

programs were only authorized to the year 1997. This allowed the committees of jurisdiction to undertake a reevaluation of the way in which Federal dollars are allocated to research facilities that are operated by the Department of Agriculture and that are used for grants for research and extension service activities at colleges and universities throughout the country.

As a result of that review, this legislation was produced. It improves the way those funds are allocated. It targets those funds to the highest priority subjects for agriculture research in our country. It is this Senator's hope that the Senate will approve the conference report and we can proceed to consider other related legislation.

I point out the fact that we are in the appropriations process now for the next fiscal year. The passage of this conference report will facilitate the handling of the appropriations bill for the Department of Agriculture and other departments of the Government. If we are sent back to rewrite the bill in conference on a motion to recommit, it will slow down the process. It will make it more difficult to achieve the kind of coherent funding procedure that we would otherwise be able to enjoy.

#### UNANIMOUS-CONSENT REQUEST— S. 1873

Mr. COCHRAN. Mr. President, at this point in the order of business, the majority leader had indicated that it would be appropriate to call up Calendar Order No. 345, S. 1873, the missile defense bill.

On behalf of the majority leader, I ask unanimous consent that the Senate now turn to the consideration of Calendar No. 345, S. 1873, the missile defense bill.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

#### AMERICAN MISSILE PROTECTION ACT OF 1998—MOTION TO PROCEED

##### CLOTURE MOTION

Mr. COCHRAN. Mr. President, I move to proceed to Calendar Order No. 345, S. 1873, and I send a cloture motion to the desk on behalf of the majority leader.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

##### CLOTURE MOTION

We the undersigned Senators, in accordance with the provision of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 345, S. 1873, the missile defense system legislation:

Trent Lott, Thad Cochran, Strom Thurmond, Jon Kyl, Conrad Burns, Dirk Kempthorne, Pat Roberts, Larry Craig, Ted Stevens, Rick Santorum, Judd

Gregg, Tim Hutchinson, Jim Inhofe, Connie Mack, R. F. Bennett, and Jeff Sessions.

Mr. COCHRAN. Mr. President, I have been authorized to announce to the Senate on behalf of the majority leader that this cloture vote will occur on Wednesday at a time to be determined by the majority leader, after notification of the Democratic leader.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, this legislation was introduced by me and the distinguished Senator from Hawaii, Mr. INOUE, last month. It is legislation that would change the policy of our country with respect to the deployment of a national missile defense system that would protect our Nation against limited ballistic missile attack. Since its introduction, 48 other Senators have joined us as cosponsors of the legislation, and the Senate Armed Services Committee has reviewed the legislation and reported it for the consideration of the Senate. The committee report is available as Calendar Order No. 345, and I invite the attention of Senators to the report.

The legislation was produced because of the findings of the Subcommittee on International Security, Proliferation, and Federal Services, which I chair, which conducted hearings over the past year looking into the threat caused by the proliferation of weapons of mass destruction and the means for delivering those weapons of mass destruction, particularly missile systems.

We had numerous expert witnesses who talked about the basics of how missile systems are developed, how the Atlas system was developed in our own country. General Bernard Schriever, who was the manager of the Atlas intercontinental ballistic missile program, told of the challenges faced by those who worked to build this first long-range missile system for the United States almost 50 years ago. He told of how, with the passage of time and the development of new technologies and communications systems and the easy access to scientific and technical information, those hurdles that were so difficult to overcome back then are now not difficult at all; that nation states who are intent on developing the capacity to deliver weapons of mass destruction over long distances now can achieve those results not with a 10-year program, but almost overnight if they have the determination, are willing to commit the dollars necessary to acquire the component parts, and have access to outside assistance in the form of either components or technical expertise.

You can see evidence of that and why that is really a new concern for us as a

country without a national missile defense system, without the capacity to defend ourselves against an accidental launch of an intercontinental ballistic missile, or an unauthorized launch from another country possessing these systems, or from a rogue nation which puts all of these ingredients together without our being able to detect it and threatens the security of this country.

So this is an effort to change our national policy from the current 3+3 program of the administration, which is to develop within 3 years, starting in 1997, a national ballistic missile defense capability, and then, if a threat is perceived to exist thereafter, to deploy such a system within 3 years from the date that the threat is perceived to exist. That is the 3+3 program of this administration. We are seriously concerned that this is inadequate to meet the threat that currently exists.

First of all, the 3+3 program assumes that there is no threat at this time to the security of the United States or to the citizens of the United States. The legislation we have introduced says that there is a threat, we are vulnerable. There could be—although it might be unlikely—an accidental or unauthorized missile attack from Russia or from China, both of whom, as we know, have intercontinental ballistic missile capabilities right now.

There is also an emerging threat that exists right now, because of events that have occurred over the last several years that we have not been able to detect or discover through our intelligence gathering agencies. I am going to cite some examples. And I invite the attention of Senators to the bill itself, which recites a series of facts that were uncovered during the course of the hearings our committee conducted last year.

The case of Iran is a good example. When that country was provided missile components from Russia, we realized that they were capable of acquiring new expertise not discernible by the Central Intelligence Agency. As a matter of fact, during testimony that was provided to the Senate, the Director of Central Intelligence indicated that it was anticipated that Iran would not be able to develop a medium-range missile system for some 8 years or 9 years into the future.

Now, 1 year after that testimony was delivered to the Senate in 1997, the Director of Central Intelligence suggested that because of outside assistance obtained by Iran from other countries, it appears that they would be able to deploy a medium-range ballistic missile much sooner than had been earlier predicted. Even though the Director of Central Intelligence did not say exactly when that capability could be fielded, a State Department witness told the Senate that, within a year or a year and a half, that missile system could be deployed by Iran.

So what had been viewed as a threat which could occur 8 or 9 years in the

future, now, according to testimony recently received, it is clear it could be fielded some 7 or 8 years earlier than had been anticipated as recently as a year ago.

Another example is the case of Pakistan, which recently—a month ago, April 6—tested a ballistic missile with a range of 1,500 kilometers. If you look at a report that was made available to the public back in November of 1997 on proliferation issues, it suggests that Pakistan has missiles at this time with ranges of 300 kilometers. Now we see them test a missile last month with five times the range of what was said to be in their arsenal back in November, 6 months ago.

These are two examples of why the Director of Central Intelligence has said that he is not able to predict with any degree of certainty when other nations, rest-of-world countries, will have intercontinental ballistic missile capability—because of “gaps and uncertainties.” He used that phrase in his testimony to the Senate.

Another example of these surprises involved Iraq. You will recall that Secretary Cohen, then Senator Bill Cohen, made comments on the floor of the Senate about the surprise that had occurred when Iraq was able to launch a vehicle that almost put a satellite in Earth orbit and—not only that—demonstrate the capability of using missiles with much longer ranges, with much more sophistication than anyone in our country had anticipated. That was an example of a surprise to our intelligence agencies, who had not anticipated that those capabilities had been developed in Iraq.

Iraq surprised us in other ways. With the purchase of Scud missiles from North Korea and improvements that were made in Iraq, almost overnight the world was confronted with a nation state that had a lethal missile capability; was threatening its neighbors and others; was developing weapons of mass destruction which could be carried as warheads by these missiles; was threatening others with destruction, suggesting that if it had a missile system that would reach the United States, it might use it. Actual threats were being made about catastrophic damage being inflicted on the United States by Iraq.

Fortunately for the defense of our security interests in that region, the Army had been developing the Patriot missile defense system to protect troops in the fields. It was a short-range system; that was really all we had. When the Persian Gulf war broke out, Americans were able to see that this system was effective. It was not the best or the most perfect system you could have because many of the Scud rockets got through. Some of them broke up over Israel. Some of them inflicted property damage all around the region. Twenty-eight soldiers were killed in Dahran. United States troops were killed with those missiles because we were unable to protect their security at that time. We

didn't have a system that was good enough to be perfect or fail-safe. There are risks.

But here we are now almost 10 years later and what have we done to improve the capability to protect the citizens of the United States against threats that we have heard from others—which the bill recites—and against the emerging sophistication and range of new missile systems that are under development in other parts of the world? We have gotten ourselves, I think, in the mindset of thinking about Russia and China as the only nations that we have to worry about who have intercontinental ballistic missile capability. We have had with Russia a relationship that has kept either one of us from using our missile weaponry and we are very grateful for the fact that we have come through this period of confrontation with the old Soviet Union without having a catastrophic tragedy as a result of these weapons of mass destruction.

But now we can't just focus our attention on Russia and China. We have to consider what is going on in the rest of the world where there are “gaps and uncertainties” in our ability to know exactly what is going on with respect to weapons development and missile development. But what we know is what we have been able to observe. And what we have observed is a steady and in some cases a rapid acceleration of capability and sophistication in countries that do not consider themselves friends of the United States. Some have talked about threatening us with missile attacks, destroying the United States. Other comments have been made by people like Muammar Qadhafi. Others who have expressed their anger toward the United States do not share our values.

We have to consider this to be a serious threat. The administration's policy is a wait-and-see policy. Let's do research and let's proceed with the development of a missile defense system, but let's wait and see if there is a threat to our security interests posed by intercontinental ballistic missiles, and then we will proceed to deploy the missile defense system.

You listen to anyone who has observed the funding process, the request for appropriations and authorization to proceed to the development of this program, and everybody agrees that there hasn't been enough money put in the program to reach a point where you will have a system deployment. The administration assumes we will have developed a defensive missile system within 3 years. We are into that now, looking at the second year of that program, and the Secretary of Defense has already sent up a request for additional moneys over and above what the President had said they would want for the program, admitting in a letter he has written in response to this legislation that there had not been robust enough funding to achieve that result.

I don't think you can find anybody who says that they are really going to

complete this. They have now awarded a contract to a lead system integrator to develop a program pulling together all the component parts that had been under separate research and development, to try to make a coherent system that could be deployed. But I don't know of anybody who believes that can really be done in 3 years.

What we are trying to say to the Senate and to the administration with the filing of this bill and calling up this legislation is that we need to get serious. This is a threat which exists now. It is emerging in other nation states—some rogue states—and we are not doing enough to protect the security interests and the safety of American citizens with the current policy. It is immoral to sit back and do nothing or to do no more than talk about it.

If you look at the executive orders that have been signed by the President over the last 5 years, he has said repeatedly that we are confronted with a national emergency as a result of ballistic missile developments and weapons of mass destruction that we find going on in the world today—a national emergency.

I wonder what would be the judgment of the historians who would observe us in this situation. We are coming upon the end of a fiscal year where it is projected we will have a budget surplus of \$30 billion—some say it may go as high as \$50 billion—and we wake up one morning to a ballistic missile threat that is very real, or a ballistic missile attack that is made against our country. The American people are going to say what were we doing. And the administration said we asked for 3 billion dollars in this fiscal year. That doesn't sound much like a national emergency to me.

What I am beginning to realize is that if you talk like you are concerned about the problem and you sound sincere about wanting to do something about it or solve a problem, that that is enough. You don't really have to deliver. That is the political situation that I think we see today. We are hearing rhetoric, we are hearing promises, we are hearing a plan announced to get us to a point where we will have a ballistic missile defense system, but when you cut through all the talk and all the orders declaring it to be a national emergency, all of the budget requests, all of the testimony before the hearings and you find out what is really going on, you see a program that has already been described as a “rush to failure,” because of the architecture, the way it is constructed, the way the program is managed, all of the reasons that we have seen described in glowing terms by those who say we are doing the right thing, we are doing just enough to keep us on a steady course so we can protect the security of the country.

I don't believe we are doing enough. I don't believe we are managing the program in a correct way, and I don't think we are going to get to a point

where we have the capacity to protect our security or the safety of American citizens at a time when there is a threat that we have to be concerned about. I think we need to be concerned now. That is what this legislation does.

I hope that Senators will look at our proposal. It says simply that it is the policy of the United States to deploy a system to defend our country against a ballistic missile attack as soon as the technology is available. That is all this bill says.

The Congressional Budget Office was asked to assess the cost of the legislation. They say that passage of this legislation has no cost impact. The progress of the program to develop and deploy a system would depend upon the annual authorization and appropriations process, like any other acquisition program. And that is the point. This program has not been treated like any other acquisition program, and that is the problem. That is why it is a "rush to failure." It is a rush to act like you are doing something, but not really accomplishing what you are saying you are setting out to accomplish. You are experimenting. You are conducting some tests on various component parts, whether it is communications, missile systems, guidance systems, the interceptors that are needed, the sensors that are necessary. All of those things are being tested. Some are considered successful; some have been considered unsuccessful. We had testimony from General Lyles, who runs the Ballistic Missile Defense Office, who said that they have learned something from all of these tests. To that extent, all of the tests have been successful in that we build on the knowledge gained. Some of the critics who say it is a bad idea to have the capacity to defend our country against ballistic missile attack say that unless you have a perfect test that shows an interceptor hitting an in-coming missile, it is a failure, and it proves that we don't know how to do it.

Well, look back to 1991, when the Persian Gulf war occurred, when we saw Patriot missiles intercepting Scud rockets. Some of the Patriots were intercepting and blowing the Scuds up, or were near hits. The fact is that some of those interceptor missiles were working even then. We have proven that we can hit a bullet with a bullet. We have the technology to do that today. What we don't have is the will to deploy a system to defend our country.

Now, let me say something about the relationship with Russia and the ABM Treaty. Some are saying, "Well, doesn't this mean you are backing out of the ABM Treaty?" You have a treaty with Russia that says each will not develop a defense system against the ballistic missiles of the other. Well, first of all, the ABM treaty doesn't have anything to do with some of these nation states who are developing their own sophisticated and long-range weapons systems. We don't have a trea-

ty with them. We don't have a mutual-assured destruction arrangement with them. We don't have any defense against their missiles. Even under the ABM treaty, there is an opportunity to deploy a single-site missile defense system, and it is under that premise that our program has been developed up to this point—with a view that, if in the minds of those who defend the current policy a threat is perceived to exist at some future date, then we will deploy a system that is compatible with the provisions of the antiballistic missile agreement with Russia.

The treaty also permits that agreement to be amended. Whenever it is considered to be in the national interests of either country, negotiations can take place. As a matter of fact, our President was urged by the Senate to commence negotiation for the purpose of amending the agreements. We know that the administration has undertaken demarcation talks to try to distinguish between theater ballistic missile defense systems and the national ballistic missile defense system contemplated by the ABM Treaty, so that we can proceed to develop theater defenses like the Patriot, Navy Upper-Tier, the Airborne Laser system of the Air Force, and the Theater High Altitude Defense Area Program of the Army—looking at the different options that we have for protecting our troops and limited areas against ballistic missile attack. And so the ABM Treaty has some relevance in the debate, of course; but it is not an impediment to the adoption of this bill. It would not contravene or in any way fly in the face of the Anti-Ballistic Missile Treaty.

Some are beginning to realize that inevitably, at some point, we may have to discuss with Russia further amendments to the ABM Treaty. Russia may consider those amendments to be in their interest, too. They are located in close geographical proximity to some of these other countries that we have already mentioned. Not to suggest that there is any threat now, but there may be. Later, the Russians may have reason to agree with us that this is not only in our mutual interest, but it is in their individual interest. And so this is not a referendum on the ABM Treaty. We do not seek to amend it or withdraw from it, or violate it by the passage of this legislation.

I am hopeful that after Senators review the report of the Armed Services Committee, the fact that the committee has recommended the approval of this legislation, and the findings that were made by our subcommittee, some of which are recited in the language of the bill itself, that it will be the will of the Senate to adopt this bill and to say to all—the American citizens who may be worried about the vulnerability that we find ourselves in now, and those who may be contemplating stealing a march on the U.S. by developing quickly a long-range missile capability that could be used to threaten, intimidate,

blackmail, or coerce our leadership—that we are not going to sit idly by and wait and see any longer. We are going to do what is necessary to develop and deploy a national missile defense system against limited ballistic missile attack. So don't waste your money, don't get carried away and go on a spending spree with a national program to develop a weapons system that is going to intimidate the United States, because we are not going to be intimidated. We are not going to be defenseless any longer.

And, finally, this is not a vote today to deploy a system now. It is a vote today to say it is our policy to deploy a system when it is technologically possible, when an effective national missile defense system can be deployed.

So I hope that Senators will agree with this. Fifty Senators are sponsors of this legislation. I urge its adoption by the Senate.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER (Mrs. HUTCHISON). The Senator from Michigan is recognized.

Mr. LEVIN. Madam President, the legislation being discussed this afternoon would undermine a carefully designed program called the National Missile Defense Deployment Readiness Program, which is currently in place. That is why the Chairman of the Joint Chiefs of Staff and the Secretary of Defense do not support this bill and why they favor their current program that is in place.

This bill would commit us to deploy a national defense system before development is completed, without considering the critical factors that should inform a deployment decision.

There are a number of critical factors. What is the impact on arms reduction of such a commitment to deploy a system that could violate the Anti-Ballistic Missile Treaty? There is nothing in the language of this bill that says it will be treaty compliant. Nothing in this bill says that the national missile defense system that it commits us to deploy will be compliant with the Anti-Ballistic Missile Treaty.

That is a treaty, a solemn agreement between us and Russia. If we threaten to break out of that treaty unilaterally, we threaten the security of this Nation because that treaty permits Russia to ratify the START II agreement and to negotiate a START III agreement, reducing the number of warheads that they have on their missiles and warheads that could also potentially proliferate around the world and threaten any number of places, including us. This is not just a cost debate; it is a debate about committing ourselves to deploying a system not yet developed, and without knowing the cost of that system.

It is not just a debate over whether we ought to commit ourselves to a system of unknown cost, without consideration of other threats to this country from weapons of mass destruction and

of the likelihood of those threats actually happening. All those factors should be taken into consideration.

This bill would commit us to deploy a system which could undermine, weaken, lessen, the security of this Nation. And that is why this bill does not have the support of the Joint Chiefs of Staff. That is why this bill does not have the support of the Department of Defense. Yes; it commits us to deploy a system before we know the cost of the system, without even knowing what the cost is and without comparing the cost of this system to the cost of deploying other systems which could defend against or address different threats of delivery of weapons of mass destruction, like ships or trucks.

This bill would simply commit us now to deploy. As far as I know, we have never in the history of this Congress ever committed ourselves to deploy a weapon system before it was developed. But this bill does that. It would be a mistake to do so without consideration of those factors—cost, threats, and relative threats. But the biggest mistake that this bill makes is to commit us to deploy a system which could weaken and reduce the security of this Nation.

All of us want to defend this country. The good Senator from Mississippi wants to defend this country. He is a good friend of mine, and I know he does. I know that is 100 percent his motivation. And I hope and believe that he knows that is my motivation as well.

The question, though, is whether or not we are helping the security of this Nation or reducing the security of this Nation. If we commit ourselves to deploy a system which, in all likelihood, would violate a treaty between ourselves and Russia it would not help our security; it would reduce our security. By the way, if that is not an intent, it is very easy to amend this bill to say it would be a treaty-compliant deployment. But that language is not in this bill. To threaten to break a treaty which is key to the security of this Nation is a terrible mistake.

I just want to repeat what that threat is. Russia has signed the START I agreement and has significantly reduced the number of warheads. It is very clear that if we break out of this ABM Treaty unilaterally, and if they face ABM defenses here, they will not continue with the START I reductions, ratification of START II, and negotiation of START III.

The ABM Treaty has been discussed between our President and the Russian President. It has been discussed at the highest levels of government at a summit meeting. They have issued statements following those summits. Most recently at the Helsinki Summit, March 21, 1997, President Clinton and President Yeltsin issued the following joint statement:

President Clinton and President Yeltsin, expressing their commitment to strengthen strategic stability and international secu-

urity, emphasizing the importance of further reductions in strategic offensive arms, and recognizing the fundamental significance of the antiballistic missile treaty, for these objectives, as well as the necessity for effective theater missile defense, consider it their common task to preserve the ABM Treaty, prevent circumvention of it, and enhance its viability.

That is the highest level that we can reach here, at least in our Government. You can't go higher than having the President of the United States and the President of Russia issuing a joint statement, which they just did in March of 1997, that recognizes the fundamental significance of the Anti-Ballistic Missile Treaty for the objective of further reductions in strategic offensive arms. That is about as serious a statement as you can get.

I think we all want those reductions. I don't know of anybody in this body who does not want to reduce the number of strategic nuclear weapons that exist in this world. But for us to threaten to deploy a system which would, in all likelihood, violate the Anti-Ballistic Missile Treaty and would then jeopardize the reduction in nuclear weapons, which we all hope for so fervently, could undermine and weaken the security of this Nation. That is why this bill does not have the support of our uniformed military.

So this isn't a question of whether you are for the security of the United States or not. We are all for the security of United States. This is a question of how best to achieve the security of the United States. By committing ourselves to deploy a system which will lead to more weapons remaining on this Earth's surface and thus contributing to the proliferation of those weapons, by the mere fact that we would be jeopardizing reductions in the number of weapons, is not a way to contribute to the security of this Nation.

The Chairman of the Joint Chiefs has written us a letter. I hope every Member of this body will take some time to read this letter—it is dated April 21, 1998—in which he compares the bill that we are discussing now, S. 1873, to the current program, the so-called National Defense Deployment Readiness Program. Under the current program, we are going to develop the capability to have a missile defense against intercontinental ballistic missiles. We are going to do it as fast as we can.

But what I think is particularly notable about the defense authorization bill—which will hopefully be on the floor later this week—is that I don't think there is a member of our committee, whichever side of this issue that they are on, who voted additional money for national missile defense. The budget for national missile defense has a significant amount of money in it, some \$950 million dollars. And if we are not doing anything, as my good friend from Mississippi said, if we are just sitting around on our hands, or twiddling our thumbs while our security is jeopardized, and if we are not

developing a national missile defense system as quickly as we should because we have not made the commitment to deploy, then you would think somebody on the Armed Services Committee, 10 of whom voted for the bill before us, would have voted to add money to develop that system, or proposed it at least.

But while the Armed Services Committee is deeply divided on the question of this bill—10 people voting yes and 7 people voting no, if my recollection is correct—nobody proposed that we add money to the national missile defense to develop a system which is referred to in this bill, presumably, because I think everybody on the committee thought we had adequate funding in our authorization. I do not want to be presuming here. We have to find out whether that is true. Perhaps when the bill comes to the floor, somebody will move to add additional funds.

But I caution people, you can only move at a certain speed without jeopardizing the program. You don't want to do certain things before you have adequately tested what you have already done. General Larry Welch, the retired Air Force Chief of Staff who studied this issue for the Department of Defense, has cautioned us that we should not put more money, should not force more money, into a program and push for a faster deployment without adequately testing what we are doing and providing sufficient time for such testing.

But, nonetheless, we will find out on the floor whether there are people who think we can usefully add more money to the development of a national missile defense, and, if so, I presume there would be an amendment. But that is not this bill. This bill doesn't add any money to a national missile defense system. This bill commits us to deploy the system before it is developed, without consideration of the impact on nuclear arms reductions and without consideration of the cost of the system, since we have not developed it. It also commits us without comparing the relative cost of deploying this system against the long-range missile threats there are at the time of the decision against the cost of deploying defenses against whatever other threats are coming from different directions in the area of weapons of mass destruction.

So we have these two approaches. One is the current approach to a national missile defense system, supported by the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, which puts a significant amount of money into development and which then declares that when the system is developed, that we will make a decision whether or not to deploy. That decision will be made after we have adequately developed and tested a system.

That decision will be based on a number of facts, including the threats, the cost, the cost-effectiveness, the operational effectiveness and, very critically, what arms reductions could be

jeopardized by a unilateral deployment of whatever system is developed.

Now, the letter from the Chairman of the Joint Chiefs of Staff to me compares the two bills, as I started to say, and it says that "the bill and the program that we currently have are consistent on many points. However, the following differences make it difficult to support enactment."

Now, these are the reasons why the Chairman of the Joint Chiefs, General Shelton, in his letter to me, says it is difficult to support enactment.

First, he says:

The bill would establish a policy to deploy as soon as technology allows. The NMD program, on the other hand, requires an emerging ballistic missile threat as well as achievement of a technological capability for an effective defense before deployment of missile defenses.

Secondly, as to why General Shelton says it is difficult to support enactment of this bill, he points out that:

The bill asserts that the United States has no policy to deploy an NMD system. In fact, the NMD effort is currently a robust research and development program that provides the flexibility to deploy an initial capability within 3 years of a deployment decision. This prudent hedge ensures that the United States will be capable of meeting the need for missile defenses with the latest technology when a threat emerges.

Third, General Shelton says:

I disagree with the bill's contention that the United States ability to anticipate future ballistic missile threats is questionable. It is possible, of course, that there could be surprises, particularly were a rogue state to receive outside assistance. However, given the substantial intelligence resources being devoted to this issue, I am confident that we will have the 3 years' warning on which our strategy is based.

The fourth point in his letter he has subsequently modified, I understand, so I won't quote that point. I believe he sent a subsequent letter to Senator COCHRAN advising that it no longer is relevant or that the point is now moot, I believe, agreeing with Senator COCHRAN on that point.

But the fifth point he makes as to why he says that "it is difficult to support enactment," as he phrases it, is that "the bill does not consider affordability or the impact a deployment would have on arms control agreements and nuclear arms reductions. Both points are addressed in the NMD Deployment Readiness Program and should be included in any bill on NMD."

Now, those are his reasons. We have a letter from the Secretary of Defense, as well, saying that he does not support this bill, and describing the current system, which is basically the hedge strategy that the Chairman of the Joint Chiefs described in his letter.

General Shalikashvili, the former Chairman of the Joint Chiefs of Staff, wrote us in May of 1996 the following:

In this regard, efforts which suggest changes to or withdrawal from the ABM Treaty may jeopardize Russian ratification of START II and, as articulated in the Soviet statement of 13 June 1991, could prompt Rus-

sia to withdraw from START I. I am concerned that failure of either START initiative will result in Russian retention of hundreds or even thousands more nuclear weapons, thereby increasing both the costs and the risks that we face.

Now, that is the issue which we must decide here. Do we want to commit ourselves to the deployment of a system not yet developed, the costs of which are not known, the risks of which are many including—and these are the words of General Shalikashvili—that we could face additional thousands of nuclear weapons "thereby increasing both the costs and the risks that we face."

Might we want to deploy a system? The answer is yes. Weighing all of the factors which General Shalikashvili and General Shelton tell us should be considered, might we want to deploy a system after it is developed? The answer is yes. That is why we are developing it—to put ourselves in a position where we could deploy—could deploy—a national missile defense system.

Do we want to commit to deploying it before development is completed, without consideration of the impact on arms reductions, without consideration of what the threat is at the time that the deployment decision should be made, without the consideration of those factors? We should not.

Much more important than my saying that is what General Shelton said and what General Shalikashvili said and what the Secretary of Defense said. Do we all want to increase the security of this Nation? We do. Will a commitment to deploy a system which could lead us to face additional thousands of nuclear weapons contribute to the security of this Nation? I doubt it. Could there be a circumstance under which we might want to deploy, despite the ABM Treaty? There could be. Does that circumstance exist now? It does not.

Should we seek to negotiate with the Russians a shift from focusing on offensive weapons to including defenses? We should. Should this be a mutual discussion? Should this be a mutual activity? Surely, it should be. Can we unilaterally now commit ourselves to deploy a system which in all likelihood would violate a keystone treaty between ourselves and the Russians? Should we commit ourselves to do that now? No. Because by doing so we will weaken us, not strengthen us.

Are we doing nothing? No. We are spending billions to develop a system to permit us to decide to deploy it, should we need to. So this is not a matter of should we do something or should we do nothing. We are pursuing a hedge strategy with our current NMD program, as General Shelton described. The hedge is that we are developing a system as fast as it makes sense to develop. And again, if we should develop it faster and if we can, then I am assuming that we would face an amendment on the defense authorization bill that would seek to add more funds for that purpose. But we are developing a

system as fast as is prudent. General Welch suggests that we may even be developing it faster than is prudent, thereby jeopardizing the effectiveness of the system we develop.

But nonetheless, should we develop it as quickly as prudent? Yes. Are we? Yes. Should we prejudge the deployment decision and make a determination which, as far as I know, has never been made in the history of Congress to deploy a system before it is developed? We should not. And General Shelton and General Shalikashvili, our senior uniformed military, and our civilian defense leaders, are urging that we stay with the current system, which is that hedge strategy of developing so that we could deploy should all those factors point in that direction after the development is completed.

Finally, Madam President, I want to read one additional paragraph from the letter of General Shalikashvili, then Chairman of the Joint Chiefs of Staff, to Senator Nunn, a letter dated May 1, 1996. I ask unanimous consent that this letter, plus the additional letters that I have referred to, be printed in the RECORD.

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

CHAIRMAN OF THE  
JOINT CHIEFS OF STAFF,  
Washington, DC, May 1, 1996.

Hon. SAM NUNN,  
U.S. Senate, Committee on Armed Services,  
Washington, DC.

DEAR SENATOR NUNN: In response to your recent letter on the Defend America Act of 1996, I share Congressional concern with regard to the proliferation of ballistic missiles and the potential threat these missiles may present to the United States and our allies. My staff, along with the CINCs, Services and the Ballistic Missile Defense Organization (BMDO), is actively reviewing proposed systems to ensure we are prepared to field the most technologically capable systems available. We also need to take into account the parallel initiatives ongoing to reduce the ballistic missile threat.

In this regard, efforts which suggest changes to or withdrawal from the ABM Treaty may jeopardize Russian ratification of START II and, as articulated in the Soviet Statement to the United States of 13 June 1991, could prompt Russia to withdraw from START I. I am concerned that failure of either START initiative will result in Russian retention of hundreds or even thousands more nuclear weapons thereby increasing both the costs and risk we may face.

We can reduce the possibility of facing these increased cost and risks by planning an NMD system consistent with the ABM treaty. The current National Missile Defense Deployment Readiness Program (NDRP), which is consistent with the ABM treaty, will help provide stability in our strategic relationship with Russia as well as reducing future risks from rogue countries.

In closing let me reassure you. Senator Nunn, that I will use my office to ensure a timely national missile defense deployment decision is made when warranted. I have discussed the above position with the Joint Chiefs and the appropriate CINCs, and all are in agreement.

Sincerely,  
JOHN M. SHALIKASHVILI,  
Chairman of the Joint Chiefs of Staff.

THE SECRETARY OF DEFENSE,  
DEFENSE PENTAGON,  
Washington, DC, April 21, 1998.

Hon. STROM THURMOND,  
Chairman, Committee on Armed Services,  
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing in response to your request for the views of the Department of Defense on S. 1873, the American Missile Protection Act of 1998.

The Department of Defense is committed to ensuring that we properly protect the American people and America's national security interests. This requires that we have a carefully balanced defense program that ensures that we are able to meet threats to our people and vital interest wherever and whenever they arise. A key element of our defense program is our National Missile Defense (NMD) program, which as you know was restructured under Secretary Perry and with the support of Congress as a "3+3" deployment readiness program. Under this approach, by 2000 the United States is to be in a position to make a deployment decision if warranted by the threat, and if a decision to deploy were made at that time the initial NMD system would be deployed by 2003. If in 2000 the threat assessment does not warrant a deployment decision, improvements in NMD system component technology will continue, while an ability is maintained to deploy a system within three years of a decision.

The Quadrennial Defense Review reaffirmed this approach, although it also determined that the "3+3" program was inadequately funded to meet its objectives. Accordingly, I directed that an additional \$2.3 billion be programmed for NMD over the Future Years Defense Plan. It must be emphasized, though, that even with this additional funding, NMD remains a high risk program because the compressed schedule necessitates a high degree of concurrency.

I share with Congress a commitment to ensuring the American people receive protection from missile threats how and when they need it. S. 1873, however, would alter the "3+3" strategy so as to eliminate taking into account the nature of the threat when making a deployment decision. This could lead to the deployment of an inferior system less capable of defending the American people if and when a threat emerges. Because of this, I am compelled to oppose the adoption of the bill.

Please be assured, however, that I will continue to work closely with the Senate and House of Representatives to ensure that our NMD program and all of our defense programs are designed and carried out in a manner that provides the best possible defense of our people and interests.

Sincerely,

WILLIAM S. COHEN.

CHAIRMAN OF THE  
JOINT CHIEFS OF STAFF,  
Washington, DC, April 21, 1998.

Hon. CARL M. LEVIN,  
Ranking Minority Member, Committee on Armed  
Services, Washington, DC.

DEAR SENATOR LEVIN: Thank you for the opportunity to comment on the American Missile Protection Act of 1998 (S. 1873). I agree that the proliferation of weapons of mass destruction (WMD) and their delivery systems poses a major threat to our forces, allies, and other friendly nations. US missile systems play a critical role in our strategy to deter these threats, and the current National Missile Defense (NMD) Deployment Readiness Program (3+3) is structured to provide a defense against them when required.

The bill and the NMD program are consistent on many points; however, the following

differences make it difficult to support enactment. First and most fundamental are the conditions necessary for deployment. The bill would establish a policy to deploy as soon as technology allows. The NMD program, on the other hand, requires an emerging ballistic missile threat as well as the achievement of a technological capability for an effective defense before deployment of missile defenses.

Second, the bill asserts that the United States has no policy to deploy an NMD system. In fact, the NMD effort is currently a robust research and development program that provides the flexibility to deploy an initial capability within 3 years of a deployment decision. This prudent hedge ensures that the United States will be capable of meeting the need for missile defenses with the latest technology when a threat emerges.

Third, I disagree with the bill's contention that the US ability to anticipate future ballistic missile threats is questionable. It is possible, of course, that there could be surprises, particularly were a rogue state to receive outside assistance. However, given the substantial intelligence resources being devoted to this issue, I am confident that we will have the 3 years' warning on which our strategy is based.

Fourth, the bill uses the phrase "system capable of defending the territory of the United States." The NMD program calls for defense of only the 50 states. Expanding performance coverage to include all US territories would have considerable cost, design, and location implications.

Finally, the bill does not consider affordability or the impact a deployment would have on arms control agreements and nuclear arms reductions. Both points are addressed in the NMD Deployment Readiness Program and should be included in any bill on NMD.

Please be assured that I remain committed to those programs that discourage hostile nations from the proliferation of WMD and the missiles that deliver them. In that regard, I am confident that our current NMD program provides a comprehensive policy to counter future ballistic missile threats with the best technology when deployment is determined necessary.

Sincerely,

HENRY H. SHELTON,  
Chairman of the Joint Chiefs of Staff.

GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE, DEFENSE PENTAGON,  
Washington, DC, April 20, 1998.

Hon. STROM THURMOND,  
Chairman, Committee on Armed Services,  
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Defense on S. 1873, 105th Congress, a bill "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 Department of Defense and the Administration object to the American Missile Protection Act of 1998. In response, the Department of Defense would note that the Administration's National Missile Defense Deployment Readiness Program is correct, prudent, and positions the United States to deploy a defense when a threat emerges.

S. 1873 would seek to make it United States policy "to deploy as soon as technologically possible an effective National Missile Defense system capable of defending the territory of the United States against limited ballistic missile attack (whether accidental, unauthorized, or deliberate)."

The Administration's National Missile Defense program is premised on the view that

not only must the technology be developed to allow for an effective defense, but that deployment should be based on an emerging rogue ballistic missile threat to the United States. To do otherwise is to waste scarce Defense resources and to forego deploying the most effective defense when the threat actually emerges.

The Intelligence Community has concluded that a long-range ballistic missile threat to the United States from a rogue nation, other than perhaps North Korea, is unlikely to emerge before 2010 but could be accelerated if those nations acquired this capability from beyond their borders. The Intelligence Community concluded that the only rogue nation missile in development that could strike the United States is the North Korean Taepo Dong 2, which could strike portions of Alaska or the far-western Hawaiian Islands, however, as Secretary Cohen stated in his 1998 Annual Report to the President and the Congress, the likelihood of the Taepo Dong 2 being operational by 2005 is very low. The Administration is not complacent about this assessment. The National Missile Defense program is designed to account for the uncertainty about when and where threats may emerge by developing a National Missile Defense capability that can be deployed well ahead of this estimate. The Administration agrees that the United States must work to defend all 50 states against potential limited missile threats from rogue nations. The National Missile Defense Deployment Readiness program will position the United States to deploy an initial capability as early as 2003. But, the Administration opposes S. 1873 because it would commit the United States to deploy a National Missile Defense system in the absence of an emerging rogue state ballistic missile threat. The crucial difference is in timing of a deployment decision. Commitment to deployment now, in the absence of a threat, would divert vital defense funds from more pressing military needs and would result in premature commitment to a technological option that may be outdated when the threat emerges.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report for the consideration of the Committee.

Sincerely,

JUDITH A. MILLER.

Mr. LEVIN. Madam President, the paragraph to Senator Nunn reads as follows.

We can reduce the possibility of facing these increased costs and risks.

And here he is talking about the risk he cited earlier in this letter of thousands of more nuclear weapons being retained by Russia should we unilaterally develop or deploy defenses in violation of the ABM Treaty. General Shalikashvili says:

We can reduce the possibility of facing these increased costs and risks by planning an NMD system consistent with the ABM Treaty. The current National Missile Defense Readiness Program, which is consistent with the ABM Treaty, will help provide stability in our strategic relationship with Russia as well as reducing future risks from rogue countries.

Those are the risks we are all concerned about, risks from rogue countries being particularly of concerns—missile risks, yes, but other risks of delivery of weapons of mass destruction also.

I think that is the greatest threat, those weapons of mass destruction and

the delivery by various means, everything from suitcases to ships to truck bombs, perhaps to missiles. Those are the greatest risks that this Nation faces as we enter the next century. But we are not reducing those risks; we are probably increasing those risks, if Russia, seeing us commit to deploy a system unilaterally which could violate the ABM Treaty, then decides, as General Shalikashvili suggests they would, that they can no longer comply with START I, cannot ratify START II, or negotiate further reductions in START III.

So, I hope that this bill will not be adopted. It was a vote of 10 to 7 in the Armed Services Committee which approved reporting this bill to the Senate. I assume it would be a very heavily debated bill, should it come before the Senate. But in the meantime, I oppose this bill.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. Madam President, I ask unanimous consent that we might proceed as in morning business.

Mr. COCHRAN. Reserving the right to object, Madam President, and I don't want to object, but I had hoped we could conclude this debate here and I would withdraw this motion. I know of no Senators coming over to speak, unless the Senator from Oregon is seeking to speak on this motion to proceed to the bill. I heard there were other Senators who were interested. If the Senator will permit me a couple of minutes, then I will withdraw this motion and he can proceed as in morning business. But right now, the business is the motion to proceed to consider this missile defense bill. It won't take long, I assure the Senator, if he will indulge me.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Madam President, I would like to make one closing point that I think should be made regarding the nature of the threat that exists now from other nations that are rapidly increasing both the range and sophistication of their missile systems. I talked about Iraq, our experience in the Persian Gulf war, what we have known about the capability which they developed very quickly after the purchase of systems from North Korea. We talked about Iran and the medium-range Shahab-3 and -4 systems that they are developing. We talked about Pakistan's testing last month a 1,500-kilometer-range missile, when 6 months ago the Defense Department's report on proliferation around the world said that Pakistan had only a 300-kilometer-range missile and a shorter-range missile in their arsenal. No mention was made of any longer-range missile.

But I have neglected to point out what is happening, and what we know has happened, in North Korea, which has led to an assessment that they are developing missiles with much greater ranges than that. There is under devel-

opment the Taepo-Dong 2 missile with a 6,000-kilometer intercontinental capacity, which would put within its range portions of Alaska and Hawaii.

These are facts. These are reports that have been made public. We know that they have already deployed systems that are of shorter range than that, creating a very unstable and stressful situation because of the missile threat in that region of the world. We are kidding ourselves if we continue to assume that there is no emerging threat. These threats have emerged, they exist now, and they show the capacity of nation states to develop, with their own technology, their own technicians, weapons systems that are going to have longer and longer ranges and the capacity to deliver weapons of mass destruction.

That is the reality. And when a CIA Director says that he cannot predict when rest-of-the-world nations will have intercontinental ballistic missiles because of "gaps and uncertainties"—when we don't have the capacity to make those findings and projections—it seems to me that the facts are clear, and the facts are serious. They should cause us great concern and convince the Senate that it ought to take action in the passage of this legislation, and change our policy of "wait-and-see" to one of "deploy as soon as the technology is ready." It is going to be in our interests to deploy a system 1 year sooner than it is needed rather than 1 year after it is needed.

Madam President, I had notified other Senators that we were going to withdraw the motion to proceed to consider this bill. There will be other opportunities to talk about it when it comes up on Wednesday, if a vote on cloture is ordered then, or Senators may talk about it as in morning business during the remainder of this evening. But if other Senators do not wish to talk on the subject, it is my intention to withdraw the motion.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, briefly, I ask unanimous consent that the portion of the annual report to the President and Congress from Secretary Cohen entitled "National Missile Defense Program" be printed in the RECORD.

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

EXCERPT OF SECRETARY OF DEFENSE WILLIAM S. COHEN'S ANNUAL REPORT TO THE PRESIDENT AND THE CONGRESS, 1998, PAGES 65-66

The Intelligence Community has concluded that the only rogue nation missile in development which could conceivably have the range to strike the United States is the North Korean Taepo Dong 2, which could strike portions of Alaska or the far-western Hawaiian Islands, but the likelihood of its being operational by 2005 is very low. With this exception, no country, other than the declared nuclear powers, will develop or otherwise acquire a ballistic missile in the next 15 years that could threaten the United

States, although outside assistance is a wild card that could shorten timelines to deployment.

The NMD program is structured to develop and test system elements the United States could deploy if intelligence indicated that a new strategic threat was emerging. The United States is not making a decision to deploy a national missile defense at this time. Deploying before the threat emerges would preclude deploying the most advanced technology if and when the threat does emerge. If a threat does not emerge, the NMD program will continue to improve the performance of the system by advancing the technology of each element and adding new elements as necessary, while maintaining the capability to deploy a system in a short period of time.

Mr. LEVIN. Madam President, I will just read one paragraph from this, and then I want to ask my good friend from Mississippi a question. The paragraph reads:

The national Missile Defense Program is structured to develop and test system elements the United States could deploy if intelligence indicated that a new strategic threat was emerging. The United States is not making a decision to deploy a national missile defense at this time. Deploying before the threat emerges would preclude deploying the most advanced technology if and when the threat does emerge. If a threat does not emerge, the NMD program will continue to improve the performance of the system by advancing the technology of each element and adding new elements as necessary, while maintaining the capability to deploy a system in a short period of time.

There is also a discussion in the previous paragraph, which is now incorporated in the RECORD, as to why, relative to the North Korean Taepo Dong 2, and the "likelihood of its being operational by 2005 being very low."

Now, my question of my friend is this. He made reference to the fact that the motion is being withdrawn. I want to be sure I understand; I assume he means that the motion is being set aside at this time—is that correct?—and that the scheduled vote on Wednesday is what is contemplated.

Mr. COCHRAN. That is the intention of this Senator. Thank you.

Mr. LEVIN. I thank the Chair.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Madam President, I ask unanimous consent that the motion to proceed be withdrawn.

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

#### MORNING BUSINESS

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

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

Mr. WYDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, I ask unanimous consent to speak in morning business.