again. As it stands now, we will have two votes when we return, either on August 31, or the 1st of September. The first one will be on the adoption of the Texas low-level waste conference report. There will be 4 hours of debate on that, equally divided, and then a vote. Then we will have a vote on the conference report to accompany the military construction appropriations bill, which will be broadly supported, probably 99–0 or 100–0. As is usually the case, if we don't vote on an appropriations bill when it goes through the Senate the first time, we do usually want to have a vote on the final conference report.

Again, I thank all our colleagues for their cooperation over the last couple of weeks. I think we made some really good progress. We have cleared eight appropriations bills, and the ninth, Treasury-Postal Service is probably within 30 minutes or an hour of completion. I hope we will be able to do that the first week we are back.

We do expect to take up other appropriations bills when we return. I don't know the exact order now, but we have the foreign operations appropriations bill, the Interior appropriations bill, the District of Columbia appropriations bill, and the Labor-HHS, Education appropriations bill. We expect, also, to take up the bankruptcy legislation that came out of the Judiciary Committee. And we do have the trade package from the Finance Committee. I will need to talk with all interested Senators about exactly when and how to schedule that.

I wish all my colleagues a very restful and productive August break. We will look forward to seeing our colleagues then.

MEASURE PLACED ON CALENDAR—S. 2393

Mr. LOTT. Mr. President, I understand there is a bill at the desk awaiting a second reading.

The ACTING PRESIDENT pro tempore. The leader is correct.

The clerk will read the bill for the second time.

The legislative clerk read as follows:

A bill (S. 2393) to protect the sovereign right of the State of Alaska and prevent the Secretary of Agriculture and the Secretary of the Interior from assuming management of Alaska's fish and game resources.

Mr. LOTT. I object to further consideration of the bill at this time.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, with Senators permitted to speak therein for not to exceed 5 minutes each.

Mr. KYL addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

COMPLIMENTING THE MAJORITY LEADER FOR HIS REMARKS AT THE MEMORIAL CEREMONY FOR J.J. CHESTNUT AND JOHN GIBSON

Mr. KYL. Mr. President, as long as the majority leader is still on the floor, let me repeat what I told him a couple days ago. The remarks he made on the occasion of the public ceremony in the Rotunda for the two fallen Capitol Police officers, I thought, were extraordinary, right on the mark, and I very much appreciate his representation of the Senate at that occasion. This Nation has now spent 1 week thinking very carefully about what the meaning of the events of just a week ago are. I think that his remarks and the remarks of other speakers on that occasion certainly help to bring proper perspective to those events for all Americans as well as those of us here in the Congress.

THE RUMSFELD COMMISSION REPORT

Mr. KYL. Mr. President, I want to talk this morning about something called the Rumsfeld Report.

There has been a lot of discussion about the Rumsfeld Commission Report in the news media here in Washington. But around the country I have noted there is less coverage of it.

I want to talk a little bit about it today, because I think that the Rumsfeld Commission Report issued to the Congress about 2 weeks ago is probably the most important report that this Congress has received and that it is one of the most important events of the last 2 years with respect to the obligations of the Congress and the administration to ensure the national security of the United States. Of course, when all is said and done, our first responsibility is to the defense of the American people.

By way of background, in the 1996 defense authorization bill we ensured that there was an amendment that required the establishment of the National Missile System by the year 2003.

During the debate on that amendment, however—this was on December 1, 1995—Senators CARL LEVIN and DALE BUMPERS received a letter from Joanne Isham of the CIA's Congressional Relations Office. That letter claimed that the language in the DOD bill relating to the threat posed by ballistic missiles—I am quoting now—". . . [overstates] what we currently believe to be the future threat" of missile attack on the United States."

This is a letter from the CIA directly to Members of the Senate in opposition to an amendment that is pending on the floor.

The letter also said, again quoting, it was "extremely unlikely" that nations would sell ICBMs and that the United States would be able to detect a homegrown ICBM program "many years in advance," again quoting the letter.

The statements in that CIA letter were based entirely on a new National Intelligence Estimate—an NIE. The title is "NIE 95–19." It was entitled "Emerging Missile Threat to North America During the Next 15 Years." It was released in its classified form in November 1995.

But the key judgment of that NIE is, quoting: ". . .[no] country, other than the major declared nuclear powers, will develop or otherwise acquire a ballistic missile in the next 15 years that will threaten the contiguous 48 States or Canada."

President Clinton vetoed H.R. 1530, the defense authorization bill for fiscal year 1996, on December 28, 1995, in part because the National Missile Defense System called for pursuant to our amendment, in his words, addresses ". . . [a] long-range threat that our Intelligence Community does not foresee in the coming decade."—end of quote of the President.

In reaction, Mr. President, many Members of the Congress rejected the conclusions of that NIE as incorrect. Some of us on the Intelligence Committee believed that the information that we possessed suggested that the conclusions were inaccurate. Our concerns, frankly, centered on flawed assumptions underlying the key judgment of the NIE. The unclassified assumptions are—there are several. Let me tell you what they are:

First, concentrating on indigenous development of ICBMs adequately addresses the foreign missile threat to the United States.

What that means is, we can focus just on what these countries are able to build all by themselves and that that is going to be adequate in telling us what the threat posed by these countries will be in the future.

Second, foreign assistance will not enable countries to significantly accelerate ICBM development.

In other words, we are not going to look at what other countries might sell or give to these powers that we are concerned about, again relying on the notion that whatever they do they are going to do all by themselves without any help from the outside.

In other words, third, that no country will sell ICBMs to a country of concern.

Fourth, that no countries, other than the declared nuclear powers with the requisite technical ability or economic resources, will develop ICBMs from a space launch vehicle.

In other words, they are not going to use the rockets that are used to launch satellites for military purposes to convert those missiles or rockets for military purposes.

Another assumption: A flight test program of 5 years is essential to the development of an ICBM.

Of course, when the United States and the old Soviet Union did research on a new missile, it would take 5 years for us to test it to make sure it worked properly, because it was always a new concept.

So the CIA assumed in this NIE that it would take 5 years to develop a new missile.

Seventh, that development of short- and medium-range missiles will not enable countries to significantly accelerate ICBM development.

In other words, when they develop a shorter-range missile, that will have nothing whatsoever to do with their capability to develop more robust systems.

Finally, the possibility of an unauthorized or accidental launch from existing nuclear arsenals has not changed significantly over the last decade.

In my view, and in the view of many, these underlying assumptions ignored plain facts: Foreign assistance is increasingly commonplace and will accelerate indigenous missile programs. Other countries have sold, and almost certainly will continue to sell, weapons of mass destruction with ballistic missile components. The MTCR, which is the regime that is supposed to prevent this proliferation of weapons, has already been violated and is no doubt going to be violated again. And, finally, a flight test program does not have to follow the model of the United States or Soviet flight test program.

So the conclusion that flowed from the faulty assumptions of the CIA National Intelligence Estimate had the effect of allowing unwarranted political conclusions to be reached and preached.

Let me reiterate that.

Because of the CIA's letter to Senators at the time that we were debating the national missile defense amendment, policy was affected. The President vetoed that bill based in part on the conclusions of the CIA's National Intelligence Estimate, which was based upon flawed assumptions, which turned out to be inaccurate.

There were several reactions as a result of the President's action.

The General Accounting Office and two former CDIs—Directors of Central Intelligence—Jim Woolsey and Bob Gates, each offered opinions about the NIE 95–19.

The GAO prepared a report in September of 1996, and it concluded that the level of certainty regarding the 15-year threat which was stated in the NIE was, quoting, ''overstated.''

Former Director of the CIA Jim Woolsey validated this GAO assessment during a September 24, 1996, Senate Foreign Relations Committee hearing. In his formal statement, Mr. Woolsey suggested the 1995 NIE asked the wrong question.

He said the following:

> If you are assessing indigenous capabilities with the currently-hostile countries to develop ICBMs of standard design that can hit the lower 48 states, the NIE's answer that we may have 15 years of comfort may well be a plausible answer. But each of these qualifications is an important caveat and severely restricts one's ability to generalize legitimately, or to make national policy, based on such a limited document.

Among the things that former DCI Bob Gates said about the NIE was that it was ''politically naive.''

Despite these concerns, the administration and opponents of missile defense were unwilling to hear views contrary to the conclusions of the NIE. Frankly, this is still the case. In May, when the Senate attempted to invoke cloture on the American Missile Protection Act, Senate bill 1873, offered by Senators COCHRAN and INOUYE, the administration based its opposition to the bill on that previous NIE, National Intelligence Estimate 95–19.

Here is the quotation from the administration's opposition:

> The bill seeks to make it U.S. policy ''to deploy as soon as technologically possible an effective National Missile Defense system capable of defending the territory of the United States against limited ballistic missile attack (whether accidental, unauthorized, or deliberate).''

That is true.

In her letter stating the administration's position in opposition to Senate bill 1873, the Defense Department's general counsel stated, and I quote:

> The Intelligence Community has concluded that a long-range ballistic missile threat to the United States from a rogue nation, other than perhaps North Korea, is unlikely to emerge before 2010... Additionally, the Intelligence Community concluded that the only rogue nation missile in development that could strike the United States is the North Korean Taepo Dong 2, which could strike portions of Alaska or the far-western Hawaiian Islands.

That is the end of the quotation from the Department of Defense general counsel.

So the administration was still basing its opposition to missile defense on this National Intelligence Estimate of 1995.

In the wake of the debate over that poorly crafted report, Congress asked for a second opinion. It appointed a bipartisan commission of former senior government officials and members of academia led by former Defense Secretary Donald Rumsfeld, hence the name ''The Rumsfeld Commission Report.''

This bipartisan Commission was asked to examine the current and potential missile threat to all 50 States and to assess the capability of the U.S. intelligence community to warn policymakers of changes in this threat.

The Commission unanimously concluded three things: No. 1, the missile threat to the United States is real and growing; No. 2, the threat is greater than previously assessed; and, No. 3, we may have little or no warning of new threats.

Let me go back and review each of those.

1. The missile threat to the United States is real and growing.

''Concerted efforts by a number of overtly or potential hostile nations to acquire ballistic missiles with biological or nuclear payloads pose a growing threat to the United States, its deployed forces, its friends and allies. These newer, developing threats in North Korea, Iran and Iraq are in addition to those still posed by the existing missile arsenals of Russia and China, nations with which we are not now in conflict but which remain in uncertain transitions.''

2. The threat is greater than previously assessed.

''The threat to the United States posed by these emerging capabilities is broader, more mature and evolving more rapidly than has been reported in estimates and reports by the Intelligence Community,'' and a rogue nation could acquire the capability to strike the United States with a ballistic missile in as little as five years.

3. We may have little or no warning of new threats.

''The Intelligence Community's ability to provide timely and accurate assessments of ballistic missile threats to the United States is eroding.''

''The warning times the United States can expect of new, threatening ballistic missile deployments are being reduced,'' and under some plausible scenarios, ''the United States might well have little or no warning before operational deployment [of a long-range missile.]''

Now, Mr. President, why are the Rumsfeld Commission conclusions so different?

First of all, the Commission answered a slightly different question than our intelligence agencies did in the 1995 NIE, by examining the missile threat to all 50 States. The intelligence community has acknowledged that Alaska and Hawaii could be threatened much sooner than 15 years from now, but for some reason did not include that in its 1995 estimate.

Second, the Commission has access to the entire amount of information in the intelligence community—frankly, a broader and more highly classified set of information than most of the analysts in the compartmentalized intelligence world. Obviously, much information is compartmentalized to prevent its unauthorized distribution and release, but that also inhibits to some extent the ability of analysts to appreciate all aspects of the potential threat.

Third, the Rumsfeld Commission recognized that missile development programs in Third World countries no longer follow the patterns of United States and Soviet programs. They might, for example, succeed in testing a missile one time, conclude that they have got it right because, after all, they are using a weapon that has been sold to them essentially by another country and then deploy it based upon one test, whereas the United States and the Soviet Union, as I said before, might well have had to engage in years of testing to ensure that a new product would work.

Fourth, the Commission also understood that foreign assistance and technology transfers are increasingly commonplace. Without getting into the classified information in the Rumsfeld report, it is very clear that countries with which we are concerned have acquired a great deal of technology and in some cases components and perhaps even whole missile systems from other countries eager to earn the cash from the sale of those components or that

equipment or technology. And so these nations did not have to do what the intelligence community thought they had to do, and that was to develop it indigenously, from the ground up, with only what the nation could produce. They have been very successful in acquiring technology from other countries which has naturally shortened the lead time for them to develop and deploy their own systems.

Finally, and very importantly, the Rumsfeld Commission realized that foreign nations are aggressively pursuing denial and deception programs, thus reducing our insight into the status of their missile programs. In effect, what the Rumsfeld Commission concluded is this: That while the CIA in its estimate provided to us based its conclusions, in effect, on only what it could prove it knew, which, of course, is very little in the intelligence world, the Rumsfeld Commission examined what we knew and then asked questions about what the implications were about what we knew.

Would it be possible, even though we have no evidence that a country has done certain things, that it could do so as a result of what we knew? And if our assumptions with respect to its intentions are correct, would it not be plausible to assume that they would try to do that; and if they tried to do it, might they succeed?

So questions like that were asked in ways that were not based upon hard evidence in all cases but plausibilities and possibilities, and, as a result of asking those questions, some very troubling conclusions were reached which in many cases were verified by certain confirming evidence. And that is why we now understand that the nations with which we are most concerned have much more robust systems, both with respect to the missiles for delivery of weapons and the weapons on top of the missiles, than we had ever thought before.

Second, these programs can be deployed with little or no warning. And third, and probably the key lesson to come out of this, we have to appreciate the fact that we will be surprised by surprises, but we should not be. We should not be surprised by surprises, because most of what these countries are doing we don't know, and we won't know until the weapon is used or it is finally tested and we realize that they have developed it or we find information in some other way that confirms a program that we previously did not know existed.

So instead of being surprised at surprises, the Rumsfeld Commission report says we need to get into a new mode of thinking to understand that we should not be surprised by surprises, and that we should base our policy on that understanding.

That is my concluding point, Mr. President. The Congress and the President, in setting national policy, in developing our missile defenses, in appropriating the funds to support those programs, should approach this with the understanding that we will have little or no advanced warning, that there is much that we don't know but that we are likely to be facing threats. Therefore, my conclusion is we have got to get on with the development of our missile defenses. That represents my three concluding points. No. 1, we have got to get on with the job of developing and deploying both theater missile defenses and a National Missile Defense System, and we can begin by voting for cloture and for the Cochran-Inouye bill when we return from the recess.

Second, we must improve our intelligence capabilities and resources.

And third, we must avoid arms control measures and diplomatic actions that impede our ability to defend ourselves and damage our intelligence sources and methods.

We have a lot of work to do. Those of us on the Intelligence Committee have committed ourselves, based upon the briefing of the Rumsfeld report, to begin working on the intelligence aspects of this problem, and those who are on the Armed Services Committee and the Appropriations Committees will also have to work toward correction of the problems of the past to assure that our missile defense programs can proceed with the speed that is required to meet these emerging threats.

I conclude by thanking the members of this bipartisan Rumsfeld Commission and suggest to all of my colleagues that they become familiar with the contents of its report because it should certainly guide us in our policy deliberations with respect to the security of the United States from a missile threat in future years.

Mr. ENZI addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

GLOBAL WARMING ESTIMATES

Mr. ENZI. Mr. President, I would like to take a couple of minutes to talk about global warming and about where we are in the process of getting information from the administration about the Kyoto Treaty.

Last year, when we were doing appropriations, the Senate unanimously adopted an amendment to the Foreign Operations spending bill. That amendment directed the White House to describe exactly the amounts and locations of all its planned expenditures for domestic and international climate change activities for 1997, 1998, and thereafter. The President signed that bill.

What I hoped to get was a list, by agency, with their expected costs and objectives. I thought the Office of Management and Budget would be able to easily locate the pots of money involved in something as critical to the administration as global warming. But the President's response was a 2-page letter describing the Climate Change Technology Initiative and the Global Change Research Program. I have gotten more information out of any issue of the newspaper. No numbers were included in the global change research section. No numbers were included showing the money the Department of State has spent negotiating climate change or supporting the U.N.'s scientific bodies. No numbers were included telling us how much ''indirect programs'' would cost.

The administration's letter was an unacceptable response to our request, and it took a year to get it.

I ask unanimous consent to have that letter printed in the RECORD.

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

THE WHITE HOUSE,
March 10, 1998.

To the Congress of the United States:

In accordance with section 580 of the Foreign Operations, Export Financing, and Related Agencies Appropriations Act, 1998, I herewith provide an account of all Federal agency climate change programs and activities.

These activities include both domestic and international programs and activities directly related to climate change.

WILLIAM J. CLINTON.

In response to Section 580 of Public Law 105–118, ''Foreign Operations, Export Financing, and Related Agencies Appropriations Act of FY 1998,'' the following is a summary of Federal agency programs most directly related to global climate change.

DOMESTIC PROGRAMS

The Climate Change Technology Initiative is a five-year research and technology program to reduce the Nation's emissions of greenhouse gases. Led by the Energy Department (DOE) and the Environmental Protection Agency (EPA), the initiative also includes activities of the National Institute of Standards and Technology (NIST) and the Departments of Agriculture (USDA) and Housing and Urban Development (HUD). The initiative includes a combined $2.7 billion increase over five years for these agencies for research and development on energy efficiency, renewable energy, and carbon-reduction technologies. The initiative also includes $3.6 billion in tax incentives over five years to stimulate the adoption of more efficient technologies in buildings, industrial processes, vehicles, and power generation.

The Global Change Research Program, led by the National Science Foundation and the National Aeronautics and Space Administration, builds understanding of climate change and variability, atmospheric chemistry, and ecosystems. The scientific results from the program help in the development of climate change policies, and the development of new observing systems will enable better monitoring of future climate changes and their impacts. For example, the Tropical Rainfall Measuring Mission satellite launched during 1997 will provide previously unavailable, detailed, and accurate rainfall measurements, filling a significant gap in our understanding of the Earth system. In 1998 and 1999, the program will launch more satellites and increase its focus on investigating regional climate changes and assessing the vulnerability of the U.S. to climate variability and change.

A more complete description of these programs can be found in Chapter 6 (''Promoting Research'') of the President's FY 1999 Budget.

INTERNATIONAL PROGRAMS

Last June, the President announced a $1 billion, five-year commitment to address climate change in developing countries. This