

President's request for missile defense. By reallocating more than \$800 million requested for missile defense to other programs, the bill fundamentally alters the President's priorities and leaves open the possibility that we will not adequately defend our Nation against a missile attack. I urge the Senate to reverse this flawed provision.

Mr. President, in closing I remind my colleagues that this bill also provides vital funding to support our forces currently engaged in the war against terrorism. This war is unlike any faced by my generation. It will not be won by large armies, but by dedicated, highly trained soldiers, sailors, airmen and marines. I am extremely proud of what our military personnel have accomplished and I have no doubt that their professionalism and dedication will bring an end to the terrorist threat. We owe these men and women the best our Nation can provide and we must show them our support by voting for this bill.

I thank the Chair.

Mr. LEVIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. CANTWELL). The clerk will call the roll. The legislative assistant proceeded to call the roll.

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MORNING BUSINESS

Mr. REID. I ask unanimous consent that the Senate now proceed to a period for morning business with Senators allowed to speak therein for a period not to exceed 5 minutes each.

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

DEMISE OF THE ABM TREATY

Mr. LEVIN. Madam President, as we have recently passed June 13, I want to discuss the demise of the Anti-Ballistic Missile ABM Treaty that ceased to exist after that date. I believe it is important to help a record of how this important treaty was brought to its end.

The ABM Treaty was signed by President Nixon in 1972 with the Soviet Union as an important element of U.S.-Soviet arms control and strategic stability. It served to prevent an arms race in defensive weapons that would have led to larger offensive nuclear missile forces. It thus helped pave the way for negotiated limits and reductions in strategic arms. It was supported by every U.S. President until President George W. Bush, including Presidents Ford, Reagan and the first President Bush.

The ABM Treaty affected only defenses against long-range, or strategic, ballistic missiles, those missiles with ranges of 5,500 kilometers or more. It has no effect on defenses against missiles of shorter ranges, which are the

only missiles that endanger our troops and allies today, and against which we have designed and built the Patriot theater missile defense system and helped develop Israel's Arrow missile defense system.

Both the United States and the Soviet Union saw this treaty as a central component of their efforts to ensure mutual security. Russia, like the Soviet Union before it, saw the ABM Treaty as one of the foundations for the structure of arms control and security arrangements that had been carefully built over three decades to reduce the risk of nuclear war.

As late as June 2000, at their Moscow summit, President Clinton and President Putin issued a joint statement emphasizing the importance of the ABM Treaty. That statement said the two Presidents "agree on the essential contribution of the ABM Treaty to reductions in offensive forces, and reaffirm their commitment to that treaty as a cornerstone of strategic stability." It also stated that "The Presidents reaffirm their commitment to continuing efforts to strengthen the ABM Treaty and to enhance its viability and effectiveness in the future, taking into account any changes in the international security environment."

Last December 13, President Bush announced that the United States would unilaterally withdraw from the treaty. The treaty permits either side to withdraw from the treaty upon six months notice if either side decides that "extraordinary events related to the subject matter of this Treaty have jeopardized its supreme interests."

Although President Bush and members of his administration said they would try to modify the treaty to permit the development, testing and deployment of a limited National Missile Defense system, in the end they did not offer an amendment to the Russians.

When he was campaigning for the presidency, then-Governor Bush gave a speech at The Citadel on September 23, 1999, in which he stated the following: "we will offer Russia the necessary amendments to the Anti-Ballistic Missile Treaty—an artifact of the Cold War confrontation." He went on to say: "If Russia refuses the changes we will give prompt notice, under the provisions of the Treaty, that we can no longer be a party to it."

That seems to be a clear and straightforward position. Candidate Bush said that the United States would offer amendments to the Russians to modify the treaty so as to permit the deployment of missile defense systems, and if Russia refused the amendments the President would withdraw the United States from the treaty.

But the administration didn't propose any amendments to the treaty that would permit it to remain in effect in a modified form that, in turn, would have permitted the testing and deployment of limited missiles defenses.

Instead, we tried to sell Russia on the idea of abandoning the treaty, not

modifying it. That was something the Russians were never going to accept.

Last year it was difficult to get a clear answer from the administration on its missile defense plans for fiscal year 2002, and whether they would be inconsistent with the ABM Treaty. First, Lieutenant General Ronald Kadish, director of the Ballistic Missile Defense Organization told us in June that he knew of no planned missile defense testing activities that would conflict with the treaty.

Later in June, Defense Secretary Rumsfeld told us he didn't know whether there would be a conflict because, even after the budget had been submitted to Congress, the missile defense program was undecided.

Then in July, Deputy Defense Secretary Wolfowitz said that our planned missile defense activities would inevitably "bump up" against the treaty in a manner of months, not years. He also said that by the time a planned missile defense activity encounters ABM Treaty constraints, "we fully hope and intend to have reached an understanding with Russia" on a new security framework with Russia that would include missile defenses.

Next came an announcement on October of last year by Secretary Rumsfeld that several planned missile defense tests were being postponed because they could have violated the treaty, even though one of the tests had already been postponed previously for entirely different technical reasons.

Finally, the President announced on December 13th that the United States would unilaterally withdraw from the ABM Treaty to permit testing and development of missile defenses, something Deputy Secretary Wolfowitz had previously called a "less than optimal" choice.

During all months of discussions and negotiations with the Russians we never heard details of any amendments proposed by the United States to modify the permit limited missile defenses. At the end we didn't offer an amendment to the treaty.

Secretary of State Colin Powell acknowledged this fact in a letter dated May 2, 2002 after I wrote him in January to ask whether the United States had, in fact, ever presented Russia with any proposed amendments or modifications to the treaty. "The direct answer to your question," wrote Secretary Powell, "is that we did not table a proposed amendment to the ABM Treaty."

The administration has made much of the argument that the ABM Treaty was the reason we could not develop and test missile defense technologies adequately, and thus the treaty was keeping us defenseless against ballistic missiles.

Madam President, now that the ABM Treaty has ceased to exist, I expect the administration to assert that they are finally free to make unconstrained progress toward defenses against long-range ballistic. As one example, they plan to begin construction of a missile

defense test facility in Alaska, even though that would have been permitted under the treaty. Congress authorized this construction last year, and they could have begun construction while the treaty was still in force. I expect they will also start to conduct a number of tests that would not have been permitted under the treaty, but which will not significantly advance the state of missile defense technology in the near term.

All this may make good political theater, but it will not suddenly make possible rapid progress toward effective missile defenses because it wasn't the treaty that was preventing such progress; If these technologies prove workable, it will still take many years of rigorous development, integration, testing, and refinement, and probably hundreds of billions of dollars, to produce operationally effective missile defenses—even without the ABM Treaty.

And or course, even if they prove to be technologically feasible and affordable, limited missile defenses still could be readily overwhelmed or spoofed by decoys and countermeasures that Russia or China might develop and possibly provide to others. In 1999, the intelligence community stated publicly that "Russia and China each have developed numerous countermeasures and probably are willing to sell the requisite technologies." This would only make the task of developing missile defenses more difficult, more time consuming and more expensive.

So although the ABM Treaty will come to an end after 30 years, its absence will not suddenly permit effective missile defenses. That task will remain inherently difficult, expensive, and time consuming.

Furthermore, there may be long-term consequences of our withdrawal that we cannot yet foresee, but which may make us less secure. For example, two weeks ago it was reported that Japanese officials indicated the possibility that Japan may feel a need to pursue its own nuclear weapons. This was in response to Japanese concerns about China's increasing nuclear forces, which in turn seems to be, at least in part, a Chinese response to our pursuit of defenses against long-range ballistic missiles. Our security will not be enhanced if China increases or accelerates its nuclear missile forces, or if Japan then decides to pursue its own nuclear weapons.

Madam President, this is just one recent example of the kind of repercussions or consequences that may result from our unilateral withdrawal from the ABM Treaty. Other nations will act in their own self interest, and if our actions make other nations feel less secure, they will act in a manner designed to preserve their security—even if it makes us less secure. In a world with nuclear weapons, the United States cannot be secure by making other nations feel insecure. If our bal-

listic missile defense efforts make other nations feel less secure, they could take actions that would reduce our security.

We cannot yet foresee all the long-term reverberations from our decision to withdraw from the ABM Treaty. By taking a unilateral approach, it makes it more likely that others will act unilaterally as well. That is not the best way to increase mutual security and international stability.

Madam President, I ask unanimous consent that the correspondence between Secretary of State Powell and myself on this matter be printed in the RECORD.

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

THE SECRETARY OF STATE,
Washington, May 2, 2002.

Hon. CARL LEVIN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your recent letters concerning our discussions with the Russians concerning an amendment of the Anti-Ballistic Missile (ABM) Treaty.

The direct answer to your question is that we did not table a proposed amendment to the ABM Treaty. Although we did have ideas on what an amendment might look like and discussed them at length with Russia, the discussions never reached the point that such a proposal would have been appropriate. We were prepared to entertain any proposal, to include an amendment, that would allow us to do the missile defense testing we needed to do. The Russians, in the end, made it clear that, in their view, such testing would be inconsistent with the Treaty and an amendment to permit such testing would violate the Treaty.

The way out of this impasse was for us to leave the Treaty as provided for by the Treaty. The Russians regretted our decision, but recognized our right to withdraw.

The President was faithful to his 1999 campaign statement. We spent ten months trying to find a way to conduct our testing within the Treaty, with or without amendment. We could not find a way to do so and we, therefore, are leaving the Treaty.

This issue is now behind us and we are working with the Russians on a new strategic framework.

Sincerely,

COLIN L. POWELL.

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, February 20, 2002.

Hon. COLIN POWELL,
Secretary of State,
Washington, DC.

DEAR MR. SECRETARY: I received a letter dated February 4, 2002 (attached) from Paul Kelly, Assistant Secretary of State for Legislative Affairs in response to my letter to you dated January 10, 2002, regarding the Anti-Ballistic Missile (ABM) Treaty. Mr. Kelly's letter did not answer my questions.

These are important questions and I feel it is essential to receive clear written answers to them. To this end, I am asking you to provide answers to these questions.

1. Did the United States ever present to the Russian government any written proposal or proposals to amend or modify the ABM Treaty? If so, what specific proposal(s) did the U.S. present, where and on what date(s)?

2. If the United States did present any specific proposal(s) to the Russian government, what was the response of the Russian government to the U.S. proposal(s)?

3. If the United States did not ever present to the Russian government any proposals to modify or amend the ABM Treaty, please explain why that is the case, especially given President Bush's commitment to offer Russia "the necessary amendments" to the ABM Treaty.

I look forward to your answers to these questions.

Sincerely,

CARL LEVIN,
Chairman.

U.S. DEPARTMENT OF STATE,
Washington, DC, February 4, 2002.

Hon. CARL LEVIN,
Chairman, Committee on Armed Services, U.S. Senate.

DEAR MR. CHAIRMAN: Thank you for your letter of January 10, regarding Russia concerning the Anti-Ballistic Missile (ABM) Treaty.

As you know, the Administration has been engaged in intensive discussions with the Russians on a broad range of strategic issues including the best way to meet the President's objective of moving beyond the ABM Treaty. The President made clear from his first meeting with President Putin last July, his determination to devise a new U.S. strategic posture better suited to meet today's threats. He explained how the ABM Treaty was hindering our government's ability to develop ways to protect people from future terrorist or rogue state missile attacks. We discussed with the Russians a number of ways in which we could devise a new structure that included the Treaty in many meetings over subsequent months but, in the end, we concluded that the best way to proceed was for the United States to withdraw unilaterally. We provided notification of our decision to withdraw from the ABM Treaty on December 13. As President Putin made clear, Russia disagreed with our decision, but was not surprised by it, and judged that it was not a threat to Russian security.

Our discussions with Russia on strategic reductions were given added impetus by President Bush's declarations of our intention to reduce our operationally deployed weapons to 1700-2200 and by President Putin's positive response and similar intention.

We will be continuing our discussions with the Russians in the months ahead, with the objective of reaching further agreements codifying the strategic nuclear reductions we have both decided to undertake and providing for transparency and confidence-building measures relating to missile defenses.

We would be happy to provide additional briefings or information if you have further questions.

Sincerely,

PAUL V. KELLY,
Assistant Secretary,
Legislative Affairs.

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, January 10, 2002.

Hon. COLIN POWELL,
Secretary of State,
Washington, DC.

DEAR MR. SECRETARY: On September 23, 1999, at a speech at The Citadel, then-Governor and presidential candidate George W. Bush stated the following:

"At the earliest possible date, my Administration will deploy anti-ballistic missile systems, both theater and national to guard against attack and blackmail. To make this possible, we will offer Russia the necessary amendments to the Anti-Ballistic Missile Treaty—an artifact of the Cold war confrontation. . . . If Russia refuses the changes

we will give prompt notice, under the provisions of the Treaty, that we can no longer be a party to it." (emphasis added)

On December 13, 2001, President Bush gave notice of his intent to withdraw the United States from the ABM Treaty. Please provide answers to the following questions:

Did the United States ever present to the Russian government any written proposal or proposals to amend or modify the ABM Treaty? If so, what specific proposal(s) did the U.S. present, where and on what date(s)?

If the United States did present any specific proposal(s) to the Russian government, what was the response of the Russian government to the U.S. proposal(s)?

If the United States did not ever present to the Russian government any proposals to modify or amend the ABM Treaty, please explain why that is the case, especially given President Bush's commitment to offer Russia "the necessary amendments" to the ABM Treaty.

I would appreciate your prompt response to these questions.

Sincerely,

CARL LEVIN,
Chairman.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Madam President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred March 9, 2002 in Huntington Beach, CA. Aris Gaddvang, 25, a Filipino-American store manager, was beaten in a parking lot as he prepared to unload some merchandise. The assailants shouted racial slurs and yelled "white power" before beating him with metal pipes.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

SERBIAN MINISTRY OF INTERIOR SUPPORT FOR CRIMINALS IN KOSOVO

Mr. MCCONNELL. Madam President, the International Crisis Group, ICG, recently issued a report on the instability and unrest in Mitrovica caused, in part, by the Serbian Ministry of Interior's, MUP, support of parallel security and administrative structures in northern Kosovo.

According to the report, Serbian officials have publicly admitted to providing salaries to over 29,800 people in Kosovo, including Serb "bridge-watchers" over the river Ibar who were responsible for injuring 26 United Nations Missions in Kosovo, UNMIK, police officers in a shootout 2 months ago.

Five Americans serving with UNMIK were injured in that incident. While my thoughts and prayers are with the policemen as they recover, I find it completely unacceptable that Serbian government-backed goons have committed destabilizing acts of violence with virtual impunity. The bridgeworkers and other criminals in northern Kosovo must be brought to justice—a job perhaps best handled by UNMIK police officers backed by NATO-led KFOR troops.

Now is not the time for a change in U.S. policy toward Kosovo. America must publicly and forcefully condemn any covert or overt efforts to partition Mitrovica from the rest of Kosovo.

I encourage the State Department to find its voice on this issue, and to publicly condemn the actions of the bridgeworkers and their supporters in Belgrade. This issue should not be left to the gentle massage of quiet diplomacy—this is a cancer that must be treated in an aggressive and forthright manner.

It seems clear to me that if Serbia has 50,000,000 Euro to support the partition of Kosovo, the U.S. Congress should consider reducing future foreign assistance to Serbia by an equivalent amount.

The reformers in Serbia know they have my full support and encouragement. However, Serbia would be wise to invest its revenues in its own political, economic, legal, and social reforms rather than fomenting and sponsoring regional unrest.

ADDITIONAL STATEMENTS

DISABLED VETERAN OF THE YEAR

• Ms. MIKULSKI. Madam President, today I pay tribute to Thomas E. Bratten, Jr., the National Disabled American Veterans, DAV, Veteran of the Year. Captain Bratten has distinguished himself as a champion for veterans and the disabled throughout his career as a public servant and in his volunteer contributions to the community. Captain Bratten's dedication continues today through his service as the Secretary of Maryland's Department of Veterans Affairs.

As an Army artillery liaison officer in the Americal Division, the famous 1st Battalion 6th Infantry, Secretary Bratten served under Colonel Norman Schwarzkopf. They were serving together on May 28, 1970, when Secretary Bratten lost both his left arm and leg when a land mine exploded while they attempted to aid wounded soldiers. But that didn't prevent Secretary Bratten from continuing to serve his country.

Secretary Bratten has improved his nation and community through an impressive number of volunteer appointments. He served on the Garrett County Council on Alcohol and Drug Abuse, the Governor's Commission for Employment of the Handicapped, the Governor's Commission to Study the Needs

of the Handicapped, the Maryland World War II Memorial Commission, the Maryland Military Monument Commission, and the Maryland Veterans Memorial Commission.

As one of Maryland's most highly decorated veterans, Secretary Bratten boasts life membership in nine congressionally chartered veterans organizations, including the Military Order of Foreign Wars, the Americal Veterans Association and the distinguished Military Order of the Purple Heart. He has served as the Director of the Maryland Veterans Commission, is a member of the National Association of State Directors of Veterans Affairs, and has sat on countless other committees dedicated to improving the lives of America's veterans.

I am so proud of Tom. His record of service in America's military and in Maryland civic life as an advocate for veterans and the disabled are unique and unparalleled. He is the best example of what Marylanders can accomplish when they dedicate themselves to their communities, state, and country, no matter what the circumstances. He has served America with honor. I congratulate Tom as he continues to bear the mantle of leadership and service as the DAV's veteran of the year.●

ROCKY FLATS SECURITY TEAM— SIMPLY THE BEST

• Mr. ALLARD. Madam President, I am proud to announce that the Rocky Flats Closure Project security team was named the DOE's "Team of the Year" by placing first out of 12 teams representing nuclear facilities at the 30th Annual Security Police Officer Training Competition at Oak Ridge, TN earlier this month. The Wackenhut Services security police officers team competed against a team from the United Kingdom Atomic Energy Act Constabulary, teams from the U.S. Marine Corps and the U.S. Air Force, teams from the Office of Transportation Safeguards, and law enforcement teams. The competitions tested the teams' skills in combat shooting, physical fitness, and tactical obstacle courses. The Rocky Flats team demonstrated their ability to respond effectively to a situation with superior teamwork and decisiveness.

I would like to congratulate Rocky Flats Wackenhut Services team members Muhtalar Dickson of Aurora, Chris Duran of Denver, Todd Harrison of Erie, Randy Irmer of Colorado Springs, Jim Krause of Westminster, and Chris Welseler of Highlands Ranch. These Rocky Flats employees are currently involved in the cleanup and closure of the plant, which involves nuclear material management and shipment, nuclear deactivation and decommissioning, waste management and shipment, and environmental cleanup and site closure. As always, the employees at Rocky Flats are making and keeping Coloradans proud.●