

Belgian refusal can only be seen as a symbolic gesture—a direct swipe at American leadership of the alliance—but one with more than symbolic importance. U.S. Ambassador Nick Burns declared that it is causing NATO to face “a crisis of credibility.”

I would use a metaphor to describe yesterday's action: Paris, Berlin, and Brussels are playing with fire. If the United States believes that NATO is a hindrance to its security requirements, it will continue to bypass the alliance, and NATO will quickly atrophy. No serious observer believes that the European Union has either the capability or the will to provide a credible military alternative to a NATO deprived of American muscle. A security vacuum would quickly develop on the continent, thereby undoing more than a half-century of common effort and endangering the EU itself.

Finally, let me address the faulty logic offered by France, Germany, and Belgium for their action yesterday. To repeat: their ambassadors argued that if NATO were to furnish Turkey with the defensive materiel it requested, it would appear that the alliance was committing itself to war before the U.N. weapons inspectors in Iraq had issued their second report this Friday.

Paris, Berlin, and Brussels might be interested to learn that U.N. Secretary General Kofi Annan will brief the members of the Security Council this Thursday on the status of contingency planning by the United Nations for humanitarian assistance for Iraq in the event of war.

According to the argument used yesterday in the NAC by the French, Germans, and Belgians, the U.N.'s action, therefore, is hastening the outbreak of war.

I fully anticipate that French President Chirac, German Chancellor Schroeder, and Belgian Prime Minister Verhofstadt will condemn Secretary General Annan for his recklessness.

RULES OF THE COMMITTEE ON VETERANS' AFFAIRS

Mr. SPECTER. Mr. President, the Committee on Veterans' Affairs has adopted rules governing its procedures for the 108th Congress. Pursuant to Rules XXVI, paragraph 2, of the Standing Rules of the Senate, on behalf of myself and Senator GRAHAM, I ask unanimous consent that a copy of the committee rules be printed in the RECORD.

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

COMMITTEE ON VETERANS' AFFAIRS RULES OF PROCEDURE 108TH CONGRESS I. MEETINGS

(a) Unless otherwise ordered, the Committee shall meet on the first Wednesday of each month. The Chairman may, upon proper notice, call such additional meetings as deemed necessary.

(b) Except as provided in subparagraphs (b) and (d) of paragraph 5 of rule XXVI of the

Standing Rules of the Senate, meetings of the Committee shall be open to the public. The Committee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceedings of each meeting whether or not such meeting or any part thereof is closed to the public.

(c) The Chairman of the Committee, or the Ranking Majority Member present in the absence of the Chairman, or such other Member as the Chairman may designate, shall preside at all meetings.

(d) Except as provided in rule XXVI of the Standing Rules of the Senate, no meeting of the Committee shall be scheduled except by majority vote of the Committee or by authorization of the Chairman of the Committee.

(e) The Committee shall notify the office designated by the Committee on Rules and Administration of the time, place, and purpose of each meeting. In the event such meeting is canceled, the Committee shall immediately notify such designated office.

(f) Written notice of a Committee meeting, accompanied by an agenda enumerating the items of business to be considered, shall be sent to all Committee members at least 72 hours (not counting Saturdays, Sundays, and Federal holidays) in advance of each meeting. In the event that the giving of such 72-hour notice is prevented by unforeseen requirements or Committee business, the Committee staff shall communicate notice by the quickest appropriate means to members or appropriate staff assistants of Members and an agenda shall be furnished prior to the meeting.

(g) Subject to the second sentence of this paragraph, it shall not be in order for the Committee to consider any amendment in the first degree proposed to any measure under consideration by the Committee unless a written copy of such amendment has been delivered to each member of the Committee at least 24 hours before the meeting at which the amendment is to be proposed. This paragraph may be waived by a majority vote of the members and shall apply only when 72-hour written notice has been provided in accordance with paragraph (f).

II. QUORUMS

(a) Subject to the provisions of paragraph (b), eight members of the Committee shall constitute a quorum for the reporting or approving of any measure or matter or recommendation. Five members of the Committee shall constitute a quorum for purposes of transacting any other business.

(b) In order to transact any business at a Committee meeting, at least one member of the minority shall be present. If, at any meeting, business cannot be transacted because of the absence of such a member, the matter shall lay over for a calendar day. If the presence of a minority member is not then obtained, business may be transacted by the appropriate quorum.

(c) One member shall constitute a quorum for the purpose of receiving testimony.

III. VOTING

(a) Votes may be cast by proxy. A proxy shall be written and may be conditioned by personal instructions. A proxy shall be valid only for the day given.

(b) There shall be a complete record kept of all Committee action. Such record shall contain the vote cast by each member of the Committee on any question on which a roll call vote is requested.

IV. HEARINGS AND HEARING PROCEDURES

(a) Except as specifically otherwise provided, the rules governing meetings shall govern hearings.

(b) At least 1 week in advance of the date of any hearing, the Committee shall under-

take, consistent with the provisions of paragraph 4 of rule XXVI of the Standing Rules of the Senate, to make public announcements of the date, place, time, and subject matter of such hearing.

(c) The Committee shall require each witness who is scheduled to testify at any hearing to file 40 copies of such witness' testimony with the Committee not later than 48 hours prior to the witness' scheduled appearance unless the Chairman and Ranking Minority Member determine there is good cause for failure to do so.

(d) The presiding member at any hearing is authorized to limit the time allotted to each witness appearing before the Committee.

(e) The chairman, with the concurrence of the Ranking Minority Member of the Committee, is authorized to subpoena the attendance of witnesses and the production of memoranda, documents, records, and any other materials. If the Chairman or a Committee staff member designated by the Chairman has not received from the Ranking Minority Member or a Committee staff member designated by the Ranking Minority Member notice of the Ranking Minority Member's nonconcurrence in the subpoena within 48 hours (excluding Saturdays, Sundays, and Federal holidays) of being notified of the Chairman's intention to subpoena attendance or production, the Chairman is authorized following the end of the 48-hour period involved to subpoena the same without the Ranking Minority Member's concurrence. Regardless of whether a subpoena has been concurred in by the Ranking Minority Member, such subpoena may be authorized by vote of the Members or the Committee. When the Committee or Chairman authorizes a subpoena, the subpoena may be issued upon the signature of the Chairman or of any other member of the Committee designated by the Chairman.

(f) Except as specified in Committee Rule VII (requiring oaths, under certain circumstances, at hearings to confirm Presidential nominations), witnesses at hearings will be required to give testimony under oath whenever the presiding member deems such to be advisable.

V. MEDIA COVERAGE

Any Committee meeting or hearing which is open to the public may be covered by television, radio, and print media. Photographers, reporters, and crew members using mechanical recording, filming or broadcasting devices shall position and use their equipment so as not to interfere with the seating, vision, or hearing of the Committee members or staff or with the orderly conduct of the meeting or hearing. The presiding members of the meeting or hearing may for good cause terminate, in whole or in part, the use of such mechanical devices or take such other action as the circumstances and the orderly conduct of the meeting or hearing may warrant.

VI. GENERAL

All applicable requirements of the Standing Rules of the Senate shall govern the Committee.

VII. PRESIDENTIAL NOMINATIONS

(a) Each Presidential nominee whose nomination is subject to Senate confirmation and referred to this Committee shall submit a statement of his or her background and financial interests, including the financial interests of his or her spouse and of children living in the nominee's household, on a form approved by the Committee which shall be sworn to as to its completeness and accuracy. The Committee form shall be in two parts—

(A) information concerning employment, education, and background of the nominee

which generally relates to the position to which the individual is nominated, and which is to be made public; and

(B) information concerning the financial and other background of the nominee, to be made public when the Committee determines that such information bears directly on the nominee's qualifications to hold the position to which the individual is nominated. Committee action on a nomination, including hearings or a meeting to consider a motion to recommend confirmation, shall not be initiated until at least five days after the nominee submits the form required by this rule unless the Chairman, with the concurrence of the Ranking Minority Member, waives this waiting period.

(b) At any hearing to confirm a Presidential nomination, the testimony of the nominee and, at the request of any Member, any other witness shall be under oath.

VIII. NAMING OF DEPARTMENT OF VETERANS AFFAIRS FACILITIES

It is the policy of the Committee that no Department of Veterans Affairs facility shall be named after any individual unless—

(A) such individual is deceased and was—
(1) a veteran who (i) was instrumental in the construction or the operation of the facility to be named, or (ii) was a recipient of the Medal of Honor or, as determined by the Chairman and Ranking Minority Member, otherwise performed military service of an extraordinarily distinguished character.

(2) a member of the United States House of Representatives or Senate who had a direct association with such facility;

(3) an Administrator of Veterans' Affairs, a Secretary of Veterans Affairs, a Secretary of Defense or of a service branch, or a military or other Federal civilian official of comparable or higher rank; or

(4) an individual who, as determined by the Chairman and Ranking Minority Member, performed outstanding service for veterans;

(B) each member of the Congressional delegation representing the State in which the designated facility is located has indicated in writing such member's support of the proposal to name such facility after such individual; and

(C) the pertinent State department or chapter of each Congressionally chartered veterans' organization having a national membership of at least 500,000 has indicated in writing its support of such proposal.

IX. AMENDMENTS TO THE RULES

The rules of the Committee may be changed, modified, amended, or suspended at any time, provided, however, that no less than a majority of the entire membership so determine at a regular meeting with due notice, or at a meeting specifically called for that purpose. The rules governing quorums for reporting legislative matters shall govern rules changes, modification, amendments, or suspension.

WHY NATIONAL MISSILE DEFENSE DOES NOT PROTECT HAWAII

Mr. AKAKA. Mr. President, in December 2002 President Bush announced his decision to deploy a limited national missile defense system by 2004. Our distinguished colleague, Senator LEVIN, detailed the limitations of the proposed system and testing procedures in an article in the *Detroit News* on December 29 entitled, "Untested Missile Defense Setup Poses Risks." I ask unanimous consent that his entire article be placed in the *RECORD* following my statement. I would like to

elaborate on some of the concerns raised by the distinguished ranking member of the Armed Services Committee and discuss my concern that this system does nothing to protect my State or other parts of the United States from attack.

President Bush's limited national missile defense system, first proposed by the administration in March 2001 and called "the Alaska Option," consists of 5 to 10 silos/interceptor launchers in Fort Greely, AK and an upgraded Cobra Dane radar on Shemya Island, AK.

At that time, Deputy Secretary of Defense Paul Wolfowitz and Missile Defense Agency Director Gen Ronald Kadish called the Alaska site a "test bed" that could be transformed into a fully operational facility easily. During an Armed Services Committee hearing in July 2001, Mr. Wolfowitz stated, "This developmental capability could become, with very little modification, an operational capability." In a later statement, he added that "it would be essentially a software change to turn it into an operational capability."

I believe that more than modest modifications would be required. Even if the test bed was functioning and proven effective, significant changes would be needed to make it an operational system. The changes may not be technically difficult but they are very complicated when applied as a whole system. They involve many command, control, communication issues that will determine who makes the decision to fire and when and with how much information. In large and complex research and development programs, one should always be wary of anything that is described as "just a software fix."

In July 2001 Phil Coyle, former Director of Operational Test and Evaluation in the Pentagon testified before the Senate Armed Services Committee and defined effective deployment as the fielding of an operational system with some military utility that is effective under realistic combat conditions, against realistic threats and countermeasures, possible without adequate prior knowledge of the target cluster composition, timing, trajectory, or direction, and when operated by military personnel at all times of the day or night and in all weapons.

Mr. Coyle estimated that it would take a decade, rather than 4 years, to produce an effective defense system. As Senator LEVIN raised in his article, no part of the limited missile defense system has been tested against realistic targets, and there are no plans to test the integrated system as a whole before it is deployed. Senator LEVIN correctly questions whether such a system will be even marginally effective.

One could also question whether this system should be labeled a "national" missile defense. Given the geometry of the Cobra Dane radar, the system may be better labeled a continental missile

defense. The Cobra Dane Radar on Shemya Island was built to detect Soviet missile launches. It has a fixed orientation and a narrow field of view, northwest from Shemya, towards Russia. This radar cannot see missiles launched from North Korea towards Hawaii, and will have only marginal capability for southern California. The radar cannot see the current missile defense target range between California and Hawaii.

The administration is well aware of the limitations of the radar and exclusion of Hawaii in the proposed deployed system. General Kadish referred to this as "the Hawaii problem" during a briefing for Senator REED and members of the Armed Services Strategic Subcommittee on July 27, 2001. At that time, General Kadish said that they were considering using an Aegis cruiser to supplement the Cobra Dane radar. Such a cruiser would have to be permanently on station to provide adequate coverage.

Even with upgrades to increase the radar's field of view, the radar still will not be capable of discriminating launch characteristics or trajectory. An X band radar, such as the one now in Kwajalein, is needed. In fact, no radar in Alaska will be able to discriminate launch characteristics. The administration has not asked for funding to upgrade the existing radar or build a new one.

The President characterized in December 2002 his initiative to field a missile defense system as "modest." The program is less than modest. It is inadequate and expensive. The path towards an effective and efficient missile defense program is the one outlined by Senator LEVIN.

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

[From the *Detroit News*, Dec. 29, 2002]

LEVIN: UNTESTED MISSILE DEFENSE SETUP POSES RISKS; CAN MISSILE SHIELD BE BUILT?

(By Senator Carl Levin)

President Bush's decision to deploy a limited national missile defense system starting in 2004 before it has been tested and shown to work violates common sense. The Pentagon will spend large amounts of money to deploy an unproven defense, money that could be better used to fight more likely and imminent threats of terrorism.

Many of us have reservations about deployment of a national defense against long-range ballistic missiles because: (1) the intelligence community says such missiles are one of the least likely threats to our security (in part because use of such missiles would leave a "return address" that would guarantee a devastating response from the United States); and (2) because deployment of a national missile defense is likely to unleash an arms race with other countries.

However, even ardent proponents of a national missile defense should not support deployment of an untested, unproven system. The United States may eventually succeed in developing a national missile defense system that will actually work against real world threats, but we have not done so yet. According to the Pentagon, the national missile defense system to be deployed in 2004 requires a new booster rocket that has never been tested against any target.