

American internationalism at the United Nations, I urge my colleagues to move quickly to allow this good man to serve our country once again.

Madam President, I have had the opportunity of knowing Ambassador Negroponte when he was Ambassador to Mexico, Ambassador to Honduras, and Ambassador to the Philippines. The nomination is now stuck. Unfortunately, we need to act as quickly as possible.

Madam President, I ask unanimous consent to have a letter from Mr. George Shultz, former Secretary of State, printed in the RECORD.

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

*July 17, 2001.*

HOOVER INSTITUTION—  
ON WAR, REVOLUTION AND PEACE,  
Hon. JOSEPH R. BIDEN,  
Russell Senate Office Building, Washington,  
DC.

DEAR MR. CHAIRMAN, I am writing to support the nomination of John Negroponte to be our Ambassador to the United Nations. I know him well; I have worked with him closely. I believe he will do an outstanding job at the UN.

While I was Secretary of State, John Negroponte served in three different positions: (1) Ambassador to Honduras; (2) Assistant Secretary of State for Oceans and International Scientific and Environmental Affairs; and (3) Deputy National Security Advisor in the last fourteen months of the Reagan administration.

In Honduras, John did an outstanding job under especially difficult circumstances. There was turmoil and instability throughout Central America, and assisting Honduras to stay on an even keel was an enormous challenge. Despite the difficulties, Honduras managed to maintain relative calm and peace compared to neighboring El Salvador, Guatemala and Nicaragua and made the transition from military to civilian rule during his time there. Honduras has had five free elections for a civilian president since 1981, and there will be another such election later this year. Much of the groundwork for the return to democracy and rule of law in Honduras was laid during John's tenure.

John's work as Assistant Secretary for Oceans and International Environmental and Scientific Affairs, his next assignment, is an excellent example of the richness and diversity of his background and experience. As Assistant Secretary for OES, John oversaw the negotiation of the Montreal Protocol for the Protection of the Stratospheric Ozone Layer on behalf of the United States. This was a milestone multilateral environmental agreement at the time and I well remember the conviction and skill with which John worked to gain support within the U.S. government and to conclude such an agreement with other countries. The Senate vote to consent to ratification was 83 to 0. John's portfolio in OES included addressing the issue of acid rain and its impact on Canada, and dealing with fisheries in the South Pacific. He personally negotiated and renewed a space cooperation agreement with the Soviet Union, satisfying the technology transfer concerns of a wary and skeptical DOD along the way. And at my request, John worked with former Citibank CEO Walter Wriston to organize a symposium at the National Academy of Sciences about the impact of information technology on foreign policy.

As Deputy National Security Advisor, John dealt with the entire range of national

security issues confronting the President and the National Security Council. Among the important issues with which he had to deal on a daily basis at that time were the Iran-Iraq war, the end of Soviet military involvement in Afghanistan, and two summits between President Reagan and General Secretary Gorbachev.

Although it was after my tenure as Secretary of State, I also had the opportunity to visit John both in Mexico City and Manila where he subsequently served as Ambassador. I can attest to the outstanding job he did at each of those posts. John was instrumental in both the conception and negotiation of the NAFTA, which has brought dramatic, positive changes to the U.S./Mexico economic and political relationship.

John has had a broad and deep variety of foreign policy experience at eight foreign postings and assignments in Washington at both the State Department and the White House. This experience is excellent preparation for the challenges of a UN assignment.

Sincerely yours,

GEORGE P. SHULTZ.

Mr. McCAIN. Finally, Madam President, we really need to have the United States represented at the United Nations. This has been a long process for Mr. Negroponte. I know my good friend and chairman of the Foreign Relations Committee, JOE BIDEN, shares my concern about the United Nations. He is a committed believer in the United Nations and the importance of its functions. I hope we will move forward as quickly as possible with Mr. Negroponte's nomination to represent the United States at the United Nations.

#### BALLISTIC MISSILE DEFENSE

Mr. COCHRAN. Madam President, the Senate Foreign Relations Committee hosted a briefing for interested Senators by Dr. Condoleezza Rice on Monday afternoon in the Capitol during which she discussed with almost 20 Senators who were present the recent meetings she had with Russian leaders in Moscow.

I was impressed with the steadfast resolve of the President during his meetings with President Putin in Genoa in moving beyond the confrontational relationship with Russia and replacing the doctrine of mutual assured destruction with a new framework that would be consistent with our national defense interests as they now exist rather than as they existed in 1972.

Two years ago, Congress debated and passed the National Missile Defense Act of 1999, which enunciated the policy of the United States to deploy as soon as technologically possible a system to defend the territory of the United States against limited ballistic missile attack, whether accidental, unauthorized, or intentional. That bill was passed with overwhelming majorities in both Houses of Congress and signed into law on July 23, 1999.

The National Missile Defense Act became necessary because of two unfortunate facts: The emergence of a new threat to our Nation and our lack of

capability to defend against that threat. The threat stems from the proliferation of the technology to build long-range ballistic missiles.

Our inability to defend against that threat is tied to the ABM Treaty of 1972. The changes that have occurred in the world since the cold war had not been reflected in our national policy until the enactment of the National Missile Defense Act.

President Bush is moving ahead to fulfill both the letter and spirit of the National Missile Defense Act. He has restructured the Missile Defense Program from one that was carefully tailored not to conflict with the 1972 ABM Treaty into one which will provide the best defense possible for our Nation in the shortest period of time. He has properly focused the Missile Defense Program on the threat we face rather than the ABM Treaty, and he has clearly stated he intends to move beyond the cold war ABM Treaty and into a new era in which the United States does not base its security on pledges of mutual annihilation with a country with which we are not at war.

The President has personally carried this message to our allies, friends, and former adversaries, and his efforts have met with impressive success. Not all critics have been persuaded and some never will be, but many who were skeptical now support our efforts, and some, such as the Premier of Italy just last week in Genoa, have enthusiastically endorsed them.

Perhaps the most striking change has occurred in Russia. When the previous administration proposed modifications to the ABM Treaty, the Russian Government refused even to entertain the notion, but in the face of the resolve demonstrated by President Bush, the Russian Government has agreed to his suggestion to enter into talks to establish an entirely new strategic framework to guide the relationship between our countries. The developments of the past few months are truly changing the international political world we have known for so long.

At the same time, our Missile Defense Program, which for years had been underfunded, is continuing to recover and is making substantial technical progress. That program has faced formidable obstacles—besides the technical challenge of reliably intercepting ballistic missiles. It has faced the constraints of an old treaty that was intended specifically to impede and prohibit the development and deployment of such missile defenses.

Congress has taken the lead over the past few years in helping to get the Missile Defense Program back on its feet by increasing the funding available for the work on defenses against both shorter range and longer range ballistic missiles, and those programs have demonstrated great progress. The Patriot PAC-3 system has succeeded in 7 out of 8 intercept attempts against shorter range ballistic missiles, such as the Scuds that caused such destruction

and took 28 American lives during the gulf war. After some early testing failures attributed to quality control problems, the longer range THAAD system finished its initial testing with consecutive successes, and our defense against long-range ballistic missiles was successful the very first time it was tested in October of 1999, and that success was repeated in another intercept test just a few weeks ago.

The Director of the Ballistic Missile Defense Program testified recently that the ground-based missile defense system now in testing no longer requires that anything be invented, only that it be correctly engineered. Clearly, the advanced technology required for reliable intercept of ballistic missiles is rapidly deteriorating.

But there is far more that we can and should be doing. Unfortunately, despite the success that has been demonstrated, missile defense work has been confined to the technology superficially permitted by the 1972 ABM Treaty. That agreement prohibits some of the most promising technologies and basing modes available, including air-, space-, sea-, and mobile land-based systems, as well as those based on new capabilities like lasers. The ABM Treaty impedes the development and deployment of these missile defenses. This was its central purpose when it was crafted three decades ago as a reflection of the political relationship between the Soviet Union and the United States known as the cold war.

President Bush has declared his determination to leave the cold war behind. He has backed up his declaration with concrete actions and his leadership has generated real progress, despite the sniping of some critics.

I believe the rapid progress of the last few months is a result of leadership of President Bush and his determination to do what is necessary in this modern world to defend our Nation. It is important to consult with our allies, as he has done, and it will be helpful if we can work out an agreement with the Russians to leave the cold war and its trappings behind. Our moving forward to defend ourselves against these new threats cannot depend on the assent of others. President Bush has made it clear that he believes this, and I think his resolve is exactly the reason we have seen attitudes change. But our determination to defend our Nation cannot be contingent on someone else's permission.

I suppose it was predictable that the more momentum is generated, the more wild the claims of the critics would get, and we have seen that, too, in recent days. Those who would prefer America be vulnerable to missile attack have taken a variety of approaches in their efforts to ensure that remains the case. One is to say we should go slow, don't rush the technology, don't do anything diplomatically risky. But timidity is a good part of the reason we face such an urgent situation now, with a real and serious

threat but nothing yet in the field to defend against it. The ones who have always said "go slow" are the same critics who will say that the slowness of the program's progress is evidence that missile defense is not yet mature. Our failure for years to do enough to counter this problem is why we must work with urgency today.

The critics also assert that our long-range missile defense capability will be easily defeated by simple countermeasures. These assertions are based on wild claims from people who would have us believe that building a missile defense is too difficult a task for the United States—which possesses the most sophisticated missile and countermeasure capability in the world—but defeating a missile defense is a simple task for those who are just now acquiring the capability for long-range missiles. Such arguments are unpersuasive.

The critics also tell us that deployment of missile defenses will create an arms race, even though the Russians have neither the resources nor a reason to engage in a buildup in strategic offensive arms. Even if they did, with whom would they race? President Bush has announced his intention to dramatically reduce the offensive nuclear forces of the United States, regardless of what the Russians do, and has taken the first step toward doing so by announcing the deactivation of our multiple warhead Peacekeeper missiles. A situation in which one side builds up its missiles while the other reduces is certainly not an arms race. I think the Russians understand this, too, and will recognize the futility of spending scarce resources to counter a missile defense system that does not threaten them.

As for China, while the previous administration was devoting itself to—in its words—"strengthening the ABM Treaty," China was modernizing and expanding its nuclear forces. So China has already demonstrated that assessments of its own national security interests are unlikely to be affected by what the United States does or doesn't do with respect to missile defenses. Moreover, those who suggest we forgo defenses so as not to "threaten" China are implying that China has some sort of right to threaten us with its missiles. I reject such a suggestion. Defenses are not provocative, no nation has a right to threaten the United States, and the United States has no obligation to guarantee any country's right to do so.

There are other criticisms of our missile defense efforts, most even less convincing than those I have just mentioned, and other arguments in its favor which I have not discussed. I'm sure other Senators will address many of them in the course of the next few days. But the discussion has moved far beyond where it was 2 years ago when we stood here and debated the National Missile Defense Act. Thanks to the actions of Congress, there is no longer

any question about whether the United States will defend its citizens against missile attack, only about the methods we use and how fast we will field them. And thanks to the efforts of President Bush there is no longer any question about whether we will continue to be held hostage by an obsolete agreement from another era. I welcome the progress that has been made on all fronts, and I look forward to supporting the achievement of genuine security of the United States and its citizens.

Mr. ALLARD. Madam President, I thank the Chair and my colleagues for giving me an opportunity to speak for a few minutes this afternoon on a point I want to make regarding missile defense and the budget and the ABM Treaty compliance. I think this is going to be a very important debate. It has already started in the Armed Services Committee on which I serve.

I thought my colleague from Mississippi, Mr. THAD COCHRAN, this morning made some very cogent comments. I did want to follow up with some further comments on that particular issue.

I have heard some reluctance by a few of my colleagues to approve the Ballistic Missile Defense Organization budget without knowing for certain now whether the testing activities planned comply with the ABM Treaty. They say the Senate cannot approve a budget if it is not compliant.

As a member of the Senate Armed Services Committee, it is my understanding that compliance determinations are almost never—I emphasize never—made well in advance of a test or other activity. It is virtually impossible to do so because the plans often change right up to the time of the test. I would like to highlight a few examples of this occurring.

In integrated flight test 1, what we commonly refer to as IFT-1, which was the first test of the exoatmospheric kill vehicle, which occurred on January 16, 1977, compliance itself was not certified until December 20 of 1996.

Here is another example, the Technical Critical Measurements Program, the TCMP, flight 2A was not certified until February 14, 1997, just 8 days before that actual test occurred.

The risk reduction flight test 1, for what was then the National Missile Defense Program, was certified just 3 days before it occurred in 1997, and the second risk reduction flight was certified just 2 days before it was conducted a month later.

A test for the NMD prototype radar was not certified until August 31, 1998. That was less than 3 weeks before it occurred.

The first test of the Navy theater-wide missile was certified November 2, 1998, for a November 20 flight.

IFT-3 for the National Missile Defense system, which was the first—and successful—intercept attempt, was certified on September 28, 1999, just 4 days before the test.

IFT-4 was certified 12 days before the test took place on January 18, 2000.

The certification for IFT-5 was issued 8 days before that test last summer, but the certification actually had to be modified on July 7, the day before the test because of changes in the test plan.

I have a chart on my right. On this column, we talk about test events. We talk about the day the test was performed. Then we talk about the day that it was certified for compliance with the ABM Treaty.

As you can tell from the many times I mentioned earlier in several examples, it was just a day before the actual test flight for compliant certification.

My point is to expect us to have compliance during the budget deliberations before the Senate hearing simply doesn't make any sense.

However, I will note that there are at least two exceptions to this practice. Last year, Congress approved a budget that included military construction funding for a radar in Alaska that Congress knew was non-compliant with the ABM Treaty. And in January 1994, a compliance review of the proposed THAAD program determined that it was not in compliance with the terms of the ABM Treaty. Yet in the fall of 1994, Congress voted to approve the BMDO budget—one that included a program that was certified to be non-compliant.

It is also interesting to note that THAAD program testing was approved in January of 1995 on the condition that its ability to accept data from external sensors be substantially limited. Only in 1996 was THAAD testing with external cuing data approved because the determination was finally made that THAAD did not have ABM capabilities. I believe this stands as a good illustration of two salient facts: first, that ABM Treaty compliance is in part a matter of both legal and political judgment; second, that the United States has always reserved for itself the authority to judge the compliance of its own programs.

Bearing these facts in mind, I would argue that this administration has been very straightforward with Congress. The President, the Secretary of Defense, and the Deputy Secretary have all told us that the United States and Russia need to move beyond the ABM Treaty. They have told us that the President's commitment to deploy missile defenses and the missile defense program he has proposed are on a collision course with the ABM Treaty. They have told us that the BMDO test program was not designed either to violate or comply with the Treaty, but that it was designed to proceed as efficiently as possible toward the goal of developing effective missile defenses. They have told us that, as a result, there will be serious issues concerning treaty compliance that will arise in a matter of months.

My colleague from Mississippi, Senator COCHRAN, tried to make that

point—that we need to focus on what our needs are and shoot towards those defensive needs.

Secretary Wolfowitz has even identified the key issues that he expects will emerge. The Secretary, Deputy Secretary, and Lt. Gen. Kadish have also told us that BMDO program activities have not been fully vetted through the certification process—as is typically the case. Consequently, the legal and political judgements to resolve those issues have not been made yet.

I would further argue that statements by Secretary Wolfowitz, Lt. Gen. Kadish, and others in the administration have been remarkably open and consistent in this area. Lt. Gen. Kadish indicated in a briefing several weeks ago his understanding that the BMDO program proposals for fiscal year 2002 would be compliant with the ABM Treaty, with the important caveat, that some issues needed to be clarified by the compliance review process. Secretary Wolfowitz went into considerable detail concerning areas in which the proposed program would "bump into" treaty constraints. An administration document says that the proposed program would be "in conflict" with the treaty "in the matter of months, not years."

Whether someone says the program is "awaiting clarification" or "that it may bump up against" or "come into conflict with" the ABM treaty, the point is that this is a serious issue that needs to be resolved. And that was precisely the Deputy Secretary's point—that several months ahead of time, the department would know what key program issues would need to be resolved through the established compliance review processes, and that they would be resolved through these processes in regular order.

In considering how we ought to handle these issues, we need to bear in mind that there is a wide range of opinion concerning the value of the ABM Treaty. Some believe that the ABM Treaty is the foundation stone on which U.S. security is built. Others argue that the ABM Treaty is gone and has simply outlived its usefulness and some agree with the administration that the Nation needs to move on to a new strategic framework to guide our relations with Russia.

Given this range of opinion, and the administration's view that the treaty's value has been overtaken by events, the use of well-established processes and procedures to judge the treaty compliance of BMDO program activities hardly seems radical or unusual. Indeed, it seems a modest and conservative approach.

Secretary Wolfowitz outlined for us several possible outcomes of these deliberations within the compliance review process. The nation may have moved beyond the ABM Treaty to a new strategic framework with Russia and the program will not be constrained by the treaty. The program activities in question might be deemed

to be compliant with the treaty. Or on the other hand, the program activities might be deemed to be inconsistent with the treaty.

In the absence of an alternative framework, according to the Secretary, the Nation will be faced with an unpalatable choice—either we must alter the test program so that it is compliant with the treaty but is less efficient and more costly, or we must face the prospect of exercising our rights under article XV that allows the nation to withdraw from the treaty. Please note—and this cannot be stressed too much—in all of these cases, the United States will remain in compliance with our obligations under domestic and international law.

Thus, the suggestion that Senators should not agree to the BMDO budget because we don't have perfect visibility into the ABM Treaty compliance of Ballistic Missile Defense program activities strikes me as, at best, odd. It is inconsistent with past practice. It is inconsistent with established processes and procedures used throughout the Clinton administration and which the Bush administration intends to continue. And it is inconsistent with the simple fact that the United States will remain in compliance with our obligations under domestic and international law regardless of the conclusions of the established legal and political authorities regarding specific BMD test activities.

It does strike me as a path that indicates a desire for confrontation with the administration, not cooperation, and one that expresses philosophical opposition to missile defense rather than practical programmatic concerns. For the Congress to take the position that absolute adherence to the ABM Treaty is a prerequisite for approval of a BMDO budget would, in one stroke, undermine both tracks of the President's policy: to proceed with expedited development of missile defenses and to engage Russia in a constructive dialogue.

I urge all my colleagues to proceed in this matter in a calm, reasoned, and non-partisan manner that does not undermine the President or the flexibility to proceed in his discussions with Russia as he sees fit.

I thank the Chair. I yield the floor.

#### REMEMBERING KOREY STRINGER

Mr. DAYTON. Madam President, I rise in sorrow this morning to pay tribute to a highly respected Minnesotan, Mr. Korey Stringer, an all-pro offensive tackle for the Minnesota Vikings who died early this morning.

Mr. Stringer collapsed yesterday afternoon after the Vikings practice. He died early this morning due to complications from heat stroke.

Korey Stringer joined the Vikings as a first-round draft pick out of Ohio State University. He has been our starting right tackle ever since. Last year, he was named for the first time