KERREY. Mr. President, the question of how to write Federal laws and consider treaties that enable our armed forces and diplomats to protect and defend the people of the United States is both important and difficult for Members of Congress to answer. To write laws that keep America safe, we must evaluate today's threats and tomorrow's threats, we must consider the plans presented by our military to meet those threats, and we must be vigilant against the understandable tendency to want to withdraw from the world. We must remember those moments in our past when lack of preparation and planning resulted in terrible loss and then prepare to defend against threats we face.

We must also remember that freedom is not free, and that the price paid by

those men and women who choose to serve us in active, reserve, and National Guard duty is considerable. They serve the nation. They are not just in the Army, the Navy, the Air Force, the Marine Corps, and the Coast Guard; they are in the United States Army, the United States Navy, the United States Air Force, the United States Marine Corps, and the United States Coast Guard. This is a real distinction with a real difference.

The difference is that United States forces do not just defend American shores. They defend liberty around the world. In the confused aftermath of the cold war, one thing should be abundantly clear: The fight for freedom is worth the price. From the end of the Vietnam War in 1975 to the collapse of the Berlin Wall in 1989 there was an active debate about the value and importance of this fight. However, the sight of tens of millions of men and women celebrating the end of a political system that denied them freedom thrilled even those grown cynical about the value of cold war expenditures. The intellectual debate about the value of communism ended when we saw and examined the destruction that was done by political tyranny. The human spirit was reduced and squandered. The air, the water, and the health of the people were sacrificed. Even the development of economic standards of living—long thought to be comparable to America's—were shockingly inferior.

Four times in my Senate career I have heard world leaders speak to joint sessions of the Congress to praise the price paid by America for their freedom. Duly elected as Presidents of newly freed people, each stood before us and spoke. Lech Walesa thanked us on behalf of the people of Poland. Nelson Mandela thanked us on behalf of the people of South Africa. Vaclav Havel thanked us on behalf of the people of Czechoslovakia. And Kim Dae Jung thanked us on behalf of the people of South Korea. Their message was simple: If the United States had not taken their side in the struggle for freedom, they would not have succeeded.

Certainly we have made mistakes. Our actions have not been free of treachery, deceit, and failure. Sometimes our actions have brought shame and disgrace. Yet, we should allow ourselves to learn and be guided by these failures. We cannot permit them to discourage us from continuing the work of writing laws that enable us to hold the ground we have won and to continue, most of all, the effort on behalf of others held captive by the world's remaining dictators or those who choose to terrorize us with their unlawful actions.

This rather long opening leads me to a simple discussion of just one of the questions we need to answer before we write the laws and negotiate the treaties that determine the nature, size, and shape of our defenses. The question is this: What nuclear force structure is

needed to provide a minimal level of safety to the people of the United States? My intent in beginning this way is to make certain that I approach this question with the requisite seriousness to ensure that my answer will defend America rather than defending an ideology.

The person who has been given the authority to command our strategic nuclear forces lives at Offut Air Force Base adjacent to Bellevue, NE. As Commander in Chief of Strategic Forces—or STRATCOM—his responsibility is to carry out the orders and instructions given to him by the President through his Joint Chiefs of Staff. I have had the pleasure and honor of visiting STRATCOM on many occasions. On each of those occasions I have been briefed on the plans and mission of our strategic nuclear forces. On each of these occasions, I have left with pride and enthusiasm for the patriotism, energy, and talent of the men and women who serve at STRATCOM. On every occasion I have left with the impression that Americans are getting their money's worth from this effort. With this in mind, I think it is important to describe for the American people what STRATCOM is and what it does.

The mission of STRATCOM is simple, but it is also deadly serious. Their mission is to "deter major military attack, and if deterrence fails, employ forces." In this effort, Adm. Richard Mies, the Commander of STRATCOM, controls the most effective and lethal set of armaments ever assembled by human beings: The strategic nuclear force of the United States of America. Yet, nearly a decade after the end of the cold war, many Americans no longer have an appreciation for the size and power of this force. I would like to take this opportunity to describe the force Admiral Mies controls.

First, America's strategic nuclear weapons are based on a triad of delivery systems: Land-based, sea-based, and strategic bombers. The U.S. relies on this triad to ensure credibility and survivability. Because our forces are diversified in this way, a potential enemy must recognize that, regardless of any hostile action, the United States would be able to retaliate with overwhelming force.

Currently, the U.S. has about 500 Minutemen III and 50 Peacekeeper missiles in the land-based arsenal. While some of the Minuteman III missiles are being modified to accept single warheads, the bulk of these missiles are armed with three warheads. These warheads have a yield ranging from 170 to 335 kilotons. The 50 Peacekeeper missiles are each armed with 10 individually targetable warheads with a yield of 300 kilotons. In other words, our current land-based force alone can, upon an order and instruction from the President of the United States, deliver approximately 2,000 warheads to 2,000 targets on over 500 delivery vehicles with a total yield of about 550 megatons.

In itself, this is an awesome force. But it is only the beginning of what is available to U.S. military planners. At sea, we have 18 Ohio-class submarines. These are the ultimate in survivability, able to stay undetected at sea for long periods of time. As such, our submarine force must give pause to any potential aggressor. Eight of these boats carries 24 C-4 missiles. Each of these missiles are loaded with eight warheads with 100 kilotons of yield. The other 10 subs carry 24 of the updated D-5 missiles. These missiles are also equipped with eight warheads with varying degrees of yield from 100 to 475 kilotons.

This is close to 1,500 additional targets that we are able to hit accurately and rapidly, if the President of the United States merely gives the order—an awesome force, again, all by itself to be able to deter individuals or nation states from taking action against the United States.

The third leg of the triad, the strategic bomber force, includes both the B-2 and the B-52 bomber. These bombers have the capacity to carry 1,700 warheads via nuclear bombs and air-launched cruiser missiles.

Talking about this force, I use—and others do as well—words such as "yield" and "kilotons" or "megatons." Unfortunately, most of these words to a lot of us have very little meaning. On previous occasions, I have come to the floor to describe what a single 100-kiloton weapon would do to one American city, the kind of destruction not just to that American city but to the American economy, as well as to the psyche of the American people who would, to put it mildly, be terrorized as a consequence of this single action. I don't want to recount that narrative today, but I do think it is important for us to try to put the power of these weapons in perspective. Oftentimes we don't. The numbers are so large and the weapons systems so numerous that we get dulled in our recognition of what they can do.

Let me use one example. On August 6, 1945, the Enola Gay dropped the first atomic bomb on the Japanese city of Hiroshima. That and the subsequent bombing of Nagasaki ended World War II. Little Boy was the name of the bomb that was dropped on Hiroshima. It destroyed 90 percent of the city. Instantly, 45,000 of this city's 250,000 inhabitants were killed. Within days, another 19,000 had died from the aftereffects of the bomb. This bomb had a yield of 15 kilotons. A 300-kiloton warhead such as can be found on top of our Peacekeeper missile is 20 times as powerful. We don't have in our strategic arsenal a weapon that is under 100 kilotons. Each of the 50 Peacekeeper missiles in our arsenal carries 10 of these 300-kiloton weapons. In all, Admiral Mies, under orders from the President of the United States, can deliver 6,000 strategic nuclear warheads with an approximate yield of over 1,800 megatons.

Mr. President, I think it is very important, as we debate what our nuclear weapons system needs to be, that we understand this concept and that we sort of take a map and use some common sense and try to evaluate what 6,000 nuclear weapons with over 100 kilotons of yield each could do to targets inside of our principal reason for deterrence, maintaining that arsenal, and that is Russia today.

I think common sense would cause us to pause and wonder whether or not we are keeping a level of weapons beyond what is necessary.

The purpose of this description is to give my colleagues a sense of this force and what this force could do if brought to bear by order of our Commander in Chief. I think it is fair for the American people to ask, first, what is the purpose of this force. According to the 2000 edition of the Secretary of Defense's Annual Report to the President and to Congress:

Nuclear forces remain a critical element of the U.S. policy of deterrence.

Simply put, the United States maintains its nuclear arsenal to guard against an attack from any potential weapons of mass destruction threat. I think it is important for us as well to examine these potential threats and ask if our current nuclear forces are structured to adequately address them.

As I see it, there are three main sources of threat for which we must maintain a nuclear deterrent. The first is the threat from rogue nations like Iraq, Iran, and North Korea. While the United States must remain vigilant in the effort to confront the weapons of mass destruction programs of these nations, there is no evidence that any of these countries currently possess nuclear weapons. Furthermore, it would be hard to justify the expenditure of approximately \$25 billion a year to maintain an arsenal of over 6,000 warheads to defend against the threat posed by rogue nations.

If not rogue nations, what about China? While the threat from China has gotten a lot of attention lately, press accounts indicate the Chinese have no more than 20 land-based nuclear missiles capable of reaching the United States. Also according to the media, Chinese nuclear weapons are not kept on continual alert. Rather, nuclear warheads and liquid fuel tanks are stored separate from their missiles. It would take time for the Chinese to fuel, arm, and launch these weapons. Now, just one of these weapons would cause immense pain and devastation, but the likelihood of their use, accidental or intentional, is low. Once again, the maintenance of over 6,000 warheads is hardly justified by China's 20 missiles.

The only other threat that can justify our nuclear force levels is the Russian nuclear arsenal. But what is the current state of the Russian nuclear arsenal?

The Russian military relies on the same triad of delivery systems as we

do. In their land-based arsenal, the Russians have approximately:

180 SS-18 missiles with 10 warheads at 550 kiloton yields each.

They have 160 SS-19 missiles with six warheads at 550 kiloton yields each.

They have 86 SS-24 missiles with 10 warheads at 550 kilotons yields each.

They have 360 SS-25 missiles with a single warhead each at 550 kiloton yield, and they have

10 SS-27 Topol M missiles with a single warhead at 550 kiloton yield.

This is obviously an impressive force. Any one of these weapons could devastate an American city or cities. But the Russians are finding that many of these missiles are nearing the end of the service-lives. And budgetary constraints have slowed the pace of acquisition of their latest land-based missile, the Topol M, to the point at which they are having trouble maintaining the numbers of weapons that will be allowed under the START treaties.

The collapse of the Russian economy, and the resulting strain on the Russian military budget, has also had disastrous consequences for the Russian Navy. Russia now has less than 30 operational nuclear-armed submarines. In fact, the slow op tempo of Russian submarines has meant that at certain times none of these boats are at sea. Regardless, reports indicate these subs maintain almost 350 nuclear delivery vehicles with more than 1,500 available warheads.

The Russian Air Force has also suffered. At the end of 1998, Russia had about 70 strategic bombers, but not all of these were operational. Estimates are Russian strategic bombers have about 800 warheads on both nuclear bombs and air launched cruise missiles.

Mr. President, the overall picture of the Russian arsenal force is that it is deadly, but it is decaying as well at an extremely rapid rate. Russian generals have said that they see a time in the near future when the Russian strategic arsenal will be measured not in thousands but in hundreds of weapons. It is this decay in the Russian arsenal which I believe poses the greatest threat to the United States and should encourage us to do more to find ways in which to achieve significant parallel nuclear reductions.

Some will argue that we have in the process already a way to achieve those reductions and it is called START. Yet even if START II is ratified by the Russian Duma, the United States and Russia would still have 3,500 nuclear warheads on each side at the end of 2007. We can't afford to wait over 7 years to make reductions that leave the Russians with still more weapons than they can control.

In response, some argue not to worry, START II is going to be quickly followed by START III. In discussions with the Russians on a possible START III treaty, the United States has told Russia that we are not willing to go below the 2,000- to 2,500-warhead threshold. This number is based on a

1997 study on U.S. minimum deterrence needs completed by the then-Chairman of the Joint Chiefs of Staff, General Shalikashvili.

While I have no doubt that this report was professionally prepared and evaluated on criteria available at the time, I believe strongly it is time to redo this study. The current size of the United States and Russian nuclear arsenals is not based on any rational assessment of need; rather, it is a relic of the cold war. As the former commander of STRATCOM, Gen. Eugene Habiger, has said, "The cold war was a unique war. And when the war ended, the loser really didn't lose. We still had this massive military might on both sides staring each other in the face."

As I have described the accuracy, diversity, and power of our nuclear arsenal, I find it difficult to argue that the men and women at STRATCOM will be able to accomplish their objective of deterring attack with far fewer weapons. I don't know what the magic number is for minimum deterrence, but given our cooperative relationship with Russia, given the fact Russia is about to hold its third democratic election for President, and given our conventional and intelligence capabilities, I am confident we can deter any aggressor with less than 6,000, or 3,500, or even 2,000 warheads. It is time we begin the process to come up with a realistic estimate of our deterrence needs.

As long as nuclear weapons remain a reality in this world, the men and women at STRATCOM will have a job to do in defending our Nation. Their contribution to our safety cannot be underestimated. But just as they have a responsibility, we have a responsibility to act in a way that will decrease the danger of nuclear weapons and increase the safety and security of the American people.

Mr. President, I yield the floor.

NOMINATION OF JUDGE FUENTES

Mrs. FEINSTEIN. Mr. President, I did not have the opportunity to vote on rollcall vote No. 34, the nomination of Julio M. Fuentes to be U.S. circuit judge, for the third circuit. Judge Fuentes is a very highly regarded judge, and had I been present on the floor, I would have voted "yea."

INTERNATIONAL WOMEN'S DAY

Mr. FEINGOLD. Mr. President, I rise today to join a number of our colleagues in marking the 25th annual observance of International Women's Day.

Today, March 8, 2000, is a day on which people around the world will celebrate the myriad contributions and accomplishments of women.

Women in the United States and around the world have made tremendous progress toward full equality since this observance was initiated by the United Nations in 1975, the International Year of the Woman.