

document has remained the cornerstone of our freedoms. The spate of constitutional amendments considered during this Congress are at odds with this important precedent.

By departing from the fundamental notion that our Constitution establishes the framework or the great outlines of our society and seeking to use it to address specific problems, the Constitution will become something less than it was intended to be. We should quell our desire to amend this great document and address the problems that confront this Nation. Although they are many, none can truly be attributed to a constitutional deficiency.

Mr. President, I suggest the absence of a quorum. I yield the floor.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ABRAHAM). Without objection, it is so ordered.

Ms. MIKULSKI. I thank the Chair.

(The remarks of Ms. MIKULSKI pertaining to the introduction of S. 1832 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Ms. MIKULSKI. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### THE DEFEND AMERICA ACT

Mr. NICKLES. Mr. President, I am going to speak on the Defend America Act. First, let me state I am very disappointed that the Senate, one, had to file a cloture motion, and, two, was unsuccessful in obtaining cloture so we could at least take up the Defend America Act, debate it, discuss it and vote on it.

It is unfortunate the Democrats in the Senate today decided to filibuster even moving to consider legislation which would allow us to further develop systems capable of defending America. Even right now we are defenseless against intercontinental ballistic missiles. I want to compliment Senator DOLE for scheduling this for a floor vote, I compliment the House of Representatives for passing it, but I am displeased that the Senate was not able to consider this legislation.

It is unfortunate to think that we need to have 60 votes just to move to consider the Defend America Act. I am happy to cosponsor this act. I think it is good legislation, needed legislation.

It was part of the defense authorization bill that we passed last year that unfortunately President Clinton vetoed. He vetoed it for whatever reason. I think in the campaign he continued to refer to the strategic defense initiative, star wars. But for whatever reason, he leaves us defenseless against incoming intercontinental ballistic missiles, missiles that could have a nuclear warhead, missiles that could have a chemical warhead or a biological warhead. Right now we do not have defense capabilities.

Regrettably, the vote today was almost straight party line. We had all Republicans vote in favor of taking up this legislation. One Republican Senator was necessarily absent. We had one Democrat, Senator HEFLIN, that voted for it. I compliment Senator HEFLIN. I hate to see him leave the Senate. He has been one of the Senators I think that shows courage on occasion and says, "I'm going to do what is right for this country." The Senator from Alabama, I compliment him for his vote.

What was right for this country was voting for the Defend America Act. We do need to develop capabilities to be able to destroy incoming missiles that we do not have today. President Clinton does not agree with that. And I am going to go through a statement that talks about what the Defend America Act does, and what it does not do, and why it is needed.

The Defend America Act of 1996 states clearly and simply the United States should be defended against limited, unauthorized or accidental ballistic missile attacks and calls for the deployment of a national defense system to protect America.

This bill does not violate any treaty. It only urges the administration to negotiate with Russia changes to the 1972 Anti-Ballistic Missile Treaty to allow for the deployment of an effective missile defense system.

If an agreement is not reached within 1 year after the bill is enacted, the President and Congress are to consider withdrawing from the treaty, as provided under article 15 of the treaty.

Why is the legislation needed? Currently the United States is undefended. We are defenseless against ballistic missile attack. Most people are surprised and even shocked to hear this. They are of the mistaken belief that the United States can defend itself against incoming ballistic missiles. They are wrong.

While the United States remains defenseless, Russia long ago recognized the value of missile defenses and deployed its own missile defense system around Moscow.

In the ultimate irony, the United States is now assisting Israel in acquiring its own missile defense system to protect Israeli citizens. I wish the Clinton administration could explain why it will help Israel defend its citizens against missile attack but refuse to protect Americans against missiles.

That does not make sense. Maybe it makes good politics, but it does not make good policy.

Mr. President, the threats are real, and they are growing. It is clear that ballistic missile threats to the United States are growing from a couple of sources, unauthorized or accidental ballistic missile attacks from Russia and China and also from small dictatorships now fielding missile forces.

We may no longer think in terms of having to defend ourselves against a massive Soviet missile attack. Yet political instability and political uncertainty in Russia and China emphasize the need to guard against a possible unauthorized or accidental missile launch.

China has proven willing to threaten the use of ballistic missiles for political and military blackmail, as shown during the Taiwan Strait crisis in March of this year. One month before Chinese military exercises and its launching ballistic missiles into the Taiwan Strait, a Chinese official warned Charles Freeman, Deputy Chief of Mission at the U.S. Embassy in Beijing, that "the United States would not intervene on Taiwan's behalf, because Americans would not be willing to sacrifice Los Angeles on Taiwan's behalf," as reported in the Los Angeles Times on January 27, 1996, page 5.

Recently, lower level Chinese officials made a not-so-veiled threat to American officials. Winston Lord, Assistant Secretary of State for East Asia and the Pacific, quoted these Chinese officials as saying the United States "wouldn't dare defend Taiwan because they'd [China] rain nuclear bombs on Los Angeles," as reported in the Boston Globe, March 18 of this year.

Other ballistic missile threats exist or are also on the horizon. More than 25 countries currently possess, or are seeking to acquire, weapons of mass destruction—namely, nuclear, chemical, and biological weapons. Many countries that already have shorter range ballistic missiles are seeking to acquire more sophisticated, long-range ballistic missiles. Rather than defend Americans, the Clinton administration is rationalizing its inaction by hiding behind questionable intelligence estimates.

While recent intelligence estimates say that a new ballistic missile threat to the United States will not appear for the next 15 years, this analysis is flawed for several reasons. First, it focuses only on indigenous development and assumes that international trade does not exist. The Secretary of Defense, William Perry, recently admitted the intelligence community's estimate "could be foreshortened if any of those nations were able . . . to get direct assistance from countries that already have [such systems], either sending them missiles, selling them missiles, or giving them important component or technology assistance." That was in his statement before the Senate

Armed Services Committee on March 3 of this year.

In fact, Secretary Perry recently acknowledged that, "We do have information that China was seeking SS-18 technology from Russia." That was May 22 of this year. The SS-18 is a massive, 10-warhead ICBM. By integrating SS-18 technology into its current ICBM arsenal, China would greatly enhance the range and sophistication of its nuclear weapons capability. We should remember that China has sold ballistic missiles to other countries and has exported missile technology to Iraq, Iran, and Pakistan.

Second, the estimate that no new threat to the United States will appear within 15 years focuses only on the continental United States. What about Alaska? What about Hawaii? The Clinton administration apparently prefers not to include the cities in these States as part of our Nation, even though they could be vulnerable to a North Korean attack in just a few years. In 1995, the Acting Director of Central Intelligence, Adm. William Studeman, acknowledged that "if Pyongyang has foreshortened its development program [of the Taepo Dong I or Taepo Dong II], we could see these missiles earlier" than 3 to 5 years. That was before the Intelligence Committee on April 3, 1995.

Finally, intelligence estimates are often wrong. Several years before Japan attacked Pearl Harbor, Maj. George Fielding Elliot, author and military science writer, declared, "A Japanese attack on Pearl Harbor is a strategic impossibility," as quoted in September of 1938. This prediction is chillingly similar to the ones we are hearing from critics of the Defend America Act today.

Looking at the situation today, while recent 1995 national intelligence estimates state, "We [the intelligence community] are likely to detect any indigenous long-range missile program many years before development," it was the same community that failed to detect the breadth of Iraq's nuclear weapons program. Once international inspections were conducted after the Persian Gulf war, it was revealed that Iraq's nuclear program was far larger and more advanced than the United States intelligence community had predicted, and the inspections showed that Saddam Hussein was just months away from deploying a nuclear bomb, not years, as the intelligence community had estimated.

Just several months ago, CIA Director John Deutch admitted Iran, Iraq, North Korea, and Libya all had explored the possibility of buying fissile materials as a way of rapidly acquiring an arsenal of nuclear weapons. So far, according to Deutch, none has succeeded in these efforts. But the CIA Director further stated the United States and its allies "have been lucky so far." That was in the Washington Post of March 21 of this year. Mr. President, I am not willing to depend on luck to

keep Americans safe from ambitious leaders such as Iraq's Saddam Hussein and North Korea's Kim Jong-il, who are eagerly seeking to acquire more weapons of mass destruction.

The Clinton administration prefers to rely on cold war theories and an outdated 1971 treaty to protect America. The Republicans' Defend America Act provides a vision for the future where the United States and Russia negotiate changes to the moribund 1972 Anti-Ballistic Missile Treaty, commonly called the ABM Treaty, to allow for national defense against the emerging threats to both Russia and the United States from Third World countries. Just like the last guest lingering at a dinner party, the ABM Treaty has overstayed its welcome.

Let us be very clear. Nothing in the Defend America Act requires the United States to withdraw from or violates the ABM Treaty. The act merely reiterates that withdrawal from the treaty is a legal option under the provisions of the ABM Treaty itself and urges considering such withdrawal if negotiated changes are not forthcoming within 1 year. Some of the statements that were made earlier today, I think, frankly, are not the case, or maybe our colleagues have not read this legislation as closely as they should have.

The imperative for deploying a national defense system has never been more clear. Yet the Clinton administration refused to take immediate steps to defend America. Last year, we worked hard to include similar language in the 1996 DOD authorization bill, requiring the President to deploy by a certain date a missile defense system to protect our country. President Clinton vetoed this bill largely because of this provision. So we passed the defense authorization bill without it.

Now we try to pass it as an individual item. The Democrats unfortunately, with one exception, Senator HEFLIN from Alabama, said, "No, we do not want to consider it. We do not want to debate it." Mr. President, I think that is a sad day for our country. It bothers me when I think of the fact that we had Americans lose their lives in Saudi Arabia during the Persian Gulf war because a Scud missile came in and our only defense capability at that time was the Patriot antimissile defense. But the Patriot is a very limited defense and was only partially successful. It destroyed a couple of missiles that were fired toward Israel and fired toward Saudi Arabia, but destroyed them in their backyard, as the missile was coming in, in some cases just right before it reached its target. As I said, it was only partially successful.

That is not a defense capability against more sophisticated weapons. The Scuds that the Iraqis were firing at Americans, Saudi Arabians, and Israelis, those were old missiles, old technology, way behind the times, not sophisticated in any way, that we can only knock down. Our success rate was limited. People would be really

shocked if they realized we do not have the capability to shoot down incoming missiles. We need it. We have the technology to develop it. It can be done a lot more economically than the Congressional Budget Office said. It came up with an estimate that said over the next 14 years it might cost \$31 to \$61 billion.

In our bill we said "affordable." Frankly, if it costs \$31 billion and you do that over 14 years, that is a couple of billion a year. I think that is a good investment. I think it would be done a lot more economically than that. Should we not make an investment? Is that not really what the Federal Government is all about, protecting our freedom, protecting our country, protecting our people? When we find out we are defenseless against intercontinental ballistic missiles, we do not have the capability to shoot them down, do we not owe it to our country to invest in a system to destroy these missiles before they get in our backyard? If you have a weapon such as a nuclear warhead, it does not do any good to destroy it over your city, before it reaches the target. Then it is too late. It would maximize damage. If it is biological, the same is true, as well as with a chemical weapon. You do not gain anything destroying it just before it hits the target. You need to destroy it well before it gets into your backyard.

We would like to have the opportunity to utilize the technology advances that we have in this country to be able to defend our country. Unfortunately, the Clinton administration and Democrats in the Senate, with one exception, have said "No, we are not going to do it. We want to worship at the altar of a treaty from 1972 that says we are not going to defend ourselves." Now, the 1972 treaty does allow you to have at least 100 interceptors, and it also says you can renegotiate. That is really what we are saying we would do. We do not abrogate, we do not violate the ABM Treaty under the Defend America Act. I am bothered by the fact that our colleagues would play politics with an issue so important as defending American citizens.

I am bothered by the fact that this administration finds it politically acceptable to develop anti-missile systems for Israel, but not the United States. That bothers me. It bothers me when I read statements by high-level officials in China talking about the possibility of destroying Los Angeles, and we do not have the capability to avoid that should they be irrational enough to ever try to carry out such a threat. It bothers me when I see 25 nations around the world, many of which are not real friends of the United States, seeking earnestly to develop intercontinental ballistic missile technology with a variety of warheads that could threaten not only the United States, but our allies, and we do not do anything to give us defense capabilities.

That is what Senator DOLE was trying to do with the Defend America Act today. That is what Senator WALLOP, who was one of the real leaders in trying to develop strategic defense initiative for years, was trying to do. We have a significant investment that this country has made, and now we have an administration that says: We do not think there will be a threat for 15 years, so let us not do anything. Or let us develop missile systems, and we will pay for three-fourths of it in Israel because, politically, that is popular.

Why is it not popular in the United States if we want to help Israel defend itself? I was in Israel prior to the Persian Gulf war, and I urged the administration to get Patriot missiles over there to shoot down the Scuds. It partially worked. But the Patriot is certainly not good enough for an ICBM. We can develop systems to shoot down incoming missiles before they get in our back yards. We should do it. If it is an investment of a couple of billion dollars, or \$4 billion, or \$31 billion over the next 14 years, that is a good investment for protecting the American people, our interests and our cities. We should do it.

Yet, unfortunately, our colleagues on the Democrat side of the aisle say, no, they are going to protect President Clinton and play politics. President Clinton does not want it, so we are not going to do it. I think that is a serious, serious mistake. We should not play politics with the security of the American people and American interests. I am afraid that is what happened today. I regret that decision.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

#### THE BALANCED BUDGET AMENDMENT

Mr. HEFLIN. Mr. President, once again I rise in support of the pending proposal to amend the U.S. Constitution to require a balanced Federal budget. The reason is quite simple. After all of the turmoil of this past year, after all of the posturing and the pandering and the promises and the Government shutdowns, Congress and the President have not come to an agreement to balance the Federal budget. Short of a constitutional requirement, I have serious doubts that the Congress and the President will do so.

Admittedly, there is some political Presidential posturing going on with this impending vote. The majority leader, who is his party's presumptive Presidential nominee, is calling up this

vote knowing full well that he does not have the necessary two-thirds majority. On the other hand, the President is proudly stating to the public that his efforts in his deficit reduction plan have resulted in reducing the annual deficit from when he took office from \$294 billion to nearly \$130 billion this year. He has invited the majority leader to the White House for further negotiations on balancing the budget.

When the majority leader leaves, I hope that the new majority leader will be extended an invitation to go to the White House and to go through negotiations and settle the differences.

In actual dollars and cents, I believe that over the 7-year period there is something in the neighborhood of \$12 trillion involved in the budget process, and the difference between the White House's and the Republican Party's position is only \$100 billion. That is less than 0.8 of 1 percent. And that difference we ought to be able to resolve, get together and work out.

However, this is a political year. We must recognize that. The Senate has just completed action on a \$1.6 trillion budget resolution proposed by the majority party which seeks to balance the budget by 2002 with a combination of tax and spending cuts. I supported a proposal submitted by the President which also called for a balanced budget and would achieve a balanced budget, but contained fewer tax cuts and less cutting of the Medicare Program. However, this proposal was not adopted.

The Senate and the House must settle their differences in regard to the budget figures, and then the Appropriations Committees must act, and a reconciliation bill must be passed. All of this must be signed by the President. It is going to be a long, hot summer here in Washington while the rest of the country simmers at our inaction.

The budget process is not easy, as we have learned from last year. It does not guarantee that the President and the Congress will enact a balanced Federal budget. We have seen this, gone through Gramm-Rudman-Hollings and other proposals which tried to achieve a balanced budget. But all of these have come up wanting. That is one of the reasons why I feel that we need the discipline which a constitutional amendment will provide.

I believe that most of my colleagues are well intentioned and want to enact balanced budgets for the benefit of generations of Americans yet to be born. Unfortunately, I have seen in my Senate career—some 18 years that I have been here—that we can often find an easy excuse for not fulfilling our commitment to deliver a balanced budget each year.

There is a way out of the thicket right now in regard to the adoption of the constitutional amendment requiring a balanced budget. A handful of Senators, I think as many as eight, have indicated they would vote for the constitutional amendment if a compromise can be reached with regard to the Social Security issue.

This compromise would not allow Social Security trust fund revenues to be used when calculating whether the budget is balanced. Admittedly, this will make balancing the Federal budget more difficult because the Social Security trust fund surpluses will no longer be used to mask the true size of the deficit.

A constitutional amendment will remove all doubt, regardless of whether we reach any compromise pertaining to Social Security trust funds or not. A constitutional amendment will remove all doubt, and the Federal Government will have to balance its budget. The process will still be difficult, but it will be necessary to achieve the final goal as required by this proposed amendment to the Constitution.

Amending the Constitution, in my judgment, is a last-resort method which should be utilized sparingly and only when the national interest so demands. I am often asked to cosponsor worthy proposals to amend the Constitution, but I rarely do so under the test that I have just mentioned.

The balanced budget amendment meets that test. The national interest demands that we act to allow the States the opportunity to ratify the proposed amendment. They may not do so. And if that is the case, then the will of the American people will have been spoken. Therein is the genius of our Nation's organic document. Ultimately, the sovereign power of the Government rests with the people.

These will perhaps be my last comments—or perhaps not my last comments on this, but among my last words on this great issue. Further, the first bill I introduced when I came to Congress was a bill calling for a constitutional amendment requiring a balanced budget. I truly believe that on behalf of the generations of Americans yet unborn, this proposed amendment is necessary to prevent them from inheriting an even greater debt than they now most certainly will incur.

Politics aside, now is the time to act, once and for all.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### NATO ENLARGEMENT FACILITATION ACT

Mr. DOLE. Mr. President, earlier today I think Senator BROWN of Colorado in my behalf and in behalf of others introduced the NATO Enlargement Facilitation Act.

I am certainly pleased to be joined by the distinguished Senator from Colorado, Senator BROWN—who has been a real leader on this issue—the distinguished chairman of the Foreign Relations Committee, and a number of