

and use the word "kidnapping", but it has been the practice of the United States not to consider the term to include parental abduction because these treaties were negotiated by the United States prior to the development in United States criminal law described in paragraphs (3) and (4);

(6) the more modern extradition treaties to which the United States is a party contain dual criminality provisions, which provide for extradition where both parties make the offense a felony, and therefore it is the practice of the United States to consider such treaties to include parental abduction if the other foreign state party also considers the act of parental abduction to be a criminal offense; and

(7) this circumstance has resulted in a disparity in United States extradition law which should be rectified to better protect the interests of children and their parents.

#### SEC. 203. INTERPRETATION OF EXTRADITION TREATIES.

For purposes of any extradition treaty to which the United States is a party, Congress authorizes the interpretation of the terms "kidnaping" and "kidnapping" to include parental kidnapping.

### ADDITIONAL STATEMENTS

#### THE RUMSFELD COMMISSION REPORT

• Mr. KYL. Mr. President, as you know, over the past year there has been a great deal of discussion in Washington about the growing ballistic missile threat to the United States and our forces and friends abroad. Although Members of Congress and the Administration have not always agreed on how to best respond to this growing threat, I think we can all agree that the Commission to Assess the Ballistic Missile Threat to the United States, chaired by former Secretary of Defense Donald Rumsfeld, has made an indispensable contribution to the debate. The bipartisan, nine-member commission included many of our nation's most prominent experts on national security affairs. Due to Don Rumsfeld's leadership, this diverse group with divergent views on many policy issues, came together and produced an outstanding report that unanimously concluded that the ballistic missile threat to the U.S. is greater than previously assessed, that rogue nations like Iran could develop long-range missiles capable of reaching the U.S. in as little as five years, and that we might have little or no warning that such a threat had developed.

At an event last week, the Center for Security Policy honored Don Rumsfeld by presenting him with the "Keeper of the Flame" award for his outstanding leadership as chairman of the Commission to Assess the Ballistic Missile Threat to the United States. It was a well deserved honor. For the benefit of those who were not able to attend the award ceremony, I ask that Mr. Rumsfeld's remarks at the event be printed in the RECORD.

The remarks follow:

REMARKS OF THE HONORABLE DONALD RUMSFELD, CENTER FOR SECURITY POLICY, OCTOBER 7, 1998

Chairman Ed Meese, distinguished Members of the House and Senate, public officials—past and present—ladies and gentlemen. Good evening.

I see so many here who have served our country with distinction in so many important ways—Senators Cochran, Kyl and Wallop, Secretaries Jim Schlesinger and Al Haig, and many others. And there is Dr. Fritz Kraemer. There is a true "keeper of the flame." It is a privilege as well as a pleasure to be with you all.

Frank—my congratulations to you for your ten years of contributions to our country's security. You and your associates at the Center deserve, and have, our appreciation. We all know and respect the energy, persistence and patriotism that you have brought to the national security debate and are grateful for it.

Senator Thad Cochran, I thank you for your generous words. As you know, your Committee's very useful "Proliferation Primer" was given to each of our Commission members at our first session. You have made important contributions on these key subjects, and I congratulate you for them.

I find since I first arrived in Washington, D.C., to work on Capitol Hill back in 1957, fresh out of the Navy, that while we went back home at regular intervals, I seem to keep finding myself back here on some project or another for over several decades now. I must say that this most recent assignment, the Ballistic Missile Threat Commission, has been particularly interesting, because the subject is so important.

This evening I want to talk a bit about our report, first because it is a message that needs to be heard, and, second, because there's no group who has done more and can do still more to carry that message.

As you will recall, the U.S. Intelligence Community's 1995 National Intelligence Estimate caused quite a stir in the national security community for a number of reasons. As a result, the Congress established our Commission to provide an independent assessment of the ballistic missile threat to the United States—including Alaska and Hawaii. Our charter was not to look at other threats or possible responses.

As one of our Commissioners put it, our task was to find out, Who has them? Who is trying to get them? When are they likely to succeed? Why do we care? and, When will we know?

Thanks to Speaker Gingrich and Minority Leader Gephardt for the House, and Senate Leaders Lott and Daschle, the members of our bipartisan Commission were truly outstanding. They included: Dr. Barry Blechman, the former Assistant Director of the Arms Control and Disarmament Agency in the Carter Administration; Retired four-star general Lee Butler, former Commander of the Strategic Air Command; Dr. Richard Garwin of IBM, a distinguished scientist; General Larry Welch, former Chief of Staff of the Air Force, and CEO of the IDA; Paul Wolfowitz, former Undersecretary of Defense for Policy, former Ambassador to Indonesia, and Dean of the Nitze School at Johns Hopkins University; and James Woolsey, former Director of the CIA in the Clinton Administration. Also with us this evening is Dr. Steve Cambone, currently the Director of Research at the National Defense University. Steve did a superb job as Staff Director for the Commission.

Two of our Commissioners are here this evening, and I'd like them to stand and be recognized for their important work.

Dr. William Graham, former Science Advisor to President Reagan. Bill Graham has done a superb job. Thank goodness we had the benefit of his technical experienced and knowledge.

Dr. William Schneider, former Undersecretary of State for Security Assistance in the Reagan Administration. Bill kept us sane with his unfailing good humor, penetrating as it is, and challenged by his keen insights.

The members of the Commission spent an enormous number of hours, over six months and received over 200 briefings. Not surprisingly, given our different backgrounds and experiences—military, technical, policy oriented, but all with decades of experience dealing with the Intelligence Community and its products—we started out with a variety of viewpoints. As we proceeded, each time we seemed to be diverging in our views, we called for more briefings and focused back on the facts.

After extensive discussion and analysis, we arrived at our unanimous conclusions and a unanimous recommendation. As General Welch said, the facts overcame our biases and opinions and drove us to our unanimous conclusions. And in this city, unanimity is remarkable, especially on a subject as heated as this.

Given that so few people will be able to read our classified final report of some 307 pages, with several hundred additional classified pages of working papers and technical analysis, and that the unclassified executive summary was only 36 pages, that our conclusions were unanimous makes them considerably more persuasive.

During the course of our deliberations, almost every week there was an event somewhere in the world related to ballistic missiles or weapons of mass destruction—whether the Ghauri missile launch by Pakistan, the Indian and Pakistani nuclear explosions, continued stiff-arming of the U.S. and the U.N. inspectors by Iraq, the Shahab 3 missile firing in Iran, and more recently North Korea's Taepo Dong 1 three-stage launch. The pace of these significant events, while disturbing to be sure, provided a vivid backdrop for our work.

It is clear the Gulf War taught regional powers that they are ill-advised to try to combat U.S. or Western armies and air forces. They can neither deter nor prevail against those vastly greater conventional capabilities. That being the case, it's not surprising that they seek asymmetrical advantages and leverage to enable them to change the calculations of Western nations and ways to threaten and deter them as well as their neighbors.

They have several cost effective options. Terrorism is one. Cruise missiles are also an increasingly attractive option in that they are both versatile and relatively inexpensive. At some point they may well become a weapon of choice.

And, third, there are ballistic missiles. It is not happenstance that some 25-30 countries either have or are seeking to acquire ballistic missiles. They are very attractive, and relatively inexpensive when compared to armies, navies, and air forces; second, like cruise missiles, they can be launched from land, sea or air and have the flexibility of carrying chemical, biological or nuclear warheads; and third, they have the compelling advantage of being certain to arrive at their destinations—since there are no defenses against them.

Those of us from Chicago recall Al Capone's remark that "You get more with a kind word and a gun than you do with a kind word alone." We can substitute "ballistic missile" for "gun" and the names of some modern day Al Capones.

The term "rogue countries" is an unfortunate phrase, since it suggests that their behavior might be erratic. While unusual to us, their actions are rational for them and not unpredictable. To say that such countries would be deterred or dissuaded from using terrorist attacks, cruise missiles or ballistic missiles with weapons of mass destruction, because of the vastly greater power of the U.S. and the West, is to misunderstand. As Lenin said, "the purpose of terrorism is to terrorize." these are terror weapons, and they work.

Having these capabilities in the hands of such countries forces a different calculation on the part of the U.S. and any nation that has interests in their regions.

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 The Commission's unanimous conclusions were these:

China and Russia continue to pose threats to the U.S., although different in nature. Each is on an uncertain, albeit different, path. With respect to North Korea and Iran, we concluded each could pose a threat to the U.S. within five years of a decision to do so, and that the U.S. might not know for several years whether or not such a decision had been made. Given that UNSCOM sanctions and inspections are unlikely to be in place it is increasingly clear that Iraq has to be included with North Korea and Iran.

We concluded unanimously that these emerging capabilities are broader, more mature, and evolving more rapidly than had been reported, and that the intelligence community's ability to provide timely warning has been and is being eroded and that the warning time of deployment of a ballistic missile threat to the United States is reduced. Finally, we concluded that under some plausible scenarios, including re-basing or transfer of operational missiles, sea- and air-launch options, shortened development programs that might include testing in a third country, or some combination of these, the U.S. might well have little or no warning before operational deployment.

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 One important reason is that the emerging powers are secretive about their programs and increasingly sophisticated in deception and denial. They know considerably more than we would like them to know about the sources and methods of our collection, in no small part through espionage. And they use that knowledge to good effect in hiding their programs.

We concluded that there will be surprises. It is a big world, it is a complicated world, and deception and denial are extensive. The surprise to me is not that there have been and will continue to be surprises, but that we are surprised that there are surprises. We don't, won't, and can't know everything. We must recognize that some surprises will occur and take the necessary steps to see that we invest so that our country is arranged to deal with the risks that the inevitable surprises will pose. As von Clausewitz wrote, "The unexpected is the prince of the battlefield."

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 The second key factor relative to reduced warning is the extensive and growing foreign assistance, technology transfer and foreign trade in ballistic missile and weapons of mass destruction capabilities. Foreign trade and foreign assistance are, in our view, not a "wild card." They are a fact. The contention that we will have ample warning of developments in nations with "indigenous" ballistic missile development programs misses the point. I don't know of a single nation on earth with an "indigenous" ballistic missile program. There may not have been a truly

indigenous ballistic missile development program since Robert Goddard. The countries of interest are helping each other. They are doing it for a variety of reasons—some strategic, some financial. But, be clear—technology transfer is not rare or unusual, it is pervasive.

The intelligence task is difficult. There are more actors, more programs and more facilities to monitor than was the case during the Cold War. Their assets are spread somewhat thinly across many priorities. Methodological adjustments relative to collecting and analyzing evidence is, in our view, not keeping up with the pace of events. We need to remember Baldy's Law: "Some of it (what we see), plus the rest of it (what we don't see) equals all of it." Or, as Dr. Bill Graham frequently reminded us, "The absence of evidence is not evidence of absence."

Specifically, Russia and China have emerged as major suppliers of technology to a number of countries. There is the advent and acceleration of trade among second-tier powers to the point that the development of these capabilities may well have become self-sustaining. Today they each have various capabilities the others do not. As they trade—whether it's knowledge, systems, materials, components, or technicians—they benefit from each other and are able to move forward on separate development paths, all of which are notably different from ours or that of the Soviet Union. And, they are able to move at a more rapid pace.

To characterize the programs of target nations as "high-risk" is a misunderstanding of the situation. These countries do not need the accuracies the U.S. required. They do not have the same concerns about safety that the U.S. has. Nor do they need the high volumes the U.S. acquired. As a result, they are capable of using technologies, techniques and even equipment that the U.S. would have rejected as too primitive as much as three decades ago. But let there be no doubt—they are successfully and rapidly developing the capabilities necessary to threaten the United States.

As I mentioned, we considered a series of ways nations can shorten the missile development process and, therefore, warning time. They include launching shorter-range missiles by air or sea, by placing them in another country, by missile testing in another country, by the turn-key sale of entire ballistic missile systems to other countries, or some combination.

These approaches have been characterized as "unlikely." But each has been done. They are not new, novel, high-risk or unlikely.

As Jim Woolsey pointed out, making ICBMs was like the old 4-minute mile barrier. It seemed impossible until Roger Bannister broke it. Today it's relatively easy.

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 On the subject of sanctions, you will recall that President Clinton recently said that sanctions legislation causes them to "fudge." It was an honest statement. However, "fudging" can have a dangerous effect.

There are several ways to "fudge": First, simply don't study or analyze a matter if the answer might put your superiors in an uncomfortable position; delay studying or reporting up information that would be "bad news"; narrowly construe an issue, so that the answer will not be adverse to your boss's views or positions; and last, select assumptions that assume that the answer will lead to your desired conclusions. For example, you could study carefully whether or not the U.S. will have adequate warning of "indigenous" ballistic missile development programs, even though "indigenous" ballistic missile development programs don't exist.

In short, the effect of "fudging" is to warp and corrupt the intelligence process. It is

corrosive. Leaders have to create an environment that is hospitable to the truth—whether it is bad news or good news—not an environment that forces subordinates to trim, hedge, duck and, as the President said, "fudge."

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 The recent TD-1 space launch vehicle test is an object lesson and also a warning. Many were skeptical for technical reasons that the TD-1 could fly at all. It had been the conventional wisdom that "staging" and systems integration were too complex and difficult for countries such as North Korea to accomplish in any near time frame. Yet North Korea demonstrated staging twice.

The likelihood that a TD-2 will be successfully tested has gone up considerably since the August 31st flight. The likelihood that a TD-2 flight could exceed 5,000 to 6,000 kilometers in range with a nuclear payload has gone up as well. And, the likelihood that we will not know very much in advance of a launch what a TD-2 will be capable of continues to be high.

Now, the TD-1 launch was interesting with respect to North Korea, but given the reality of technology transfer, what happens in North Korea also is important with respect to other countries, for example, Iran. We can be certain that North Korea will offer that capability to other countries, including Iran. That has been their public posture. It has been their private behavior. They are very, very active marketing ballistic missile technologies. In addition, Iran not only has assistance from North Korea, but it also has assistance from Russia and China, which creates additional options and development paths for them.

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 What does this all mean by way of warning? Well, it powerfully reinforces our Commission's conclusions that technology transfer is pervasive and that deception and denial work. I've mentioned "surprises," which of course go to the issue of warning. When do we know something? Put another way—when is what we do know sufficiently clear that it becomes actionable?

Roberta Wohlstetter's brilliant book Pearl Harbor, and the foreword to it, compellingly argue that: "...we were not caught napping at the time of Pearl Harbor. We just expected wrong. And it was not our warning that was most at fault, but our strategic analysis. We were so busy thinking through some "obvious" Japanese moves that we neglected to hedge against the choice they actually made."

It may have been a somewhat "improbable" choice, but it was not all that improbable. We provided the undefended target, and if we know anything from history, it is that weakness is provocative. Weakness entices others into adventures they otherwise would avoid. "The risk is that what is strange is thought to be "improbable," and what seems improbable is not taken seriously."

The book goes on to point out that: "Surprise, when it happens to a government, is likely to be a complicated, diffuse bureaucratic thing. It includes neglect of responsibility, but also responsibility so poorly defined or so ambiguously delegated that action gets lost. It includes gaps in intelligence, but also intelligence that, like a string of pearls too precious to wear, is too sensitive to give to those who need it (and this is happening today). It includes the alarm that fails to work, but also the alarm that has gone off so often it has been disconnected. It includes the unalert watchman, but also the one who knows he'll be chewed out by his superior if he gets higher authority out of bed. It includes the contingencies that occur to no one, but also those that everyone assumes somebody else is taking care

of. It includes straightforward procrastination, but also decisions protracted by internal disagreement. It includes, in addition, the inability of individual human beings to rise to the occasion until they are sure it is the occasion, which is usually too late.

"The results, at Pearl Harbor, were sudden, concentrated, and dramatic. The failure, however, was cumulative, widespread, and rather drearily familiar. This is why surprise, when it happens, is everything involved in a government's failure to anticipate effectively."

Does that sound familiar?

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Our Commission's unanimous recommendation was that U.S. analyses, practices and policies that depend on expectations of extended warning of deployment of ballistic missile threats be reviewed and, as appropriate, revised to reflect the reality of an environment in which there may be little or no warning. Specifically, we believe the Department of State should review its policies and priorities, including sanctions and non-proliferation activities, as well as our alliance activities; the intelligence community should review U.S. collection capabilities, given their changing and increasingly complex task; and, last, that the defense establishment should review both U.S. offensive and defensive capabilities as well as strategies, plans, and procedures that are based on an assumption of extended warning.

In short, we are in a new circumstance and the policies and approaches that were appropriate when we could rely on extended warning no longer apply.

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Recently I have been asked about the reception our report has received. I would say it has been surprisingly good.

First, the press. The reaction was superb from Bill Safire, but across the country it has been modest. But then there has been a lot of unusual news competition here in Washington, D.C., to say nothing of the news of:

Russia's economic problems and protests and the last Soviet intelligence chief, Mr. Primakov, being named Prime Minister.

The Asian financial crisis.

The Chicago Cubs' Sammy Sosa's brilliant chase for the home run title, to say nothing of Mr. McGwire's accomplishment.

And, if you can believe it, Quaddafi, of all people, holding a 5-nation summit.

As to the Department of State and the National Security Council, I am not aware of any public reaction.

The only reaction from the Department of Defense I am aware of was to reiterate their belief that the U.S. will have ample warning of "indigenous" ballistic missile development programs, with which we, of course, would readily agree, if, in fact, any "indigenous" ballistic missile programs actually existed—which they don't. As General Lee Butler said at one of our Commission's Congressional hearings, "If you are determined to do it, there is no body of evidence that cannot be ignored."

In the Intelligence Community we see positive changes already. I think it is reasonably certain that the next National Intelligence Estimate will look quite different from the last one. The initial press report on the release of the Commission's findings quoted an "anonymous CIA source" as contending that our report was a "worst case." But that was before the North Korean three-stage TD-1 launch in August. We have not seen that phrase used again since. Indeed, our report could prove to have been a "best case," if and when North Korea and/or Iran announce and demonstrate still greater ballistic missile and weapons of mass destruction capabilities, as they most surely will in the months ahead.

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We are in a relaxed post-Cold War environment, with increased exchanges of scientists and students, relaxed export controls, leaks of classified information appearing in the press almost daily, espionage continuing apace, an explosion of "demarches," which provide vital information that eventually is used to our disadvantage, and increased international trade of sophisticated dual-use technology.

It is increasingly clear that anti-proliferation efforts, coupled with the inevitable imposition of still more sanctions—which already cover a large majority of the people on earth—are not stopping other nations from acquiring increasingly sophisticated weapons of mass destruction and missile technologies.

There are two schools of thought as to how to deal with this obvious failure:

One is to try still harder and impose still more sanctions.

The second approach is to seriously work to prevent the availability of the most important technologies, try to delay the availability of the next tier of information, but to recognize that we live in a world where those who don't wish us well will inevitably gain sophisticated weapons, and that, therefore, the answer is to invest as necessary in the offensive and defense capabilities and the intelligence assets that will enable us to live with these increasingly dangerous threats.

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We hear a lot about the defense budget and the top line pressure—that we can't afford more. Look, our country may not be wealthy enough to do everything in the world that everyone in the world may wish, but the first responsibility of government is to provide for the national security. And, let there be no doubt, our country is more than wealthy enough to do everything important that we need to do. Defense expenditures at 3% of GNP are the lowest in my adult lifetime. We need to stop the mindless defense cuts, rearrange our national defense to fit the post-Cold War world, and invest as necessary to assure our nation's ability to contribute to peace and stability in our still dangerous and increasingly untidy world.

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I am optimistic that we will find our way. We are not a nation with but one leader. Our strength is that we have multiple centers of leadership.

Our central purpose remains as compelling as ever. Quite simply, it is to guard the ramparts of freedom and to expand freedom at home and light its way in the world. This means encouraging freedom abroad and enriching it here at home. It requires purposeful diplomacy underpinned by strong, flexible military power and persuasive moral leadership.

As Theodore Roosevelt once said, "Aggressive fighting for the right is the noblest sport that the world affords." To those gathered here this evening, who do that each day, you have my thanks and appreciation. Thank you very much.●

#### THE SECRET SERVICE'S BERNARDINO STABILE—OUTSTANDING AMERICAN

● Mr. KENNEDY. Mr. President, I rise today to pay tribute to Bernardino R. Stabile on his retirement from the Secret Service. A military veteran and dedicated civil servant, Mr. Stabile has completed 53 outstanding years in service to the government.

Mr. Stabile has served with great distinction for the past 25 years as an Operations Support Technician in the Boston Field Office of the Secret Service, working in support of the agency's protective and investigative missions.

Earlier, Mr. Stabile had served for 27 years in the United States Marine Corps. He served in the South Pacific in World War II, including the Marshall Islands, Saipan, and Iwo Jima. He also served in the Korean War in the 1950's, was part of the Dominican Republic operation in 1965, and had two tours of duty in Vietnam in the 1960's.

In the course of this extraordinary career, he became a highly decorated Sergeant Major and received numerous commendations, including the Bronze Star, the Navy Commendation Medal, the Presidential Unit Citation, and the Navy Unit Citation. Some say, once a "boot," always a "boot." But Sergeant Major Stabile took many "boots" over the years and developed them into effective leaders.

Throughout his brilliant career, Bernardino Stabile has served his country with commitment, dedication, bravery, integrity, honor, and patriotism of the highest order. He deserves the gratitude of the Senate and the nation, and I am proud to take this opportunity to praise his outstanding service.●

#### THE VERY BAD DEBT BOXSCORE

● Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, October 13, 1998, the federal debt stood at \$5,537,720,928,486.41 (Five trillion, five hundred thirty-seven billion, seven hundred twenty million, nine hundred twenty-eight thousand, four hundred eighty-six dollars and forty-one cents).

Five years ago, October 13, 1993, the federal debt stood at \$4,403,485,000,000 (Four trillion, four hundred three billion, four hundred eighty-five million).

Ten years ago, October 13, 1988, the federal debt stood at \$2,616,702,000,000 (Two trillion, six hundred sixteen billion, seven hundred two million).

Fifteen years ago, October 13, 1983, the federal debt stood at \$1,383,620,000,000 (One trillion, three hundred eighty-three billion, six hundred twenty million) which reflects a debt increase of more than \$4 trillion—\$4,154,100,928,486.41 (Four trillion, one hundred fifty-four billion, one hundred million, nine hundred twenty-eight thousand, four hundred eighty-six dollars and forty-one cents) during the past 25 years.●

#### IN MEMORY AND HONOR OF LOUIS L. REDDING

● Mr. BIDEN. Mr. President, I rise today to honor one of Delaware's, indeed this nation's, legal legends.

Louis L. Redding was the first African-American admitted to the Delaware Bar in 1929. As one of the pre-eminent civil rights advocates in the country, Redding was sought after to