

it also repeals the estate tax for huge estates—\$100 million estates, \$1 billion estates, \$5 billion estates. It totally repeals any tax whatsoever on estates of that size.

Yesterday, I spoke in opposition to the House bill, and Senators THOMAS and INHOFE expressed a little surprise. They said when they talk to ordinary folks in their home States, they hear a lot about the estate tax, and people want reform. They wondered whether I was hearing the same in my State of Montana. I sure am, all the time—in coffee shops, in grocery stores, lots of people talk to me. They think it hits too hard on farms, ranches, and small businesses. That is precisely the point. The House bill responds to these with an abstraction—repeal, 10 years from now.

The Democratic alternative says, no, we are not going to wait 10 years; we are going to do it now. We respond with honest-to-goodness relief. I am sure there is somebody in Montana with an estate worth more than \$8 million who will still have to pay some estate tax under the Democratic alternative. But there sure aren't many of them.

Remember, the vast majority of the estates are either not affected by the tax now or, if they are, would be completely exempt under the Democratic alternative. One other virtue of the Democratic alternative is it costs much less than the House bill, \$40 billion less over 10 years. After that, the savings are even greater.

As a result, the Democratic alternative allows us not only to reform the estate tax in a way that helps where it is needed the most, but it also allows us to address other priorities that, frankly, are more important than total repeal of the estate tax, particularly for huge estates.

For example, what about the national debt? The Democratic alternative leaves an additional \$40 billion available to pay down the national debt. Or we could use the savings to provide tax cuts to meet other important needs; help average families save for retirement or their kids' college education, or help people meet long-term medical care costs; protect Social Security and Medicare.

Believe me, these are good things that we hear about at home all the time. I believe that more people are more concerned about these matters than they are about total repeal of the estate tax, particularly for large estates.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001—Resumed

The PRESIDING OFFICER. Under the previous order, the time has arrived to proceed to the next order of business.

The Senator from Delaware.

Mr. ROTH. Mr. President, I ask unanimous consent that the next votes in the series be limited to 10 minutes each.

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

Mr. REID. The first vote will be 15 minutes and thereafter 10 minutes. We agree.

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

The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2549) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Pending:

Feingold pending amendment No. 3759, to terminate production under the D5 submarine-launched ballistic missile program.

Durbin Amendment No. 3732, to provide for operationally realistic testing of National Missile Defense systems against countermeasures; and to establish an independent panel to review the testing.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, it is my understanding that under the order we will now proceed to two votes. I recommend to the Senate that we proceed to the Feingold vote first.

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. Second, to the vote on the amendment of the distinguished Senator from Illinois.

At this time, I believe we have 2 minutes for those in opposition. But in deference to the proponents, we are willing to hear from the proponents first.

They are not going to use it.

Then I yield 2 minutes to the distinguished chairman of the Subcommittee on Strategic Forces.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, the Feingold amendment would undermine the U.S. sea-based deterrent force by killing the Trident D-5 missile program. Such a decision would cut the Navy's requirement short by 53 missiles resulting in the deployment of three fewer submarines that DOD currently believes are required.

I move to table the amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

Mr. BYRD. Mr. President, will the Chair kindly tap the gavel a little bit to clear the well?

The PRESIDING OFFICER. Senators will clear the well. The Senate will be in order. The clerk will not proceed until Senators clear the well.

Mr. BYRD. Mr. President, I thank the Chair.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Maryland (Ms. MIKULSKI) is necessarily absent.

The result was announced—yeas 81, nays 18, as follows:

[Rollcall Vote No. 177 Leg.]

YEAS—81

Abraham	Dodd	Lugar
Akaka	Domenici	Mack
Allard	Edwards	McCain
Ashcroft	Enzi	McConnell
Baucus	Feinstein	Moynihan
Bayh	Fitzgerald	Murkowski
Bennett	Frist	Nickles
Biden	Gorton	Reed
Bingaman	Graham	Robb
Bond	Gramm	Roberts
Breaux	Grams	Roth
Brownback	Gregg	Santorum
Bryan	Hagel	Sarbanes
Bunning	Hatch	Schumer
Burns	Helms	Sessions
Byrd	Hollings	Shelby
Campbell	Hutchinson	Smith (NH)
Chafee, L.	Hutchison	Smith (OR)
Cleland	Inhofe	Snowe
Cochran	Inouye	Specter
Collins	Kennedy	Stevens
Conrad	Kerry	Thomas
Coverdell	Kyl	Thompson
Craig	Landrieu	Thurmond
Crapo	Levin	Torricelli
Daschle	Lieberman	Voinovich
DeWine	Lott	Warner

NAYS—18

Boxer	Jeffords	Lincoln
Dorgan	Johnson	Murray
Durbin	Kerrey	Reid
Feingold	Kohl	Rockefeller
Grassley	Lautenberg	Wellstone
Harkin	Leahy	Wyden

NOT VOTING—1

Mikulski

The motion was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3732

Mr. WARNER. Mr. President, under the previous order, we will now proceed to the amendment by the Senator from Illinois. At such time as he concludes his portion of the 2 minutes, I yield my time to the senior Senator from Mississippi, Mr. COCHRAN.

The PRESIDING OFFICER (Mr. BUNNING). The Senator from Illinois. The time is 2 minutes, equally divided.

The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, can I have order in the Chamber?

The PRESIDING OFFICER. The Senate will come to order.

Mr. DURBIN. Mr. President, this amendment which we offer is one that was debated last night on the floor of the Senate. It is very straightforward. If we are to go forward with a national missile defense system, we should have honest, realistic testing, including testing for countermeasures so we can say to the American people: Your money is being well spent; so we can say to them: If this is a source of security and defense for America, it is one that will work and function.

Some have looked at my amendment and said it must be critical of the system because DURBIN has questioned the system in the past. I presented, during the course of the debate last night, a letter from the Director of Testing and Evaluation in the Department of Defense, Mr. Philip Coyle, in which he writes to me and says:

This letter is to support your effort to reinforce the need for realistic testing of the National Missile Defense System.

It is very clear to the Pentagon, as it is to those who listened to the debate last night, that this is not a friendly amendment nor an amendment that sets out to end the national missile defense system. This is an amendment which asks for the facts and asks for the reality. I hope Senators will support it.

Mr. DASCHLE. Mr. President, I come to the floor this morning to voice my support for perhaps the most important amendment—on one of the most important bills—the Senate will consider this year.

National missile defense is one of the most critical defense issue facing this nation.

It is probably one of the more politically charged issues as well.

Despite political sensitivity and, frankly, political risk, Senator DURBIN has looked carefully at the facts, and at the arguments on all sides of this issue. His amendment reflects a balanced measured approach that I believe should be endorsed by both supporters and opponents of a missile defense system.

The Senate should adopt the Durbin amendment for two reasons: What it doesn't say. And what it does say.

What the amendment doesn't say is whether a missile defense system is a good idea, or a bad idea.

Frankly, I believe we do not have enough information yet to make that call. The Durbin amendment actually presumes a NMD system will be deployed. But it does not address the issue of whether it should be deployed.

What the Durbin amendment does say, it says well. Simply put, this amendment says that before we commit \$60 billion—or more—to deploy a national missile defense system, we must be confident the system will work. Nothing more, nothing less. Americans have a right to know that their tax dollars aren't being wasted on a system that cannot work. And we have a responsibility to provide them with that assurance.

The Durbin amendment says that before a national missile defense system can be declared operational, the system must be tested against measures our enemies can be expected to take to defeat it, and the Secretary of Defense must prepare a report for Congress on the ability of the NMD system to defeat these countermeasures.

The amendment also reconvenes the Welch panel, an independent review panel chaired by General Welch, to assess countermeasure issues and deliver a report on findings to both the Defense Department and the Congress.

Why are such assurances needed?

Deployment of a national missile defense system would signal a dramatic change in the deterrent strategy this Nation has followed successfully for over 40 years. Moving to new strategy dependent on defenses is not without risks.

Missile defense deployment requires enormous public commitment—not unlike our effort to put a man on the Moon.

While success can never be guaranteed, American people have a right to know that success is possible—before we commit \$60 billion, or more, to it.

The President must have confidence the system will work. Also, critically important, our adversaries must know a national defense system will work.

A deterrent is not effective if enemies can be confident it may not, or will not, work. If tests demonstrate for the world that the United States has a strong missile defense system, our adversaries are much less likely to want to test our defenses.

Another reason assurances are needed: Increasing number of studies that raise questions about whether current missile defense testing program can provide future leaders with adequate level of confidence.

Philip Coyle III, the Pentagon's Director of Operational Testing and Evaluation, issued a report to Congress earlier this year. The report concluded the pre-deployment tests will not be conducted "in a realistic enough manner to support acquisition decisions."

A recent report by MIT found that relatively simple countermeasures could defeat the planned NMD system—and that current testing is not capable of evaluating the operational effectiveness of the system against likely countermeasures. This is a critical deficiency.

Technical experts warn that any emerging "missile state" that is capable of deploying a long-range ballistic missile is also capable of building countermeasures that could defeat a NMD system.

The intelligence community released a report last year on "Foreign Missile Development and the Ballistic Missile Threat to the United States through 2015." The report warned that emerging "missile states" could develop countermeasures such as decoy balloons by the time they flight test their first long-range missiles.

They could also acquire countermeasure technologies from Russia and China—both of whom possess such technologies, and both of whom strongly oppose a U.S. NMD system.

Reasons to oppose amendment? I can think of only one reason to oppose this amendment: Belief that we should deploy an NMD system at any cost. Regardless of whether the system can work. Regardless of the cost to American taxpayers. Regardless of the effects deployment could have on our relationships with our allies. Regardless of how it might escalate an international nuclear arms race. Regardless of everything.

I understand that there are some who feel this way. Frankly, I cannot understand this sort of thinking. They wouldn't buy a car before test-driving it. Why in the world would they buy a \$60 billion defense system before knowing that it can work?

A missile defense system that undermines our Nation politically, economically, and strategically—without strengthening our defense—is no defense at all.

The American people have a right to know that—if we deploy a national missile defense system—it will work. The Durbin amendment will take a big step toward providing them with that assurance. We should adopt it.

Mr. MOYNIHAN. Mr. President, 50 Nobel laureates signed an open letter to President Clinton on July 6, 2000, urging him to reject a proposed \$60 billion missile defense system. I ask that the letter may be printed in the RECORD.

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

JULY 6, 2000.

PRESIDENT WILLIAM JEFFERSON CLINTON,
The White House, Washington, DC.

DEAR MR. PRESIDENT: We urge you not to make the decision to deploy an anti-ballistic missile system during the remaining months of your administration. The system would offer little protection and would do grave harm to this nation's core security interests.

We and other independent scientists have long argued that anti-ballistic missile systems, particularly those attempting to intercept reentry vehicles in space, will inevitably lose in an arms race of improvements to offensive missiles.

North Korea has taken dramatic steps toward reconciliation with South Korea. Other dangerous states will arise. But what would such a state gain by attacking the United States except its own destruction?

While the benefits of the proposed anti-ballistic missile system are dubious, the dangers created by a decision to deploy are clear. It would be difficult to persuade Russia or China that the United States is wasting tens of billions of dollars on an ineffective missile system against small states that are unlikely to launch a missile attack on the U.S. The Russians and Chinese must therefore conclude that the presently planned system is a stage in developing a bigger system directed against them. They may respond by restarting an arms race in ballistic missiles and having missiles in a dangerous "launch-on-warning" mode.

Even if the next planned test of the proposed anti-ballistic missile system works as planned, any movement toward deployment would be premature, wasteful and dangerous.

Respectfully,

Sidney Altman, Yale University, 1989 Nobel Prize in chemistry.

Philip W. Anderson, Princeton University, 1977 Nobel Prize in physics.

Kenneth J. Arrow, Stanford University, 1972 Nobel Prize in economics.

Julia Axelrod, NIH, 1970 Nobel Prize in medicine.

Baruj Benacerraf, Dana Farber Cancer Inst., 1980 Nobel Prize in medicine.

Hans A. Bethe, Cornell University, 1967 Nobel Prize in physics.

J. Michael Bishop, University of Calif., San Francisco, 1989 Nobel Prize in medicine.

Nicolaas Bloembergen, Harvard University, 1981 Nobel Prize in physics.

Paul D. Boyer, UCLA, 1997 Nobel Prize in chemistry.

Steven Chu, Stanford University, 1997 Nobel Prize in physics.

Stanley Cohen, Vanderbilt University, 1986 Nobel Prize in medicine.

Leon N. Cooper, Brown University, 1972 Nobel Prize in physics.

E. J. Corey, Harvard University, 1990 Nobel Prize in chemistry.
 James W. Cronin, University of Chicago, 1980 Nobel Prize in physics.
 Renato Dulbecco, The Salk Institute, 1975 Nobel Prize in medicine.
 Edmond H. Fischer, Univ. of Washington, 1992 Nobel Prize in medicine.
 Val L. Fitch, Princeton University, 1980 Nobel Prize in physics.
 Robert F. Furchgott, Suny Health Science Ctr., 1998 Nobel Prize in medicine.
 Murray Gell-Mann, Santa Fe Institute, 1969 Nobel Prize in physics.
 Ivar Giaever, Rensselaer Polytechnic Institute, 1973 Nobel Prize in physics.
 Walter Gilbert, Biological Laboratories, Cambridge, Mass., 1980 Nobel Prize in chemistry.
 Sheldon L. Glashow, Boston University 1999 Nobel Prize in physics.
 Roger C. L. Guillemin, The Salk Institute, 1977 Nobel Prize in medicine.
 Herbert A. Hauptman, The Medical Foundation of Buffalo, 1985 Nobel Prize in chemistry.
 Dudley R. Herschbach, Harvard University, 1986 Nobel Prize in chemistry.
 Roald Hoffman, Cornell University, 1981 Nobel Prize in chemistry.
 David H. Hubel, Harvard University, 1981 Nobel Prize in medicine.
 Jerome Karle, Naval Research Laboratory, 1985 Nobel Prize in chemistry.
 Arthur Kornberg, Stanford University, 1959 Nobel Prize in medicine.
 Edwin G. Krebs, University of Washington, 1992 Nobel Prize in medicine.
 Leon M. Lederman, Illinois Institute of Technology, 1988 Nobel Prize in physics.
 Edward B. Lewis, Caltech, 1995 Nobel Prize in medicine.
 Rudolph A. Marcus, Caltech, 1992 Nobel Prize in chemistry.
 Franco Modigliani, MIT, Sloan School, 1985 Nobel Prize in economics.
 Mario Molina, MIT, 1995 Nobel Prize in chemistry.
 Marshall Nirenberg, NIH, 1968 Nobel Prize in medicine.
 Douglas D. Osheroff, Stanford University, 1996 Nobel Prize in physics.
 Arno A. Penzias, Bell Labs, 1978 Nobel Prize in physics.
 Martin L. Perl, Stanford University, 1995 Nobel Prize in physics.
 Norman F. Ramsey, Harvard University, 1989 Nobel Prize in physics.
 Burton Richter, Stanford University, 1976 Nobel Prize in physics.
 Richard J. Roberts, New England Biolabs, 1993 Nobel Prize in medicine.
 Herbert A. Simon, Carnegie-Mellon Univ., 1978 Nobel Prize in economics.
 Richard R. Smalley, Rice University, 1996 Nobel Prize in chemistry.
 Jack Steinberger, CERN, 1988 Nobel Prize in physics.
 James Tobin, Yale University, 1981 Nobel Prize in economics.
 Daniel C. Tsui, Princeton University, 1998 Nobel Prize in physics.
 Steven Weinberg, University of Texas, Austin, 1979 Nobel Prize in physics.
 Robert W. Wilson, Harvard-Smithsonian, Ctr. for Astrophysics, 1978 Nobel Prize in physics.
 Chen Ning Yang, Suny, Stony Brook, 1957 Nobel Prize in physics.
 Owen Chamberlain*, University of California, Berkeley, 1959 Nobel Prize in physics.
 Johann Dieneshofer*, University of Texas Southwestern Medical Center, 1988 Nobel Prize in chemistry.
 Willis E. Lamb, Jr.*, Stanford University, 1955 Nobel Prize in physics.

*These laureates signed the letter within hours after the letter was delivered to the White House.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, the Durbin amendment is unnecessary. It purports to direct the manner and details of a missile testing program that the Secretary of Defense is committed to conduct already.

This amendment is an unprecedented effort by the Senate to micromanage a weapons system testing program. In no other program has the Senate tried to legislate in this way to dictate to DOD how a classified national security testing program should be conducted.

The directions to DOD in this amendment are vague. They would inevitably lead to confusion and unnecessary delays in the development of this complex, but very important, capability to defend our Nation against a serious threat. I urge the Senate to reject this amendment.

I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 52, nays 48, as follows:

[Rollcall Vote No. 178 Leg.]

YEAS—52

Abraham	Frist	Murkowski
Allard	Gorton	Nickles
Ashcroft	Gramm	Roberts
Bennett	Grams	Roth
Bond	Grassley	Santorum
Brownback	Gregg	Sessions
Bunning	Hagel	Shelby
Burns	Hatch	Smith (NH)
Campbell	Helms	Smith (OR)
Chafee, L.	Hutchinson	Specter
Cochran	Hutchison	Stevens
Coverdell	Inhofe	Thomas
Craig	Kyl	Thompson
Crapo	Lott	Thurmond
DeWine	Lugar	Voinovich
Domenici	Mack	Warner
Enzi	McCain	
Fitzgerald	McConnell	

NAYS—48

Akaka	Edwards	Levin
Baucus	Feingold	Lieberman
Bayh	Feinstein	Lincoln
Biden	Graham	Mikulski
Bingaman	Harkin	Moynihan
Boxer	Hollings	Murray
Breaux	Inouye	Reed
Bryan	Jeffords	Reid
Byrd	Johnson	Robb
Cleland	Kennedy	Rockefeller
Collins	Kerrey	Sarbanes
Conrad	Kerry	Schumer
Daschle	Kohl	Snowe
Dodd	Landrieu	Torricelli
Dorgan	Lautenberg	Wellstone
Durbin	Leahy	Wyden

The motion was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. S. 2549 is now considered read a third time.

The Senate will now proceed to H.R. 4205. The text of S. 2549 is substituted therefore, and the bill is considered read a third time.

AMENDMENT NO. 3753

Mr. ROCKEFELLER. Mr. President, I am pleased that the Senate has taken an important step toward protecting the lives and property of all Americans with the passage of the Firefighter Investment and Response Enhancement Act. I am proud today to join with Senators DODD and DEWINE as a cosponsor of this legislation. I wish to thank Senator DODD and Senator DEWINE for the leadership and effort they have shown on behalf of the men and women serving as firefighters across the nation. I would also like to commend the many other Senators who already have signed on as cosponsors of this important legislation.

The Firefighter Investment and Response Enhancement Act seeks to address the enormous amount of fiscal need faced by our nation's fire departments, both paid and volunteer, and does so with an eye to the human costs incurred by both firefighters and the general public these brave men and women protect every day. Every year, more than 4,000 people are killed and 24,000 are injured by fire in the United States. Sadly, about 660 of those killed each year are children. One hundred of the individuals who lose their lives to fire each year are firefighters, the very men and women who are fighting to protect others. Many of these deaths and injuries could be avoided by simply using the technology and equipment that while currently available, is often so expensive that fire departments are unable to purchase it. Similarly, many of the deaths and injuries could be avoided with increased efforts at fire prevention and training. Fire departments in many of our towns and cities spend the bulk of their entire budgets on administrative costs and compliance with existing safety regulations, and can simply not afford the available safety equipment and training. As a consequence, far too many volunteer firefighters and EMTs are forced to pay for their own training because their departments simply do not have enough money to have them trained.

West Virginia fire departments share in this enormous need for additional funding. There are about 16,000 firefighters in West Virginia serving in 437 fire departments. Virtually every one of those departments are underfunded. West Virginians were forced to cope with almost \$73 million of property damage due to fires in 1999. More importantly, 45 civilians were killed and two firefighters were killed in the line of duty. Much of the loss of life and property, and many of these injuries could have been avoided if fire departments had the funds to deal with emergencies as effectively as possible and to establish prevention programs.

Over the past few months, my state has grieved the tragic loss of two firefighters whose deaths may well have been prevented if their departments had access to grants available under S. 1941. Angelo "Wayne" Shrader, a firefighter with the East River Volunteer