

the costs and performance of work that is being performed for the government under contract. This amendment will begin to gather it—by and for the Department of Defense.

I have long been interested in whether we have a system to measure and account for these costs, determine if there is savings, and oversee the work that is being done with Federal funds. It has been my impression that some of my colleagues have been just hide-bound to outsource, without regard to the price tag or performance. Their motivation was to reduce the size of the Federal workforce—at any cost. When I suggested amendments—arguing that we had to save money, they rejected them. They told me that is not the point—we have to turn some lights out in some federal buildings. I would like to know whether that's still driving the outsourcing fervor.

I want to be perfectly clear: I am not opposed to all outsourcing. What I am concerned about is ensuring that decisions to shift work to the private sector are made fairly, not arbitrarily; that public-private competition is fostered; and that we have a reliable system in place to have information about the costs and performance of work being performed with Federal funds by the private sector under these contracts, in essence, accountability.

You can outsource and save money for taxpayers, and I think you should do that. If you decide you will outsource, privatize, and contract out, whether you save money for taxpayers or not, you are not serving either taxpayers or the needs of our Nation.

It is interesting to me that the Senators on the other side of the aisle are fearful of the word "competition." The thought that the private sector might have to compete for providing services to the Federal Government with the public sector is unacceptable to them.

When you look at the Department of Defense, they spend over \$96 billion a year on contracts per services. How many of those are competitively bid? Less than \$1 billion. Ninety-five billion out of \$96 billion in these contracts for services go without competitive bid. It has created cozy, sweetheart, comfortable arrangements with companies and the Pentagon. They do not want to compete. They do not want to stand up against those who say we can do it for you more professionally, more cheaply, more effectively. They can't stand the idea of competition. That is why they are opposing the Kennedy amendment.

Should we not at this point in time of our history, with limited resources, fighting a war on terrorism, insist the taxpayers get every dollar of service for every dollar of taxpayers' money they put into our national defense? That is what the Kennedy amendment says. That is why I am happy to co-sponsor it.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. KENNEDY. How much time remains to the other side?

The PRESIDING OFFICER. They have 1 minute 25 seconds.

Mr. KENNEDY. On either side, then? The PRESIDING OFFICER. There remain 1 minute 25 seconds for both.

Mr. THOMAS. I just want to respond to the comments made with respect to OMB. I want to read from a letter from the Director.

DEAR SENATOR WARNER, I am writing to express deep concern over the possible Kennedy amendment [proposal]. While packaged in good-government clothing, this amendment will severely limit the Department of Defense's ability to acquire services necessary to help the Department meet current threats. The Department of Defense must have the flexibility. . . .

While agencies are embracing competition, focusing on core mission, and eliminating barriers to entering the marketplace, this amendment does the opposite.

The Senator was talking about support from this Department, and this is not what is there.

It would require the Government to consider reforming non-core activities that it doesn't have the skills to do when entrepreneurs and their employees are ready, willing and able to perform.

We most focus our agencies on performance and accountability. Now—when our nation is at war against terrorism of global reach—is not time for the Secretary of Defense to have fewer options, for the sake of moving more functions into government hands.

I yield the floor.

Mr. KENNEDY. Madam President, I yield myself the remaining time.

We should not have to get into a discussion about the value of competition. But a year ago one of our colleagues offered a very similar amendment and then Senator WARNER said: Let's wait until we have the Commercial Activities Panel report. That was to guide the Defense Department.

In this report, on page 47, it says:

Establishing a process that, for activities that may be performed by either the public or the private, would permit public and private sources to participate in competitions for work currently performed in-house, work currently contracted to the private sector, and new work, consistent with these guiding principles.

Unanimous recommendation. That is what this amendment does. That is why we believe it is important. It will be in the interests of our national security, the Department of Defense, and the taxpayers. That is why we believe this amendment should be accepted.

I believe all time has expired.

RECESS

The PRESIDING OFFICER. The hour of 12:30 p.m. having arrived, under the previous order, the Senate will stand in recess until the hour of 2:16 p.m.

Thereupon, the Senate, at 12:36 p.m., recessed until 2:16 p.m. and reassembled when called to order by the Presiding Officer (Mr. REED).

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003—Continued

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, parliamentary inquiry: It is the understanding of the Senator from Virginia that the time between 2:15 and 2:30 is to be equally divided between the distinguished Senator from Massachusetts, the distinguished Senator from Wyoming, and myself.

The PRESIDING OFFICER. The Senator is correct.

Who yields time?

Mr. KENNEDY. Mr. President, I yield myself 3 minutes.

Mr. President, under our amendment, the public workers and private contractors alike will have a chance to compete for Department of Defense contracts. It will represent approximately \$100 billion. Only about \$1 billion of that is competed for. We believe competition is good. We believe competition will get the best product at the best price, which will reflect the unanimous recommendations of the recent study. Fewer than 1 percent of these Department of Defense service contracts are done in that way at this particular time.

I don't understand for the life of me why there should be resistance or reluctance to these various proposals. This kind of proposal was considered by the Commercial Activities Panel on improving the sourcing division of the Government, which was chaired by the Comptroller of the United States.

In this particular proposal, one of the recommendations, which was 12 to 0, was the amendment we are offering today. If our Republican friends have trouble with that, why wasn't there some opposition to that in this report? There was none. It is a unanimously favorable report. This wasn't Democrat and this wasn't Republican. These were contractors, representatives of the public, employees, and accountants, talking about how the U.S. Department of Defense could get the best buy for its money. It was said for years that we couldn't go ahead with competition until we finally got the Commercial Activities Panel report. That took a year and half and 11 different hearings with public comments from all over.

This was unanimous. It was not 8 to 4; this proposal was unanimous. They believe as a result of their proposal that DOD is going to get the best services—the American taxpayers are going to get the best buy, the best service, and the men and women of the military are going to be best served.

Why in the world the resistance to that argument?

I withhold the remainder of my time.

The PRESIDING OFFICER (Mr. CORZINE). The Senator from Wyoming.

Mr. THOMAS. Mr. President, I yield myself 5 minutes of our time. We have 7½ minutes. I yield myself 5 minutes out of our 7½ minutes.

I want to respond to the Senator. He asks, who opposes this? Let me give you some idea of who and why.

One, the amendment will increase costs to DOD by \$200 million a year. Secondly, he talks about the report of

the General Accounting Office. There were 10 recommendations that were put out. His deals with one. That is a reason to oppose this.

The amendment would adversely affect DOD's mission. It would mandate, for the first time, that the Federal Government compete with the private sector for work not concurrently performed.

It has problems with the A-76 issue. The Secretary of Defense opposes the Kennedy amendment. The administration has indicated that his proposal goes against the President's governmental performance tasks.

Let me share with you, very briefly, a couple of other comments. This is from the Executive Office of the President, from Mitchell Daniels, who was quoted yesterday as supporting it. He says:

I am writing to express deep concern over the possible Kennedy Amendment.

He goes on to say:

We must focus our agencies on performance and accountability. Now—when our nation is at war against terrorists of global reach—is not the time for the Secretary of Defense to have fewer options, for the sake of moving more functions into government hands.

That is why people are opposed to it. The Secretary of Defense, in a letter, says:

I am writing to express my strong opposition to the draft amendment proposed by Senator Edward Kennedy.

Then he closes the letter by saying:

The proposed amendment would increase Department costs and dull our warfighting edge.

Then, just in numbers, we all mentioned the Secretary of Defense and OMB. We also have organized labor. The Seafarers International Union, the Industrial Technological Professional Employees, International Union of Operating Engineers, the International Brotherhood of Boilermakers—these are some of the folks who have found that this will not help implement what we are seeking to do; that is, to be able to utilize the members of the military and the things they do at a time when it is more difficult to fulfill those responsibilities. To shift some of those responsibilities back to the military away from the private sector seems to be absolutely contrary to what we are seeking to do.

I urge all Members of the Senate to oppose this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield myself another 2 minutes.

I have listened to my friend and colleague. He says they are opposed because of cost. The fact is, how do they say it is going to cost more when we are going to get competition? We are going to get competition.

The fact remains we have the unanimous recommendation of the group that studied this issue, and they believed the taxpayer would be best served, and DOD would be best served as well with that recommendation.

What is the current situation? Under the current situation, I understand if you are able to get the contracts, you do not want to change the system. That is what is going on on the floor of the Senate. They do not want competition. They have their contracts. They have the sweetheart contracts, and they are saying no.

Listen to this: The GAO found that the costs of nearly 3,000 spare parts purchased by the military increased by 1,000 percent or more in just 1 year. If you have that kind of contract, why do you want competition?

There it is. Taxpayers are the ones losing out. One small part, a hub, estimated to cost \$35, was sold to the Government at the contractor's price for \$14,000. If you have that kind of deal, why do you want competition? That is the issue, plain and simple.

It is not just the belief of the Senator from Massachusetts, that is the unanimous recommendation of those who have studied it, contractors, workers, and all. Most of us believe that competition does improve the services and the quality of the products. So you find out that is the result.

We have heard time in and time out about the various kinds of products that have been produced, and the costs and the escalation of those costs. I have a sheet right in my hand. This is the GAO oversight. These are the costs on it.

Hub, body, estimated to cost \$35, sold for \$14,000; transformer, radio, \$683 was the unit price, but they charged \$11,700; The list goes on and on.

The PRESIDING OFFICER. The Senator has used 2 minutes.

Mr. KENNEDY. Mr. President, I yield myself another minute.

I have not heard from the other side the answer to these questions. Why don't we have something other than just reading a letter from some people who are serving the interests of those contractors and explain to me why they cannot do it? We have not heard it. It is going to be difficult. It is going to be awkward. Yet we have the very important statements that have been made by people, even within the current administration, who say this can result in competition that can result in important savings.

That is what we want to do. That is what this amendment is about.

I reserve the remainder of my time.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. One minute 20 seconds.

Mr. KENNEDY. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. KENNEDY. Mr. President, how much time does the other side have?

The PRESIDING OFFICER. The opposition has 3 minutes 52 seconds.

Mr. KENNEDY. Mr. President, I yield myself my remaining time.

Mr. President, on September 11, the brave men and women who work in the

Pentagon faced a great tragedy. When that airplane plowed into the Department of Defense, our fellow citizens working there lost coworkers and joined in the valiant effort to save the injured and tend to the Defense Department families shaken by this act of terrorism.

This amendment is about giving these Americans a chance, a chance to show they can do a good job and deserve the work, if they can do it better and more efficiently than a defense contractor, a chance to embrace the American spirit of competition and free enterprise by competing for Government contracts on the same basis as private-sector companies.

And this amendment is about our values as Americans. Our country was built upon our ingenuity, fueled by the spirit of free enterprise. If you can make a better product at a lower cost than the other guy, then you deserve the business. That is the American way. And it is that spirit of entrepreneurship that makes America the envy of the world.

My amendment lets that American spirit thrive. It puts real competition into defense contracting and, in the process, gives a real boost to the taxpayers and to our own values as Americans.

I urge the Senate to support my amendment.

The PRESIDING OFFICER. Who yields time?

The Senator from Virginia.

Mr. WARNER. Mr. President, have the yeas and nays been order?

The PRESIDING OFFICER. They have not.

Mr. WARNER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. WARNER. And I would simply say to my good friend from Massachusetts, what has been omitted from this discussion is the tens upon tens of thousands of Government employees doing superb work in the public shipyards, in the rework centers in several States. Somehow we have looked at a very narrow segment of the overall business of the Department of Defense without referring to the magnificent contributions by hundreds and hundreds of thousands of Government employees.

So, Mr. President, at this time I move to table.

The PRESIDING OFFICER. Does the Senator yield back his time?

Mr. WARNER. All time is yielded back on this side.

The PRESIDING OFFICER. Does the Senator from Massachusetts yield the remainder of his time?

Mr. KENNEDY. I believe my time has expired.

I believe we need to ask for the yeas and nays on the motion to table; am I correct?

The PRESIDING OFFICER. Is there a sufficient second?

Mr. KENNEDY. On the motion to table.

The PRESIDING OFFICER. There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 49, as follows:

[Rollcall Vote No. 162 Leg.]

YEAS—50

Allard	Ensign	Murkowski
Allen	Enzi	Nickles
Baucus	Fitzgerald	Roberts
Bennett	Frist	Santorum
Bond	Gramm	Sessions
Breaux	Grassley	Shelby
Brownback	Gregg	Smith (NH)
Bunning	Hagel	Smith (OR)
Burns	Hatch	Snowe
Campbell	Hutchinson	Specter
Chafee	Hutchison	Stevens
Cochran	Inhofe	Thomas
Collins	Kyl	Thompson
Craig	Lott	Thurmond
Crapo	Lugar	Voinovich
DeWine	McCain	Warner
Domenici	McConnell	

NAYS—49

Akaka	Durbin	Lincoln
Bayh	Edwards	Mikulski
Biden	Feingold	Miller
Bingaman	Feinstein	Murray
Boxer	Graham	Nelson (FL)
Byrd	Harkin	Nelson (NE)
Cantwell	Hollings	Reed
Carnahan	Inouye	Reid
Carper	Jeffords	Rockefeller
Cleland	Johnson	Sarbanes
Clinton	Kennedy	Schumer
Conrad	Kerry	Stabenow
Corzine	Kohl	Torricelli
Daschle	Landrieu	Wellstone
Dayton	Leahy	Wyden
Dodd	Levin	
Dorgan	Lieberman	

NOT VOTING—1

Helms

The motion was agreed to.

Mr. DASCHLE. 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. LOTT. 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 Senator from Mississippi.

Mr. LOTT. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNANIMOUS CONSENT REQUEST—S.J. RES. 34

Mr. LOTT. Mr. President, I know we have a lot of work to do on the Defense authorization bill. I believe we are making good progress. I know Senator DASCHLE is going to have to make a call sometime today about whether or not we are going to be able to get a lockdown list or whether he files cloture. I am interested in discussing that with him before he makes a final deci-

sion because we want to be helpful in getting the work done.

I had indicated earlier also that we hoped we could get a time agreement and understanding and all Senators would be on notice as to when we would proceed on the issue involving the Yucca Mountain disposal site. I ask, notwithstanding legislative or executive business or the provisions of rule XXII, immediately following completion of the Defense authorization bill but no later than July 9, the majority leader or the chairman of the Energy Committee be recognized in order to proceed to Calendar No. 412, S.J. Res. 34, and in accordance with the provisions of section 115 of the Nuclear Waste Policy Act, the Senate then vote on the motion, with no further intervening action or debate.

I further ask that the motions be agreed to, the Senate consider the joint resolution under the statutory procedure set forth in the Nuclear Waste Policy Act; further, that once pending, the resolution remain before the Senate to the exclusion of any other legislative or executive business; and finally, upon conclusion of floor debate and a quorum call, if requested, as provided by the statute, the Senate vote on H.J. Res. 87 without further intervening motion, point of order, or appeal.

Mr. DASCHLE. I object.

Let me simply say, I reiterate what I have said on several occasions. As the Republican leader knows, a unanimous consent request in this case is not necessary. The statute allows any Senator to bring the bill to the floor and make a motion to proceed. It is not debatable. The vote occurs. If it is successful, the debate, under the statute, is required for a period no longer than 10 hours. Any Senator is capable of doing that.

I object today simply because, of course, we have to finish our work on the Defense authorization bill. We are not sure yet what the circumstances will be with regard to the supplemental. I hate to have this legislation supplant an emergency supplemental dealing with our Armed Forces and dealing with the emergency needs of counterterrorism. That is exactly what this proposal would do. It would supplant it if that were the pending business. We are hopeful we can accommodate the priorities of the country and the Senate in a way that recognizes the importance of proper sequencing of legislation including the supplemental. As I say, it certainly also recognizes any Senator's right to bring it to the floor.

I am personally very opposed to the Yucca Mountain legislation as is presented. I oppose it and urge my colleagues to oppose it as well. We have a large majority of our colleagues on this side of the aisle who oppose it. However, for that reason as well as for the procedural reasons I have just described, I do object.

The PRESIDING OFFICER. The Republican leader.

Mr. LOTT. If I could use leader time to comment further, I understand why the Senator would object at this time. However, I make it clear to all the Senators on both sides of the aisle and both sides of the issue, we will make every effort to make Senators aware of when this issue might come up, give them maximum opportunity for the majority leader or the chairman of the Energy Committee to call up this issue, and also so that Members know when we are actually going to get to the issue itself.

The way this is set up under expedited procedures, once we go to it, once the motion to proceed is agreed to, there will be 10 hours of debate and we will go to the final vote. I think that is the right scenario. However, I caution Senators, there is a deadline. Under the law there was a certain amount of time this legislation could be pending in the Energy and Natural Resources Committee and there was a certain specified period of time during which it could be available for the Senate to act. If we do not act by July 27, the veto of this issue by the Governor of the State involved will hold. The worst of all worlds would be not to act in a responsible way with a clear vote in the prescribed amount of time we have available. By going to this issue the first week we are back, everybody will know when to expect it to come up, and it will be assured that we get it done before the expiration date of July 27.

We will continue to speak about the importance of this issue. We have been working on it many years, and we have spent an awful lot of taxpayers' money. It is time we make a decision and move forward with this repository.

I am happy to yield to Senator MURKOWSKI.

Mr. MURKOWSKI. I certainly urge the two leaders to proceed and recognize the obligation we have to bring this matter to a vote. It would be a grave reflection on the Senate to not take up this matter prior to July 27. The House has done its work and spoken with an overwhelming vote in support of proceeding with Yucca. To allow this matter simply to die through inaction is a grave reflection on what was intended to be a balanced procedure, giving the Governor of the State of Nevada an opportunity to present the opinion of the State of Nevada, yet allowing for both the House and Senate to vote on the issue.

I encourage the two leaders to give us the assurance that we would have an up-or-down vote, that it would simply not be allowed to die in the course of events that clearly are going to take a great deal of time and effort as we proceed with the calendar.

July 27 is the drop dead date for the procedure, as the minority leader indicated. He will be forced to vote on the motion to proceed followed by 10 hours of debate and then the final disposition. I remind my colleagues of the fiscal responsibility we have in light of

the realization that the Federal Government entered into a contract, a contract with the utility companies that develop nuclear power in this country, to take that waste in 1998. The ratepayers have paid in the area of \$16 billion to \$17 billion to the Federal Government. The Federal Government is derelict in not being responsive to contractual commitments or contractual agreements, with the possibility of potential litigation, to the taxpayers of this country, somewhere between \$40 billion and \$70 billion for the failure of the Federal Government to honor the terms of that contract.

The longer we delay this process—when I say “delay,” I am talking about just that: Proceeding with the process that would basically lead to a time sequence that would not allow us to dispose of this issue is irresponsible. As a consequence, I encourage the two leaders to give us the assurance that we will have an up-or-down vote, we will be allowed to have 10 hours of debate, prior to July 27. To not do that, indeed, would be a very grave and negative reflection of this body—simply ducking its responsibility.

Mr. LOTT. Mr. President, it will be better if I yield the floor and allow the Senator to get time on his own so he will not have to think he is being inconsiderate of me by the time he takes. I yield the floor.

The PRESIDING OFFICER (Mr. CARPER). The Senator from Nevada.

Mr. ENSIGN. Mr. President, I thank the majority leader for objecting today, and I appreciate his opposition to this project.

The junior Senator from Alaska talked about an obligation to move this legislation. I think there is never an obligation to do the wrong thing.

I believe that proceeding on the issue of Yucca Mountain would be the wrong thing for this country for several reasons. There are a lot of misconceptions when it comes to Yucca Mountain. It is said we have a contract with the utility companies. That is simply because this Congress decided to enact a law based on politics and not based on what the country actually needed.

Over the time of studying Yucca Mountain, we have a process that has become extraordinarily expensive, so much so that during the 1980s they dropped two of the sites they were studying because the costs were out of sight. Now, in the late 1990s or early 2000, the costs are going out of sight again. The latest cost estimate for Yucca Mountain is close to \$60 billion. That is as much money as the cost of all 12 of our aircraft carriers.

The stated purpose is so we can make nuclear power more viable in the future, if we have a solution for the waste. I submit to my colleagues that Yucca Mountain will not make nuclear power more viable because of the expense.

We talk about the trust fund, that the ratepayers are paying into this trust fund. They paid in approximately

\$11 billion. When you count interest on that money in these phony trust funds that we have set up the trust fund is somewhere around \$17 billion. We have spent about \$8 billion of that so far, \$4 billion on Yucca Mountain, constructing Yucca Mountain.

People have no idea. Because they go out there and see this very impressive hole in the ground, they think we are almost done. We have hardly even scratched the surface. It is a huge project, hugely expensive. It is going to come out of the general revenues. That means taxpayers across the country who do not have nuclear power in their States are going to be paying for Yucca Mountain for years and years into the future.

I will close. It is talked about that any Senator can bring this legislation to the floor. That is true. It says right in the act that any Senator can bring this legislation to the floor. Under the rules of the Senate, any Senator can bring any legislation to the floor, but the precedent and the history and the tradition of the Senate is that only the majority leader brings legislation to the floor of the Senate. There have been five pieces of legislation that had similar language to the Nuclear Waste Policy Act, where it specifically stated that any Senator could bring the legislation to the floor. However, in that history of those five pieces of legislation, three of them were brought to the floor by the majority leader, and regarding two of them, the majority leader actually got them not brought forward to be considered in the Senate.

If somebody besides the majority leader brings this legislation to the floor, we are breaking with the traditions of the Senate. Because we do not have a Rules Committee that says how legislation will come to the floor in the Senate, the same way the House has a Rules Committee, I believe we are setting a very dangerous precedent for the majority.

On this side of the aisle we happen to be in the minority right now. Someday we would like to be in the majority. I think it sets a dangerous precedent for us on this side of the aisle, if we are going to be in the majority someday, for this type of legislation to go forward without the majority leader bringing the bill to the floor. He has announced his opposition, and we appreciate that. But I remind my colleagues it is said, because this legislation is so important, that we need to set this kind of precedent; that people do not believe, because of the importance of this legislation, that we are setting that precedent.

I say, to the contrary, there are a lot of pieces of legislation that we look at around here that we say are very important. If a majority of Senators get together, regardless of which side of the aisle they are on, and offer a motion to proceed, they can control the floor of the Senate and thereby become the majority in and of themselves.

I thank the majority leader for the work he is doing in trying to defeat

this legislation. My colleague from the State of Nevada, the senior Senator, has done yeoman work over the years, and I appreciate all his efforts. We are going to continue to fight this legislation, not just because we believe it is bad for our State but, more importantly, we believe this legislation is wrongheaded for the United States of America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I wanted to speak to the Defense authorization bill and was curious as to whether we are back to regular order on the Defense authorization. We are back to regular order?

The PRESIDING OFFICER. That is pending.

Mr. ALLARD. Mr. President, I thank my subcommittee chairman on the Strategic Subcommittee on Armed Services for his leadership. On this particular subcommittee, we do not always see eye to eye, and I appreciate his willingness to reach out and work with us. I value our working relationship with my chairman on the subcommittee.

There is certainly much in the committee bill I am able to support. One of my particular interests for several years has been the use of commercial imagery to help meet the Nation's geospatial and imagery requirements. I do not believe the Department of Defense has been aggressive enough either in crafting a strategy or in providing funding for this purpose.

I am gratified that the committee bill includes a substantial increase for commercial imagery acquisition and some very helpful words in report language that I suspect will drive the Department toward establishing a sound relationship with the commercial imagery industry.

I also appreciate the support of the new Department of Energy environmental cleanup reform initiative that will incentivize cleanup sites to do their important work faster and more efficiently. The accelerated cleanup initiative will reduce risk to the workers, communities, and the environment, shorten the cleanup schedule by decades, and save tens of billions of dollars over the life of the cleanup. The bill adds \$200 million to this initiative, and I expect the Department of Energy will make tremendous strides.

In both of these areas, I believe the bill makes excellent progress. However, early in the process of crafting this bill, I made it very clear that one of my top priorities was to assure that ballistic missile defense programs are adequately funded. I am deeply disappointed that the committee bill, by the margin of one single vote, reduces missile defense programs by more than \$800 million. This represents an 11-percent decrease to the missile defense request for fiscal year 2003, a request, I might add, that was already less than what was appropriated for fiscal year 2002, by some \$200 million.

I believe reductions of this magnitude are unjustified and will do deep and fundamental harm to the effort to develop and deploy effective missile defenses as efficiently as we can.

In the wake of the events of September 11, I believe missile defense is more important than ever. As the Director of Central Intelligence George Tenet testified before our subcommittee, we don't have the luxury of choosing the threats to which we respond. Missile threats have a way of developing faster than we expect.

I opposed the bill in committee because of these reductions, and I intend to support, as vigorously as I can, efforts on the floor to restore the funding. I am disappointed we could not find an acceptable compromise on this issue in committee, and I look forward to working with my chairman in a continuing effort to find an acceptable resolution to this disagreement.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I rise to speak about the soon to be laid down amendment by Senator WARNER on missile defense. This is a major topic for the body to consider. It is a major topic for the country. I want to address it from a number of different perspectives but primarily from the perspective of the threat we are facing in the international community today.

We are seeing now what is taking place in Iran. I wish to draw special notice to what is occurring there. We are seeing terrorism being supported greatly from that country. We are seeing them supporting terrorist threats and terrorist efforts and funding and even providing arms to terrorists in a number of countries throughout the region. They are supporting it in Lebanon. They are supporting it in central Asia. They are developing the missile capacity in Iran.

Iranian missile capacity has developed substantially now. They are expanding their sphere of influence to the extent of how far the delivery of their weaponry is that they can go with the missiles they have.

Iran, as the President identified, is one of the countries comprising the axis of evil. They seek to do away with the Israeli State, they seek to expand substantially their threat in the region, and they are no friend of the United States. They also have no reservation whatsoever about using the weapons of mass destruction that they have, even targeted toward the United States.

Here is a country that clearly means us harm. Here is a country that is developing and expanding its missile capacity. Here is a country that has some capacity for weapons of mass destruction already and is trying to obtain nuclear capacity, nuclear weapon capacity, which some countries believe they will have in the next several years. That is Iran.

We see what is taking place in North Korea. North Korea has developed and

has missile capacity. They have a missile with a substantial range of influence and threat. They share those with a number of other rogue regimes around the world. North Korea has weapons of mass destruction. We don't know about their nuclear capacity and development. They are probably trying to pursue it. That is a country that also means us harm. This is a nation that is a failed state.

Our estimate is that over the last 5 to 7 years at least 1 million North Koreans have died of starvation. At the same time they are developing this massive missile and weapons capacity, there are people fleeing North Korea today. In the last week, we saw that there were 27 people, I believe, from North Korea seeking refuge in the embassies in China to get out of the repressive regime in North Korea. The state has failed. Buildings are collapsing in that state. When people are caught in that building, they get crushed. North Koreans are fleeing from that failed state. They are trying to get out.

This country is maintaining a missile capacity that threatens a number of U.S. allies and could potentially in the near future threaten the United States.

With both of these known examples in Iran and North Korea, why on Earth would not the United States develop a missile defense system when we know these threats are there?

These are state sponsors of terror. By our own account, they are one of the seven countries that are state sponsors of terror. They are doing this financially, with weaponry, and by some accounts with their own officers. They are selling these missiles around the world, as we know is the case with North Korea.

Why wouldn't the United States as rapidly as possible develop our missile defense capacity when we know this is taking place?

The first order for our defense is to provide for the common defense. That is the reason we created the Federal Government.

When we know these things are being developed by two countries that mean to do us harm, why would we not as rapidly as possible use our efforts to develop a missile defense system? Clearly, we should be doing this. This should be of the highest order for us. If one of these could reach U.S. shores—and they may be able to do so in the near future with the development of what is taking place in these two countries, and where they are offering to sell their missile capacity—it could cause enormous harm and death in America.

They currently threaten a number of our allies. They would cause enormous death in those nations.

We should be developing a missile defense system as fast as possible. Unfortunately, the Senate Defense authorization bill is hindering the effort with what is currently in the bill. That is why I am supporting Senator WARNER'S

effort to amend this bill so we can move forward with a missile defense system on a very rapid basis.

The bill which passed out of the Senate Armed Services Committee includes a \$814.3 million reduction to the budget requested for ballistic missile defense. The Warner amendment would provide the authority to transfer up to \$814 million within the request to be used for ballistic missile defense and DOD activities to combat terrorism, as the President determined. The administration supports this budget request and opposes the reductions put forward in the committee bill for the Missile Defense Program. This is a reasonable position for the administration to take given the needs that we have for missile defense. It is one we should support, and it is one for which we should be having a robust missile defense program moving forward.

For my own State's perspective, this Warner amendment would restore \$30 million to save a spot on the production lines for the second airborne laser aircraft. The acquisition of the second ABL aircraft is essential to the continuation of the program. The first aircraft, which I have seen, is a very impressive aircraft that I think is going to be used in not only missile defense but in other capacities as well.

The Senate Armed Services Committee's version of the bill is not amended to include additional missile defense funding. Secretary Rumsfeld has stated that he will recommend to the President that he veto the fiscal year 2003 National Defense Authorization Act. That is from the Secretary of Defense—a recommendation to veto.

The Missile Defense Program that was developed is a balanced effort to explore a range of technologies that will allow the United States to defend against the growing missile threat facing this country and our forces, friends, and allies.

I just articulate two countries that we know of that are problematic.

What if things occur in other countries? For instance, we are developing and should grow in our alliance and work with Pakistan. This is a very difficult country. What if President Musharraf is not successful and more radical elements take over in Pakistan? That is a country with both nuclear and missile capacity. This is not one of those far-flung possibilities. This is a very real possibility that could take place. We hope we are working against it. I support President Musharraf. This country is very supportive of him. He has done a lot of excellent work. Recently, he helped in reducing tensions between India and Pakistan.

It is a very real possibility for which we should be preparing. If that eventuality happened, and the United States said, OK, now we need to build a missile defense system to offset what is taking place in someplace such as Pakistan, it is too late.

According to Secretary Rumsfeld, the \$814 million shortfall in funding

would impose a number of burdensome statutory restrictions that would undermine our ability to manage the Missile Defense Program effectively.

The amendment provides the President flexibility to determine which use of the funds is within the national interest. The funds could be corrected to meet any new terrorism threat that may evolve.

The ballistic missile defense reductions in the bill are considerable and will impair the ability of the Department of Defense to move forward in its effort to develop and deploy effective missile defenses.

The Warner amendment is consistent with the National Missile Defense Act of 1999, which passed the Senate, I remind the body, by a vote of 97 to 3—virtually unanimous—that set out a goal of deploying an effective missile defense for the territory of the United States as soon as technologically possible.

That was the standard we put forward. With the Warner amendment, we could meet that. Without it, we will not. We will not have the funding necessary to meet what we can do technologically. There will be restrictions of what we can do.

In addition, the National Missile Defense Act of 1999 set a goal of further negotiated reductions in nuclear weapons programs from Russia.

The amendment provides the opportunity to make more rapid progress in developing and deploying effective missile defenses, a goal endorsed by 97 of our colleagues.

The Warner amendment provides an offset based on anticipated inflation savings and will have no impact on other programs.

Even though the Warner amendment would boost the bottom line of the bill, it is protected from a budget point of order because it would authorize discretionary spending—not mandatory spending.

The amendment will keep the defense budget within the amount requested by DOD.

We have a number of possibilities for harm that could come to the United States—possibilities of nuclear, radiological, chemical, or biological weapons capability. And we have possibilities that would be enormous disasters.

We know the al-Qaida network is pursuing these means of destruction on the United States. U.S. intelligence uncovered rudimentary diagrams of nuclear weapons in an al-Qaida safehouse in Kabul. This year, the CIA reported that several of the 30 foreign terrorist groups and other nonstate actors around the world “have expressed interest” in obtaining biological, chemical, and nuclear arms. Such weapons of mass destruction can be delivered on ballistic missiles aimed at U.S. forces and our friends. We cannot let this happen.

Today, our security environment is profoundly different than it was before September 11. Perhaps I should say it

is not profoundly different, but we realize how incredibly vulnerable the United States is, and we should have realized that prior to September 11.

The challenges facing the United States have changed from threat of a global war with the Soviet Union to the threat posed by emerging adversaries in regions around the world, including terrorism. In the wake of the attacks on the World Trade Center and the Pentagon, we need to look at the threat posed to us as a nation and how we should best utilize resources, which certainly includes an effective Missile Defense Program.

For those reasons, I strongly support the amendment soon to be laid down by the Senator from Virginia, Mr. WARNER.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I have been listening to the Senator from Kansas. He makes eminent sense. He demonstrates a frustration that we have been living through now for certainly the last 10 years.

He mentioned the Missile Defense Act of 1999. There was an act that was passed. It was passed by a huge margin, and certainly was a veto-proof margin, so the President did sign it. But then, after that, we did not comply with the act. We have been living since—that was signed in 1999—outside the law in terms of taking the action to deploy “as soon as technologically possible.” I think the excuse that was used at that time was the ABM Treaty. I am very thankful that finally we have crossed that bridge and we have gotten that behind us.

I have often looked back to 1972—and of course that was a Republican administration, and I am a Republican—when we had Henry Kissinger. And at that time they said: There are two superpowers, the Soviet Union and the United States of America. The whole thrust of that was mutually assured destruction. You won’t protect yourself; we won’t protect ourselves. You shoot us, we will shoot you, and everybody dies, and everybody is happy.

That was a philosophy that everybody believed at that time. That was not the world of today. Sometimes I look wistfully back to the cold war. We had two superpowers. At least there was predictability. We knew what they thought and what their capabilities were. That is not true today. We have a totally different world.

Even Henry Kissinger, who was the architect of that plan, in 1996, said it is nuts to make a virtue out of our vulnerability. That is exactly what we have been doing.

I regretted each time President Clinton vetoed the Defense authorization bill. I remember the veto message. It said: I will continue to veto any authorization bill or any bill that has money in it for a threat that does not exist—implying, of course, that the threat did not exist: A nuclear weapon,

a warhead being carried by missile, hitting the United States of America. That was in 1995, his first veto.

Yet when we tried to get our intelligence to come up with some accuracy as to when the threat would exist, the National Intelligence Estimate of 1995 was highly politicized and said we were not going to have this threat for another 15 years. At that very time our American cities were targeted by Chinese missiles. At that time, of course, that was classified. It is not classified anymore. The threat, nonetheless, was there.

I share the frustration of my friend from Kansas. I have 4 kids and 11 grandkids. I look at the threat that is out there. I was very pleased when the Rumsfeld commission established, in 1997, that the threat was very real, the threat was imminent, and the long-range threat could emerge without warning.

I was, as the years went by, trying to get some information to shock this institution and other institutions into the reality that the threat was imminent.

I recall writing a letter to General Henry Shelton, Chairman of the Joint Chiefs of Staff, and asking him if he agreed with the Rumsfeld recommendations. He said the rogue state threat was unlikely, and he was confident the intelligence would give us at least 3 years’ warning. This was at a time when we also included in this letter: Would you tell us when you think North Korea would have the capability of having a multiple-stage rocket? He said that that would be in the years to come. That was August 24, 1998. Seven days later, on August 31, 1998, North Korea launched a three-stage rocket that had the capability of reaching the United States of America.

So all of that is going on right now. All of that has been happening. We are finally at the point where we are going to vote on something—the missile defense capability was taken out of the Defense authorization bill, and now we have an opportunity to put it back. Singularly, this is the most important vote of this entire year, giving us this capability to meet this threat that is out there.

When I talk to groups, I quite often say—particularly when there are young people in the audience—I would like to see a show of hands as to how many of you saw the movie “Thirteen Days.” Of course, most of them saw it. I saw it. It was about the Cuban missile crisis in the early 1960s, how the Kennedy administration was able to get us out of that mess. All of a sudden we woke up one morning and found out cities were targeted by missiles, and we had no missile defense.

In a way, the threat that faces us today is far greater than it was back in the 1960s because at least that was all from one island that you could take out, I believe, in 22 minutes. Now we are talking about missiles that are halfway around the world that, if deployed, would take some 35 minutes to

get here. And we do not have anything in our arsenal—we are naked—to knock them down. That is the threat we are faced with today. It is out there, and it is a very real threat.

I often think about September 11 and the tragedy of the skyline of New York City when the planes came into the World Trade Center. It was a very sad day in our country's history. But I thought, what if that had been, instead of two airplanes in New York City, the weapon of choice of terrorists—in other words, a nuclear warhead on a missile. If that had been the case, then there would be nothing left in that picture of the skyline but a piece of charcoal, and we would not be talking about 2,000 lives; we would be talking about 2 million lives. It sounds extreme to talk this way, but that is the situation we are faced with right now.

When you say, well, of course China is not going to do this, North Korea is not going to do this, and Russia is not going to do this—they are the ones that have a missile that can reach us—let's stop and realize—and it is not even classified—that China today is trading technology and trading systems with countries such as Iran, Iraq, Syria, and Lebanon, so it does not have to be indigenous to be a threat. The threat is there whether they buy a system from someone else or whether they make it themselves.

After the Persian Gulf war, Saddam Hussein said: If we had waited 10 years to go into Kuwait, the Americans would not have come to their aid because we would have had a missile to reach the United States of America.

I suggest to you here it is, 10 years later. The threat is imminent. We are way past due in doing something about it. Today is a significant day when we can set out to do that, something that would defend America. That is the primary function of what Government is supposed to be doing. We have an opportunity to do that today.

So I encourage all my colleagues, for the sake of all of their people whom they represent back home, and for the sake of my 4 kids and my 11 grandkids, let's get this thing started and pass the Warner amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, this morning I had the opportunity to address the issue of missile defense from my perspective as the chairman of the Strategic Subcommittee of the Armed Services Committee.

In the course of our deliberations over many months, with many hearings, hours of testimony, and more hours of briefings and staff contacts, we looked very closely at the proposed budget for missile defense this year by the Department of Defense. We supported many of their initiatives.

We are recommending \$6.8 billion of new funding for fiscal year 2003. But let me put that in a larger context. For fiscal year 2002, the Department of De-

fense estimates they have only spent \$4.2 billion of previously authorized money, leaving approximately \$4 billion of carryover funds for fiscal year 2003. So our recommendation, together with carryover funds, will give the Department of Defense more than \$10 billion of available funding for fiscal year 2003.

That is a staggering amount of money. It is the largest 1-year funding source for missile defense I think we have ever had in our history. It is the combination of not only what we authorize this year for fiscal year 2003, but what has been authorized and not spent for fiscal year 2002.

Mr. ALLARD. Will the Senator from Rhode Island yield on that point?

Mr. REED. I am happy to yield.

Mr. ALLARD. My understanding is they actually did not get into the spending, because we were in session late last year, until the second quarter. So when you get into second-quarter spending on a full year's allocation, obviously you are not going to have the opportunity to spend all the dollars. It is not because the need is not there, it is just because we were in session so late last year, in December, and that is the reason those dollars that were budgeted did not get spent. I have all the confidence in the world we probably will catch up with that.

Mr. REED. I thank the Senator, my colleague, the ranking member from Colorado, for that point. I do not disagree with that point, but I am making a different point, which I will make again; which is, regardless of what caused them not to spend the money last year, that money seems to be entirely available this year, together with our proposed funding level, and gives the Missile Defense Agency over \$10 billion to spend on missile defense in fiscal year 2003. That is robust funding by any definition. The suggestion that we are cutting out the heart of funding for missile defense is, I think, erroneous.

We are supporting very strongly a missile defense program, but we are not supporting it without looking carefully at its components and making tough choices about priorities of spending.

That is why, as a result of our proposed reductions, we were able to move significant amounts of money into shipbuilding, which every Member of this body strongly recommends, commends, and supports. In addition, we were able to move some money into Department of Energy security for their nuclear facilities, which is very important. We also have, in fact, provided a bill that robustly supports missile defense.

We did reduce the overall recommendation of the Department of Defense for missile defense, but we also added funds into specific missile defense programs which we believed were underfunded. For example, we added an additional \$30 million for test and evaluation of missile defenses. One of the

persistent criticisms of our missile development program is that they have not had realistic testing, that they have had tests but they didn't really represent in any meaningful way the type of actual environment in which the missiles must operate. We added additional resources. This is one of the recommendations of everyone who has looked at the Missile Defense Program.

We have added \$40 million for a new, powerful, sea-based radar for the Navy theater-wide system. Again, this is a system which General Kadish, director of the Missile Defense Agency, announced 10 days ago or so was a likely candidate for contingency deployment in the year 2004.

That was not suggested or recommended by the administration, but we believed very strongly that an additional \$40 million to develop this radar was key to developing the Navy theater-wide system which could be the major element of the sea-based system.

We have also added \$40 million for the Arrow missile defense system. That is a joint United States-Israeli program to develop and field—and it is far into the development phase—a theater missile system that will protect not only Israel but United States forces, too, because we hope we will emphasize interoperability as we go forward with the development of that system.

Many colleagues have said the danger of terrorists obtaining missiles is acute in the Middle East, and we are putting more money into the system than was requested by the Department of Defense to ensure that our allies and our forces in that region have an effective missile screen. That is a plus—not a minus—that we added, that the administration did not request.

We have also included \$22 million for an airborne infrared system which could be used as a near-term, highly accurate detection and tracking system for national or theater missile defense. Again, this was not requested by the administration but supported and included by our deliberations at the committee level because we do in fact want to see an effective missile defense system fielded at an early time.

Let me talk about some of the reductions we made. Before I get into details, we asked some basic questions: What are you going to spend the money for? What is the product? What do you want to buy? When do you plan on deploying such-and-such a system? Frankly, the answers we got were very vague, very ambiguous. The Missile Defense Agency seems to be in the process of redefining their role, which is incumbent upon this new agency. But in that phase of redefinition, they were not able to provide the kind of specific data we requested. In fact, in some cases they just plain refused to provide any really adequate information.

One example is that in last year's authorization, we requested, required by law in the report language, that they report to us on the life-cycle costs of any system going into the engineering

phase. THAAD was in that engineering phase, and THAAD is a theater ballistic missile being developed right now. Rather than reporting to us the life-cycle costs, they simply administratively took THAAD out of that engineering phase, which suggests to me that either they don't have these life-cycle costs or they were unwilling to share them with the Congress.

We have to know these things. We have to make judgments about critical systems, not just missile systems, shipbuilding, the operational readiness of our land forces, our air forces. All of these are tough choices with scarce resources. At a minimum, we have to know how much these proposed systems will cost. In the case of missile defense, it is very difficult, if not sometimes impossible, to get that information.

We looked at programs and expected they would be justified and detailed in concrete ways. Frankly, we found many programs that appeared to be duplicative, ill-defined, and conceptual in nature. And these programs were not inconsequential. We are not talking about a couple of million dollars to do a study, we are talking about hundreds of millions of dollars; in the case of the Navy theater-wide, \$52 million to do a study of concepts for sea-based mid-course naval defense.

So that was the approach we took: Look hard at all of these programs, with the purpose of trying to ensure that missile defense development goes forward but also to ensure we had resources for other critical needs of the Department of Defense.

One of the areas that appeared to us to be the least well justified was the area of the BMD system cost—approximately \$800 million—used, as they say, to integrate the multilayered BMD system. First, there are a couple of timing issues. The various components of this BMD system have not yet been decided. As a result, they have an awesome challenge to integrate components that have not been decided upon. That is just an obvious starting point. Again, there was not the clear-cut definition of what they were doing, and \$800 million is a great deal of money to spend on simply contracting for consultants, engineers, and systems reviews, particularly when the architecture of the components is not yet established.

We also found out, as we looked back at last year's authorization, which included a significant amount of money for this BMD system, that the Department of Defense, as of midway through the year, had only spent about \$50 million. We were informed that throughout the course of the year they are expected to spend about \$400 million, leaving about \$400 million of resources in this one particular element, BMD systems, that is available for fiscal year 2003 spending. So even with our reduction in BMD systems, they will still have a significant amount of money, upwards of \$1 billion, for fiscal year 2003, in this one category of BMD systems.

Again, if you ask them what are they doing: We are integrating systems. We are planning, and we are thinking.

All of that is very fair, but is that a sufficient justification for \$1 billion when we have other pressing needs for national defense in this budget?

As we go forward, we looked, again, very carefully, at all the different elements. We made adjustments that we thought were justified by the lack of clear program goals, by duplicative funding, poorly justified funding, and then we looked at other issues.

For example, the THAAD Program. THAAD is a theater missile defense program that has been under development for several years. It had its problems years ago. It was, frankly, off course. One of the conclusions of the Welch panel that looked at the THAAD Program was that they were rushing to failure. They were trying to do too much too fast. They were abandoning the basic principles of developing a system, good requirements, moving forward deliberately, testing carefully. As a result, the program was in danger of being canceled. The program is back on track now, with better engineering, commitment by the contractors. They are moving forward.

But what the administration would like to do now is to go ahead and purchase 10 extra missiles for the THAAD Program. The problem is that the first flight test for the THAAD is in fiscal year 2005. We fully fund this flight test, \$895 million for the THAAD for developing the missile, for flight testing in 2005. But ask yourself, why would we buy 10 unproven missiles several years before the first flight test?

The administration talks about a contingency deployment. That is nice, but the first real flight test is several years from now. And in a scarce, tough budgeting climate, why are you buying 10 extra missiles that appear to be unnecessary before they follow through with the first test flight. So we made a reduction of approximately \$40 million for those extra missiles.

Now, we also looked at some of the funding for what they described as boost phase experiments—\$85 million. We found these very ill defined and conceptual. That is a lot of money for "experiments," without other explanation.

Then we looked at the proposal to buy a second airborne laser aircraft, \$135 million. The airborne laser is an interesting system, designed to mount a laser in a 747 and use that to knock down a missile as it leaves the launch phase in its boost phase. It is very complicated technology, challenging just in the simple physics, let alone the hardware that you have to construct. I am told that the prototype laser is twice the size of a system that can fit on a 747. I am also told that the 747 that they are outfitting has yet to have been flown operationally in this capacity in a test.

So you asks yourself, when you have not developed a laser, when you have

not used it on the aircraft to actually engage targets, when you are working on basic optics problems and physics problems, why do we have to buy a second airplane in this year? When, for example, you have people complaining that the real chokepoint in our airplane fleet are tanker aircraft to support our ongoing operations. This is an example of expenditure we thought was unjustified. As a result, we suggested and recommended that there be reductions in this program.

Now, I wish to mention one other point in conjunction with the airborne laser because I think it is important. One of the things we discovered in our deliberation was that the Department of Defense has not only totally revamped the Missile Defense Agency, but it is trying to give it an autonomy that exists for few, if any, other defense programs. It has effectively eliminated review of its activities by the JROC, which is chaired by the Chairman of Joint Chiefs of Staff, the warfighters who eventually will use all this equipment. We believe, as with most other programs, that it is required for these people to have a say whether and how missile defense is being developed.

We found out that the Joint Chiefs of Staff were not consulted about this budget that was submitted from the National Missile Agency for missile defense in general; that they did not have an opportunity to say you are spending too little or too much. They were frozen out. Those are the senior uniform leaders of our Armed Forces and they didn't get a say in determining what should be spent on missile defense.

As we develop these systems, we have to think, even at this point, how are we going to use these systems? The airborne laser has real potential in a tactical situation where you are going against theater missiles. If it is going to be used in a national missile situation, where we are trying to back down an aggressor that threatens us with an intercontinental missile launch, a couple issues should be considered: first, this is a 747 doing circles close to the airspace of a hostile nation. If we believe they have the capacity and the will to shoot an intercontinental missile at us, we have to assume they have the capacity and the will to knock down a 747 as it circles in the air waiting for the blastoff. So our first reaction militarily, I think, would be that we would have to dominate the airspace, send our fighters in to preempt the attack so they won't have to send the 747. Why don't we preempt the launch by attacking?

These are some of the operational issues that are being addressed. All we are speaking about here is technological possibilities, but until they are integrated in with the coherent advice of the Joint Chiefs of Staff and JROC, the weight of that advice and of these proposals, I think, has to be questioned. That is our job.

Now, we spent a great deal of careful time reviewing all of these systems. As

I said, we support robust deployment of systems. The PAC-3 system is a theater system that is well on the way to operational readiness. It is being tested right now. We have made some substantial and robust expenditures for the THAAD Program. Navy theater-wide is a program we are supporting in terms of its testing and evaluation. We support the ABL concept. We are funding it but the question before us is, Is it time to buy a second airplane now? I think the answer is no.

The midcourse, the land-based national defense system in Alaska, has been robustly funded. A few days ago the administration announced that a test bed has been started in Alaska for five missiles. That is fully supported in this legislation that we bring to the floor—even though there are real questions about its utility for anything more than a test bed, or even for a test bed.

A contingency deployment would be likely directed against those nations identified as the "evil empire." It turns out that the radar that the system being used in Alaska, the COBRA DANE radar, does not face in the direction of Iraq and Iran. It would be impossible to track those missiles. It has partial coverage of North Korea, but it would be difficult to cover with that radar. The administration has rejected a proposal supported under the Clinton administration to build an X-band radar in conjunction with the Alaska test bed. One of the reasons that the X-band radar was so important was indicated by General Kadish and others in their testimony.

One of the real challenges for a midcourse interception is to identify the warhead from all of the clutter, including decoys that would likely be launched. To do that, you have to have a finely discriminating radar. The X-band is much more finely discriminating than the L band, which is COBRA DANE. The administration says forget that, we are not doing that. Yet we have funded this proposal fully because we recognize that the X-band radar is an important aspect of defending the country. Yet we also recognize we don't have a blank check. We have to make tough judgments about what we spend.

So the idea that we are sort of blithely cutting programs and eviscerating missile defense is, I think, wrong on its face. There is \$6.8 billion in this year, coupled with almost \$4 billion of funds, that can be used from this year, meaning the fiscal year 2003 budget, coupled with almost \$4 billion still available from the fiscal year 2002 budget, is robust funding for missile defense.

My last point is something that I think is important to emphasize in the context of not just this program, but the overall challenge we have. When Secretary Rumsfeld came up to the Appropriations Committee to argue for the cancellation of the Crusader system, he made the point—which I think in his mind was very clear—that we

face a defense bow wave of epic proportions as we go forward. If we fund all the programs that we are proposing right now, we are going to have some very hard choices. One of the problems with Secretary Rumsfeld's evaluation is it doesn't go as far as I think it should because, as far as I know, he is not including the cost of the deployment or operation of any missile defense system in the bow wave.

As we consider the long-term implications, we must consider that we cannot just add funds. We have to be careful about it, and we have to be very careful about what these funds will be used for. We have done a very thorough, detailed review of these programs. We have made suggestions based upon the review. There are other pressing needs. The most glaring to me is homeland defense and antiterrorism expenditures.

There, the possibility for extra spending probably exists. Here I think we have made sound choices about priorities that will help enhance the defense of the country. I urge my colleagues to consider carefully the proposals that Senator LEVIN might make but ultimately to, I hope, agree that the bill we brought to the floor contains robust spending that will enhance our defense through wise expenditures with respect to missile defense.

I yield the floor.

The PRESIDING OFFICER. The majority whip.

Mr. REID. Mr. President, the two managers of the bill are two of the most experienced legislators we have on Capitol Hill, and so I have absolute confidence in both of them. They certainly know how to handle legislation. I have to say, though, it is 4 o'clock. It is Tuesday. We have the July recess coming up soon. I do not know what the leader will do, but I suggest to the leader that he should file cloture on this bill because it is obvious to me we are not going to be finished with this bill tomorrow, and I think we are going to have trouble finishing the bill on Thursday.

The decision is that of the majority leader, but I say to my two dear friends, the senior Senator from Michigan and the senior Senator from Virginia, the manager and ranking member of this most important committee, that would be my recommendation to the leader, that he file a cloture motion sometime this afternoon. It seems to me that is the only way we are going to finish this bill.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, last night I provided Chairman LEVIN with a draft of my missile defense amendment and then we discussed it at length this morning. At approximately 2:35 or 2:40, the Senator provided me with a proposal the Senator from Michigan had. So he had my amendment for a number of hours. I have only had his for about an hour and 30 minutes.

I have a lot of people with strong beliefs over on my side, and it seems to me it is not unreasonable given the amount of time that I was able to provide for the chairman and the leadership on his side, that I would require just a bit more time to resolve good, honest differences of opinion on my side.

Mr. REID. I am wondering if I could ask my friend from Virginia and my friend from Michigan, maybe we should go to some other amendment then?

Mr. WARNER. I ask the indulgence of my good friend to enable me to work a bit and see whether or not we can proceed to a clear understanding for a procedure such that the Senate can address the views of the chairman and the views of the ranking member.

Mr. REID. As I said when I started this statement this afternoon, I have the greatest confidence in the two managers of this bill. That being the case, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. ALLARD. 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 Senator from Colorado.

Mr. ALLARD. Mr. President, I want to make a few comments in response to my colleague's comments earlier about trying to justify the cuts they had in various parts of the Missile Defense Program.

I rise in support of the amendment that is going to be offered by the ranking Republican in the Armed Services Committee, Senator WARNER, and myself, where we are restoring \$814 million for missile defense and activities of the Department of Defense to combat terrorism at home and abroad. This is an important amendment. It will allow the bill to move forward on a bipartisan basis, and I believe it deserves the support of every Member of this body.

The committee bill dramatically reduces the President's funding request for missile defense. This bill actually makes a billion dollars in reduction and then adds back to the ballistic missile defense budget in areas where the funding was not requested. I confess that I am baffled and deeply disappointed that the committee majority insisted on these reductions.

The missile defense request this year was both reasonable and modest, in my view. At \$7.6 billion, it was less than the request for fiscal year 2002 by about \$700 million and less than what was appropriated in fiscal year 2002 by \$200 million. If the committee bill is enacted, missile defense will be funded a billion dollars below last year's funding level.

Many of my colleagues on the other side of the aisle can accept this because they look at missile defense as a

drain on resources that can be better spent on other priorities. This point of view says a missile attack is the least likely threat the Nation must face and that every dollar spent on missile defense is a dollar we cannot spend on more likely threats.

Let us examine this point of view. The contention that a missile attack is the least likely threat the Nation will face is simply false on the face of it. Ballistic missiles pose the most likely threat that we must face. Indeed, we face it today and every day. Missiles and weapons of mass destruction are meant to deter. I know our colleagues on the other side of the aisle believe this. They have often argued that our own nuclear force levels are too high and that effective deterrence does not require that many weapons.

According to the latest national intelligence estimate on missile threats, our Nation faces a likely intercontinental ballistic missile threat from Iran and North Korea and a possible threat from Iraq. Dozens of nations have short- and medium-range ballistic missiles already in the field that threaten U.S. interests, military forces, and our allies. The clear trend in ballistic missile technology is toward longer range and greater sophistication. Once deployed, these missiles threaten the United States, its allies, its friends, and deployed troops. No one has to fire them to be effective. They are effective by their mere presence.

The most recent national intelligence estimate concludes that nations hostile to U.S. interests are developing these capabilities precisely to deter the United States. We already know that our adversaries believe we can be deterred from pursuing our interests. Earlier this year, the Emerging Threats and Capabilities Subcommittee received some remarkable testimony from Mr. Charles Duelfer in his capacity as the Deputy Executive Chairman of the U.N. Special Commission on Iraq. He had the opportunity to interview senior Iraqi Ministers about Saddam Hussein's perception of the gulf war. Many of us are aware that the United States threatened Iraq with extraordinary regime-ending consequences should that nation use chemical or biological weapons against coalition forces during the conflict. The use of this threat has been seen as a triumph of deterrence, but according to Mr. Duelfer, Iraq loaded chemical and biological warheads on ballistic missiles.

Authority to launch those missiles was delegated to local commanders with no further intervention or control by higher Iraqi authorities with orders to launch if the United States moved on Baghdad.

We never attacked Baghdad. The Iraqi regime survived and survives this day, and they attribute that survival to the deterrent effect of missiles and weapons of mass destruction.

Furthermore, the national intelligence estimate also concludes that

the likelihood that a missile with a weapon of mass destruction will be used against U.S. forces or interests is higher today than during most of the cold war and will continue to grow as the capabilities of potential adversaries mature.

We have had testimony from many witnesses this year attesting to the seriousness of the threat. General Thomas Schwartz, then the Commander in Chief of U.S. Forces Korea, told the Armed Services Committee:

As a result of their specific actions, North Korea continues to pose a dangerous and complex threat to the peninsula and the WMD and missile programs constitute a growing threat to the region and the world.

And Admiral Dennis Blair, the Commander in Chief of Pacific Command, testified that he is "worried about the missiles that China builds . . . which threaten Taiwan and . . . about the missiles which North Korea builds . . . to threaten South Korea and Japan." General Richard Meyers, the Chairman of the Joint Chiefs of Staff, in a letter to me dated May 7, 2002, wrote that "the missile threat facing the United States and deployed forces is growing more serious . . . Missiles carrying nuclear, biological or chemical weapons could inflict damage far worse than was experienced on September 11."

In light of the consistency of views expressed by our intelligence community and our military commanders, I just cannot fathom the point of view that disregards the missile threat. And yet we hear that other priorities, such as homeland security, are so much higher than missile defense that deep reductions to funding for missile defense are justified. Let us put this view in perspective as well.

First of all, I would note that missile defense is, quintessentially, homeland defense. Defenses against long-range missiles will protect our people and our national territory, our shores and harbors, our cities, factories, and farmlands from the world most destructive weapons. Defenses against shorter range missiles will protect our allies and our deployed forces that are fighting for our freedom.

Secondly, approving the missile defense budget request will not impair military readiness. General Meyers recently wrote to me he fully endorsed the President's missile defense request, and stated unequivocally that "military readiness will not be hurt if Congress approves the . . . President's budget."

Third, I would note that the missile defense program is not a single program activity. The \$7.6 billion request funds about 20 sizable projects in the Missile Defense Agency and the Army.

Finally, the missile defense request is a modest one when you realize the magnitude of other defense efforts. The missile defense request for fiscal year 2003 is \$7.6 billion. This is a mission we have never done before. In essence, we have almost no legacy capability. Contrast that with the more than \$11 bil-

lion we will spend on three tactical aircraft programs in 2003. We will probably spend about \$350 billion on these three programs over their lifetime. And we have tremendous legacy capabilities in this area. Our tactical aircraft are today the best in the world. Another example: We will spend close to \$40 billion in 2003 on other homeland security programs. These are all important programs and address vital national security needs. But in light of the size of these programs, the view that the missile defense request is wildly excessive or out of line is misleading at best.

Consequently, I believe, as does the President, the Secretary of Defense, the Chairman of the Joint Chiefs, and the theater commander in chief, that the missile defense budget request is fair and reasonable. In combination, these reductions represent a frank and potentially devastating challenge to the administration's missile defense goals and how the Department has organized itself to achieve those goals.

The administration established the Missile Defense Agency and expedited oversight processes. The committee bill would cut literally hundreds of government and contractors employees that work at the Agency's headquarters and for the military services that serve as executive agents for missile defense programs. These are the people who provide information technology, services, security, contract management and oversight for missile defense projects, and they are vital to good management.

The administration seeks early deployment of missile defense capabilities. The committee bill eliminates funds that could provide capabilities for contingency deployment.

The Missile Defense Agency established a goal of developing multi-layered defense capable of intercepting missiles of all ranges in all phases of flight. The committee bill reduces or eliminates funding for boost phase intercept systems and cuts funding for defenses against short, medium, and intermediate range missiles by more than \$500 million.

The Missile Defense Agency established a goal of developing a single integrated missile defense system. MDA established a government-industry National Team to select the best and brightest from industry to determine the best overall architecture and perform system engineering and integration and battle management and command control work for the integrated missile defense system. The committee bill reduces by two-thirds funding for BMD system SE&I and BM/C2 and virtually eliminates funding for the National Team.

The amendment offered by Senators WARNER, LOTT, STEVENS, and I could potentially restore the \$814 million net reduction to missile defense and reverse these unjustified committee actions. We all recognize, however, that missile defense is part of the larger picture of homeland defense. This amendment provides the flexibility to the

President to direct this funding, as he see fit, to research and development for missile defense and for activities of the Department of Defense to counter terrorism.

I personally believe that the President would be completely justified in using the funding for missile defense. But to comfortably with the idea that President can direct these funds according to the Nation's needs as he sees them. If the terrorist threat should take an unexpected turn, these funds could be valuable in the effort to assure that a new threat can be contained. If such is not the case, he can direct the funds to missile defense.

I believe that this is a reasonable and fair compromise that will allow the bill to move forward on a bipartisan basis. The gap between the two sides on the missile defense issue is substantial. I recognize that. This amendment is an honest and fair attempt to bridge that gap in a manner that can satisfy both sides. I urge my colleagues to support this important amendment.

The PRESIDING OFFICER (Mr. JOHNSON). The Senator from Mississippi.

Mr. COCHRAN. I compliment the distinguished Senator from Colorado for his statement. He is a member of the Armed Services Committee which reported this bill to the Senate. He has been a leader in the effort to develop and deploy an effective national missile defense system.

I strongly support the effort being made by Senator WARNER, the ranking Republican on this committee, to amend the bill, to authorize appropriations as requested by the President, for missile defense. It is clear to me that the reductions to that program contained in this bill are designed to prevent the successful development of effective missile defenses. The reductions proposed in the committee bill obviously have been carefully selected to do the maximum amount of damage to the President's plan to modernize these programs. These reductions do not trim fat. They cut the heart out of our missile defense effort.

The President has embarked on a fundamental transformation of these programs which was made possible by the withdrawal from the ABM Treaty. That treaty had led to restrictions on our efforts to develop technologies to conduct tests and to develop effective missile defense capabilities. The treaty outlawed promising basing modes, and it imposed stringent curbs on the types of technologies we could use to defend ourselves against missile attack.

The President plans to transform the separate missile defense programs into an integrated missile defense system which makes the most of the progress we have already made but which is supplemented with new capabilities and new technologies such as the ability to destroy missiles in their boost phase and to base missile defenses at sea. The President's budget request begins to make this transformation a reality.

The committee bill, on the other hand, cuts \$362 million from the request for the ballistic missile defense system, under which fundamental engineering that is necessary to achieve this goal will be undertaken. This cut will eliminate two-thirds of the funding for system engineering and integration, and virtually eliminate the national team which would integrate the various system elements.

The report accompanying the bill erroneously claims that these efforts are redundant with system engineering performed in the individual programs. This is not the case. The engineering work this bill would eliminate is both distinct and vital.

The bill also cuts \$108 million from program operations, again on the erroneous assumption that this effort is redundant. In fact, according to the Missile Defense Agency, if this cut stands, 70 percent of the civilian workforce at the Agency would be eliminated.

The bill also guts the efforts to exploit new technologies and basing modes which previously were prohibited, as I said, in the ABM Treaty, but which we may now pursue. For example, \$52 million is cut from the sea-based midcourse program. That program had a successful intercept just last week, its second in two attempts. But this bill would reduce funds for testing and delay our ability to build on the recent successes.

The airborne laser program, which will provide the United States not only its first airborne missile defense system but the first to use a directed energy weapon, it is reduced by \$135 million in this committee bill, leaving the program with only one aircraft.

And the cuts go on: \$55 million from the sea-based boost phase work; \$30 million from space-based boost; \$10 million from the space-based laser. All of these cuts would severely hamper or eliminate work on promising new basing modes or new technologies, just as we have been freed by the withdrawal from the ABM Treaty to fully undertake our research and investigations.

The bill also cuts efforts for which even longtime defenders of the ABM Treaty and missile defense critics have always professed support. For example, critics have said that our missile defenses need more testing, and outside experts have agreed with that.

So what have they done in this bill? Eliminated 10 test missiles from the THAAD Program—not named for me. This is the THAAD—Theater High Altitude Air Defense is what it stands for—Program.

Year after year, the generals in charge of our Missile Defense Program have testified that their testing has been "hardware poor." They did not have enough of the missiles that they needed, the test missiles. They have had so little test hardware that when something goes wrong, as inevitably and occasionally is going to happen in a test program, they are forced to bring the program to a stop while they

look for other hardware or try to deal with the problem in some other way.

Congress has been asked by this administration to provide more hardware so that testing can continue when problems develop so that these problems can be corrected. General Kadish has called this "flying through failure." You have to keep testing to find out how to solve the problems, and many of our efforts along this line have been successful and problems have been solved.

We have seen test after successful test in not only the THAAD Program that we mentioned, but in the longer range higher velocity missile test programs.

But this bill cuts from the THAAD Program 10 flight test missiles that will help ensure our ability to fly through failure and keep the program on track.

In the past, opponents have also criticized the program generally as being too risky—which means there is a lot of chance for failure. It doesn't mean that it is risky in that it will not work, it is that you will have failures along the line. But if you go back in the history of our Defense Department and look at new product development—the Polaris Missile is an example or the Sidewinder Missile is an example—they had more failures by far in those early days of testing than these missile defense programs have had. So failures are expected.

But the good news is that we are making very impressive progress. Now, right on the brink of the transformation of the programs into a modernized, fully authorized program, this committee goes through and cuts out just enough—and in some cases more than enough—of certain activities that are involved in the integrated Missile Defense Program to guarantee its failure, to guarantee that we will not be able to succeed in deploying an effective missile defense to protect the security of Americans here at home.

While applauding homeland defense as a necessity, we are, on the one hand, saying it is a good idea and saying we are going to work with the President to make that be an effective way to defend ourselves more effectively than we have in the past, and then, on the other hand, eliminating authorization for funds that are absolutely essential for an effective missile defense program.

They cut \$147 million from the midcourse defense segments. The committee eliminated funding for the complementary exoatmospheric kill vehicle, which would reduce the risk of relying on the single design now being tested.

Opponents have claimed that missile defenses will be vulnerable to countermeasures. But guess what. This bill takes the funding away from testing against countermeasures. Can you believe that? I have read article after article in papers, the Union of Concerned Scientists saying: Well, missiles can hit a missile in full flight. But if there

were an extra balloon or a decoy or two, they would not be able to differentiate the difference between the decoy and the actual missile that is attacking us.

We have proven in tests over the Pacific that it can be done, that the intercept missile has differentiated between the missile and the decoy. Then the scientists say: Oh, but that was just one decoy. It was not sophisticated. What if a potential enemy deploys a lot of decoys?

Here the administration plans to do just that as it gets more sophisticated and proves that one thing can work, and how complicated can an enemy be—we will find out whether we can defend against that. But they cut the money so we can't do that. The opponents of the missile defense effort are playing right into the hands of the critics. I guess next they will say there is no money for the additional decoys and the countermeasures. Of course there isn't. They took the money out of the bill.

I am hopeful Senators will look at the details and not just assume, OK, the Democrats think the President is spending too much on missile defense, the Republicans want to spend more.

We are trying to support the President. At a time when our country is under threat from terrorists, we are confronted with nation states building more sophisticated intercontinental ballistic missile capability, testing those missiles, as North Korea did and as other nation states are doing. And you can get the intelligence reports. We get them routinely, on a regular basis. And we have public hearings on those that can be discussed publicly.

In those hearings it has become abundantly clear that there is a proliferation of missile technology in the world today and a lot of nation states that say they are out to destroy us and to kill Americans wherever they can be found are building these systems and testing these systems.

We need to proceed to support our President in this legislation. Of all times to start nitpicking a request for missile defense and go about it in the way that is undertaken in this bill and say: We have left a lot of money here for missile defense. The President has asked for billions—for \$7 billion. We just have taken out less than a billion, \$800 million.

But look where the money is coming from. The money that is being taken away from the programs is designed to prevent the full-scale development of a modern missile defense capability. That is the result if the Senate does not adopt an amendment to change these reductions, to eliminate these reductions and give the President what he is asking for. And that is a capability to integrate all of the systems into one engineering and development program, for efficiency sake—for efficiency, to save money in the long run so we will not have to have redundant engineering programs. We won't have

to have engineering contracts to the private sector. We will not have to have redundant contracts with the private sector. We can bring it all together and have a layered system that would be a lot more efficient and a lot more effective.

There is more to this than politics. We are talking about a threat to our Nation's security, to the livelihood and well-being of American citizens, to American troops in the field, and to the ships at sea in dangerous waters and in dangerous areas of this world today.

Is this Senate about to take away the opportunity to defend those assets, those resources, our own citizens, our own troops, and our own sailors? I am not going to be a part of that.

This Senate needs to hear the truth. The truth is looking at the details of the proposal that this committee is making to the Senate. Don't let them do this. We will pay dearly for it in the years ahead by having to appropriate more money than we should for individual programs or in catastrophes that could have been avoided.

As I said, opponents have claimed that missile defenses will be vulnerable to countermeasures, yet the reductions in this bill eliminate funding for counter-countermeasure work that would address this problem.

One could be forgiven for concluding that the goal here is not to improve the missile defense system, but to ensure it is continually vulnerable to criticism.

In the past, disagreements about missile defense in the Senate have been largely over whether to defend the territory of the United States, and then mostly because such defenses were prohibited by the ABM Treaty. At the same time, there has been near unanimous support for missile defense capabilities that will protect our troops deployed overseas. Yet, this bill would take hundreds of millions of dollars from our theater missile defense programs, even as our troops are deployed in what we all acknowledge will be a long military effort in a part of the world that is saturated with ballistic missiles. It is both baffling and troubling that the Armed Services Committee would so severely reduce funding for these programs—at any time, but especially now.

For example, the revolutionary Airborne Laser Program is reduced by \$135 million, restricting the capability to just one aircraft. Having two or more aircraft means that one can be grounded for service or upgrading without losing the capability altogether. But with a single aircraft, this important theater defense capability will be unnecessarily constrained.

The THAAD Program will provide the first ground-based defense against longer-range theater missiles like North Korea's No Dong and its derivatives, such as Iran's Shahab-3. The No Dong is already deployed—our troops in Korea and Japan are threatened by

it today, but this bill cuts funding for THAAD by \$40 million.

The Medium Extended Air Defense System—or MEADS—is a cooperative effort with Italy and Germany to field a mobile theater missile defense system; it is reduced by \$48 million.

The sea-based midcourse program—formerly known as Navy Theater Wide—will provide the first sea-based capability to shoot down missiles like the No Dong. The program had its second successful intercept attempt just last week, but this bill would cut the program by \$52 million.

The Space-Based Infrared—or SBIRS-Low—Program will provide midcourse tracking of both theater and intercontinental missiles. The program has just been restructuring by the administration, but this bill's reduction of \$55 million will force it to be restructured again, further delaying this essential capability.

The arbitrary cuts to the systems engineering efforts and the program operations of the Missile Defense Agency will fall just as heavily on theater missile defense programs as on our efforts to defend against long-range missiles. Altogether, some \$524 million of the missile defense reductions contained in this bill fall on our efforts to defend against the thousands of theater ballistic missiles our deployed troops face today. This is irresponsible and unconscionable.

This bill isn't just micromanagement of the missile defense program, it is micro-mismanagement. The reductions contained in this bill have been carefully tailored to undermine the missile defense program and compromise its effectiveness. If the general in charge of the program tried to manage it the way this bill does, he would be fired.

President Bush's courageous act of withdrawing from the ABM Treaty has freed our Nation—for the first time in over three decades—to pursue the best possible technologies to protect our citizens and deployed troops from missile attack. If allowed to stand, the reductions contained in this bill would squander that opportunity by crippling the efforts to transform our missile defense program in ways impossible until now. The Senate should reject these irresponsible cuts and give the President a chance to make this program work. I urge Senators to support the Warner amendment.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, the United States completed its withdrawal from the Anti-Ballistic Missile Treaty on June 13, 2002, and the Pentagon has shifted into high gear its efforts to deploy a rudimentary anti-missile system by 2004. The drivers of this missile defense hot-rod are doing their best to make it look as good as possible, and they are spreading the word of its latest successes on the test track.

But I am not alone in wondering what this vehicle, with its \$100 billion purchase price, really has under the

hood. Does it have the souped-up engine that we are being promised, or is this another dressed-up jalopy? And, more importantly, as this missile defense hot-rod charges down the road with its throttle wide open and the Anti-Ballistic Missile Treaty in the rear-view mirror, is the scrutiny of Congress and the American people being left in the dust?

As part of its normal oversight duties, the Armed Services Committee has requested from the Department of Defense information relating to cost estimates and performance measures for various components of the missile defense research program that is underway. This kind of information is essential to allowing Congress to render its own assessment of whether these programs are on-budget and meeting expectations.

As the Armed Services Committee began hearings on the fiscal year 2003 Defense budget request in February 2002, we requested basic information from the Department of Defense on its proposed missile defense program. We asked for cost estimates, development schedules, and performance milestones. But the committee has not received the information. It is as though the Department of Defense does not want Congress to know what we are getting for the \$7.8 billion in missile defense funds that were appropriated last year.

On March 7, 2002, at an Armed Services Committee hearing, I questioned the Pentagon's chief of acquisition, Under Secretary Pete Aldridge, about the delays in providing this information to Congress. He answered my questions with what I believed was an unequivocal statement that he would make sure that Congress gets the information it needs.

Three and a half months later, we still have not received the information that we requested. It also seems that the Pentagon is developing a new aspect of its strategy in its consultations with Congress and the American people. On June 9, 2002, The Los Angeles Times ran an article entitled, "Missile Data To Be Kept Secret." The Washington Post ran a similar story on June 12, "Secrecy On Missile Defense Grows." The two articles detail a decision to begin classifying as "secret" certain types of basic information about missile defense tests.

These missile defense tests use decoys to challenge our anti-missile system to pick out and destroy the right target, which would be a warhead hurtling toward the United States at thousands of miles per hour. According to the newspaper articles, the Pentagon will no longer release to the public descriptions of what types of decoys are used in a missile defense test to fool our anti-missile radars. This information will be classified.

Independent engineers and scientists who lack security clearances will have no means to form an opinion on the rigor of this aspect of missile defense tests. No longer will the experts out-

side the government be able to make informed comments on whether a missile defense test is a realistic challenge to a developmental system, or a stacked deck on which a bet in favor of our rudimentary anti-missile system is a sure winner.

I do not think that it is a coincidence that independent scientists have criticized the realism of past missile defense tests because the decoys used were not realistic. I cannot help but be left with the impression that the sole reason for classifying this kind of basic information is to squelch criticism about the missile defense program.

Should this basic information about our missile defense program be protected by the cloak of government secrecy? If the tests are rigorous and our anti-missile system is meeting our expectations, would it not be to our advantage to let our adversaries know how effective this system will be?

But perhaps this national missile defense system is not progressing as rapidly as hoped. Then would it not be to our advantage to encourage constructive criticism in order to improve the system? In either case, I cannot see how these secrecy edicts will promote the development of a missile defense system that actually works.

The bottom line is that Congress and the American people must know whether the huge sums that are being spent on missile defense will increase our national security. Since September 11, we have been consumed with debates about homeland security. What is this system intended to be but a protection of our homeland?

Do we believe that American people can be entrusted with information about their own security? I certainly think so. Without a doubt, we need to carefully guard information that would compromise our national defense, but public scrutiny of our missile defense program is not an inherent threat to our security.

In April, the Appropriations Committee heard testimony from a number of people with expertise in homeland security. We heard many warnings about the peril of losing public trust in our Government. No matter if the threat is terrorists with biological weapons or rogue states with missiles, we must not jeopardize the trust of the American people in their Government. If the missile defense system does not work as it is supposed to do, and we hide its shortcomings inside "top secret" folders and other red tape, we will be setting ourselves up for a sure fall. We ought to have more, not fewer, independent reviews of our antimissile system.

So I oppose the amendment to increase missile defense funding in this bill by \$812 million. The Department of Defense has shown it is more than willing to delay and obfuscate details about what it is doing on missile defense, and I cannot understand the logic of increasing funds for an anti-

missile system that is the subject of greater and greater secrecy. It does not make sense to devote more money to a system of questionable utility before there is a consensus of independent views that an antimissile system is technologically feasible. The missile defense system that we are developing needs more scrutiny, not more secrecy, more assessment, not more money.

In the next few days, the Senate will vote on this bill and authorize billions of dollars in missile defense funds. While the Pentagon will continue to portray these programs as a hot rod that is speeding toward success, one thing is certain: this hot rod is running on almost \$8 billion in taxpayer money this year. Talk about a gas guzzler! If Congress is not allowed to kick the tires, check the oil and look under the hood, this rig could fall apart and leave us all stranded.

IMMEDIATE ACTION FOR AMTRAK

Mr. BYRD. Mr. President, the Nation faces a transportation crisis. Amtrak, the country's passenger rail service, is running out of dough—D-O-U-G-H—money, that green stuff, funds, what makes the cash registers ring, funds, and its passengers are running out of time. Without an infusion of funding quickly, Amtrak will stop all operations within the next very few days.

If Amtrak closes, the Nation's transportation system will be thrown into chaos. All of Amtrak's 68,000 daily riders will be without service. Thousands of vacation passengers who have already paid money for Amtrak tickets will be left stranded at the station. Commuter railroads from East to West will be completely shut down.

For example, Washington's Union Station is just a few blocks from this Capitol. None of the Maryland or Virginia commuter rail trains will be able to access Union Station. Why? Because Amtrak owns the station. The Virginia trains will not operate at all because Amtrak runs the trains.

The commuter rail authorities in Philadelphia, New York City, and in many parts of New Jersey will stop running. Why? Why will they stop running? Because Amtrak provides the electricity for those trains to operate.

Access to Penn Station in New York City the single busiest rail station in the country will be limited. Why? Because Amtrak already has mortgaged away parts of that station.

In Boston, tens of thousands of commuters daily rely on Amtrak because it operates commuter lines under contract with the State of Massachusetts. Those commuters will have to find a new way to get to work. Why? Because their trains will not be running.

Out West, in California, all "Caltrains" service will be halted. Why? Why, I ask? Because Amtrak operates those trains. That is why. The same can be said for the "Sounder Commuter Rail Service" in Seattle.

Without Amtrak service, these passengers will take to the highways and