the signatory on behalf of the United States on that Executive agreement with the Soviet Union and with the Soviet Navy.

Mr. LEVIN. A landmark agreement it was.

Mr. WARNER. It is still in effect today, although modified. It is a living Executive agreement, in a sense.

Departing from that and going back to the ABM Treaty, I remember reviewing this at that time and in the past 2 or 3 years in the course of the debates. Those that were present at that time were clearly of one mind that that treaty was never designed to apply to the short-range theater systems. I might ask, does my distinguished colleague concur in that?

Mr. LEVIN. I do indeed, and that is why we are developing theater systems.

Mr. WARNER. Fine. Well, that is my concern. This ABM treaty has indeed, in my judgment, impeded the unfettered, unrestrained technical knowledge that this country has available to devise means for a defense of the short-range systems. I just wanted to put that point alongside the points of my distinguished colleague from Michigan. That concludes my inquiry.

Mr. LEVIN. If I could comment briefly on that, I do not think the Defense Department or the Joint Chiefs would agree that we have been constrained in the development of the short-range systems, the so-called ''theater systems.'' We are proceeding apace with those systems, and I think we have been assured by the Defense Department that not only would we agree that the ABM Treaty does not cover the short-range or theater systems, but that the Defense Department does not feel that the ABM Treaty has constrained that development. Article 6 of the treaty was written, however, very expressly to prevent each nation from turning non-ABM systems into ABM systems. That was also part of the treaty which was ratified.

Mr. WARNER. Mr. President, I would simply close this debate with the observation that my criticism is not directed at President Clinton but, indeed, to a succession of Presidents who have laid down, should we say, a framework within which our scientists, research and development, and others have been contained. And, if you look carefully at the assertions by the chairman and others, yes, we have not limited them within that framework. But I take the position that the framework should never have been laid down in the first place predicated on the ABM Treaty in the short-range missile defense systems. That never should have applied to any of our research and development as components for a defense against short-range attack.

DEFEND AMERICA ACT

Mr. WARNER. Mr. President, I would like to turn to the legislation at hand which was addressed by the distinguished chairman of the committee.

I rise today to join my colleagues in supporting this crucial legislation to protect the American people from the very real threat of long-range ballistic missile attack. I find it curious that the day after President Clinton made headlines by claiming that he supports a National Missile Defense System, the Democrats in the Senate are preventing the Senate, as the distinguished chairman stated, from even debating and considering a bill that would provide for such a system.

It was timely, in my judgment, for this debate because the interest of the American people have been drawn to the fact that we do not have a defense against an accidental or unintentional firing of a long-range strategic ballistic missile. That, I think, is agreed on by all.

During his speech yesterday at the Coast Guard Academy, President Clinton made a series of points on national missile defense. Let us examine carefully his assertions.

The President begins by talking about theater missile defense: ''Our first priority is to defend against existing or near-term threats, like short- and medium-range missile attacks on our troops in the field or our allies.'' So far, I concur. This is also the priority that Republicans established years ago, in the wake of the Persian Gulf war. On trips to that theatre during that war I saw the destruction of Iraq's use of the scud. I experienced with other Senators, a scud attack on Tel Aviv on February 18, 1991. It impacted a considerable distance from where we were at the Defense Ministry Building.

The President then continues, ''And we are, with upgraded Patriot missiles, the Navy Lower and Upper Tier and the Army THAAD.'' What are the facts? The facts are that the administration's recent BMD Program Update Review shifted the focus of TMD efforts to point defense systems (Patriot PAC-3 and Navy Lower Tier) at the expense of the more promising and capable area wide systems (THAAD and Navy Upper Tier). As a result of this review, $2 billion was stripped from the THAAD program over the FYDP; and the Navy Upper Tier program remains little more than a science project—with no acquisition or deployment strategy. These actions were taken despite last year's clear legal requirements to accelerate both programs. Once again, the Armed Services Committee has had to come to restore both of these programs—adding almost $500 million to the administration's inadequate request in the Senate bill.

Next, the President addresses the threat: ''The possibility of a long-range intercontinental missile attack on American soil by a rogue state is more than a decade away.'' I say wrong Mr. President. The President and many of our Democrat colleagues are relying on a recent intelligence community assessment which reportedly claims that the threat of ballistic missile attack against the United States is 15 years away. Several important qualifications must be highlighted. First, that intelligence assessment was carefully crafted to consider only threats to the continental United States—not Alaska and Hawaii. The threat to Alaska, in particular, from a long-range ballistic missile currently under development by North Korea is real and near-term. Also, that 15-year scenario is based on the assumption that rogue nations will develop their missiles indigenously—without foreign help. We all know that these nations are receiving substantial foreign assistance for their weapons development programs. Such assistance will substantially accelerate the threat.

We should not be lulled into a sense of complacency by such reports. Remember the assessments we received just prior to the Gulf War—Iraq was supposed to be least 5 years away from a nuclear weapons capability. After Desert Storm, and the U.N. inspections, we were shocked to learn the true extent of the advancements in the Iraqi nuclear program

A focus on the threat from rogue nations also ignores the substantial military capabilities both Russia and China—both nations with intercontinental missiles capable of reaching our shores. We all know of the threats the Chinese made during the recent standoff with Taiwan. They correctly know that the United States is currently defenseless against ICBM attack. And the President may take comfort in the Russian promise that they are no longer targeting the United States. But we all know that—even if this representation is true—retargeting is a relatively quick and easy thing to change. I would prefer us to rely on limited U.S. defenses, rather than Russian promises, for our security.

In criticizing the Defend America Act, the President claims that ''They have a plan that Congress will take up this week that would force us to choose now a costly missile defense system that could be obsolete tomorrow. The Congressional Budget Office estimates that this cost will be between $30 and $60 billion.'' The facts? The Defend America Act does not specify a particular architecture for a national missile defense system—it simply says that the United States should have a highly effective system to defend against limited, accidental or unauthorized ballistic missile attacks. There is nothing new here. This is technology that we have been investing in—to the tune of $38 billion—since the early 1980s. We are simply saying that the time for ''science projects'' is over, the time has arrived to turn this technology into a deployed system that will protect Americans.

Weapons development programs—on average—take a decade from start to finish. As technology advances, those advancements are incorporated into the weapons. Why should NMD be any different—why does the President think that an NMD system would be

''obsolete'' by the time it is deployed in the year 2003? There is no basis for such a claim.

Concerning the CBO cost study, the $30 to $60 billion range the President refers to represents the high end of the CBO's conclusions. According to the study, a NMD system capable of protecting the United States could be developed and deployed for less than $14 billion over the next 13 years—or about a billion dollars a year. This is a relatively smaller cost—less than ½ of 1 percent of the DoD budget—to protect the United States from attack.

I should also point out that other cost estimates—these coming from the administration—are much lower than CBO's. For example, the Air Force has said that it would cost only $2.5 billion to deploy such a system; and the Army estimates a cost of $5 billion.

The President states: ''Those who want us to deploy this system before we know the details and the dimensions of the threat we face I believe are wrong. I think we should not leap before we look.'' This is not a surprising statement from a President who is a recent ''convert'' to the need for a national missile defense system. Republicans have been following ''the details and dimensions of the threat'' for over a decade. What more do we have to wait for before committing to defend the United States? The threat is not diminishing. Approximately 30 countries currently have ballistic missiles, with varying ranges, and many of these nations either have or are actively seeking to acquire war heads of mass destruction—nuclear, chemical or biological. There is no lack of appetite in the world for such ''status symbols.'' Weapons of terror, intimidation. I submit that the only thing inevitable about the missile threat we face is that the threat will continue to increase. The President seems to believe that we have the luxury of time to sit around and discuss and contemplate the threat—all the while with Americans remain unprotected against an unintentional or terrorist firing of one or more missiles. I say it is time to act to protect our Nation before it is too late.

One of my favorite lines in the President's speech is: ''It is (Defend America Act) would weaken our defenses by taking money away from things we know we need right now.'' This from a President who submitted a budget request that was $18.6 billion below the FY96 level for defense; and the same President who recently threatened to veto the FY97 Defense Authorization Bill passed by the House because it contains $12 billion more than he requested. A President who has a history for inadequately funding our military.

Finally, the President claims that: ''It is (Defend America Act) would violate the arms control agreements that we have made and these agreements make us more secure.'' Again, the facts. There is nothing in the defend America Act which would violate the ABM Treaty. The Act calls on the President to negotiate changes to that Treaty to allow for the deployment of an effective NMD system. I should point out to my colleagues that the ABM Treaty—a 25-year old agreement with the Soviet Union—was never intended to be a static agreement. The Treaty itself includes provisions for amendments—and, in fact, the Treaty has been amended over the years. Why, all of a sudden, is the Treaty now not amendable?

I firmly believe that Americans here at home and U.S. troops deployed overseas should be protected by highly effective missile defenses as soon as is technologically possible.

ORDER OF PROCEDURE

Mr. WARNER. I know the Chair and others are anxious to conclude the matters before the Senate tonight. I am prepared to assume the role of acting leader and have the concluding remarks for tonight.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. THURMOND. Mr. President, if there is nothing else to come before the Senate tonight, I think we are ready to adjourn.

Mr. WARNER. Mr. President, I say to the distinguished chairman, might I suggest that either the chairman or I address certain closing remarks for the leader?

Mr. THURMOND. I will delegate that to the able Senator from Virginia.

Mr. WARNER. I thank the distinguished chairman.

MEASURE SEQUENTIALLY REFERRED—H.R. 3286

Mr. WARNER. Mr. President, I ask unanimous consent that when the Finance Committee reports H.R. 3286, the bill be sequentially referred to the Committee on Indian Affairs for the purpose of considering title III of the bill for a period of 10 days of Senate session; further, that if the Committee on Indian Affairs does not report the measure at the end of the 10 session days, the Indian Affairs Committee be discharged from further consideration of the bill and the bill be placed on the calendar.

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

AUTHORITY FOR COMMITTEES TO REPORT

Mr. WARNER. Mr. President, I ask unanimous consent that the committees have between 11 a.m. and 2 p.m. on Wednesday, May 29, to file legislative or executive reported legislation.

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

AUTHORIZATION FOR PRODUCTION OF RECORDS

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 256 submitted earlier today by Senators DOLE and DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows.

A resolution (S. Res. 256) to authorize the production of records by the Select Committee on Intelligence.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. DOLE. Mr. President, the Select Committee on Intelligence has received a request from the Office of the Inspector General of the Central Intelligence Agency for copies of committee records relevant to the Inspector General's pending inquiry into the Zona Rosa massacre of six American citizens in El Salvador in 1985.

Mr. President, this resolution would authorize the Chairman and Vice Chairman of the Intelligence Committee, acting jointly, to provide committee records in response to this request, utilizing appropriate security procedures.

Mr. WARNER. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, and that any statements relating to the resolution appear at the appropriate place in the RECORD.

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

The resolution (S. Res. 256) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

Whereas, the Office of the Inspector General of the Central Intelligence Agency has requested that the Select Committee on Intelligence provide it with copies of committee records relevant to the Office's pending review of matters related to the Zona Rosa massacre of six American citizens in El Salvador in 1985;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that documents, papers and records under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Vice Chairman of the Select Committee on Intelligence, acting jointly, are authorized to provide to the Office of the Inspector General of the Central Intelligence Agency, under appropriate security procedures, copies of records that the Office has requested for use in connection with its pending review into matters related to the Zona Rosa massacre.

ORDERS FOR FRIDAY, MAY 24, 1996

Mr. WARNER. Mr. President, I ask unanimous consent that when the Senate completes its business today it