

## BALLISTIC MISSILE DEFENSE

Mr. SMITH of New Hampshire. Mr. President, as momentum builds for the deployment of missile defense and the abandonment of the obsolete ABM Treaty, those who oppose missile defense are getting more and more desperate in their arguments. One argument that we're hearing with more frequency is the threat of the suitcase bomb. This argument maintains that we shouldn't be spending our scarce defense dollars on ballistic missile defense when there are easier and cheaper ways a potential enemy could deliver a weapon of mass destruction to the United States. Rogue states could just smuggle a bomb in on a ship, or put it in a suitcase in New York, or drop biological weapons into our water supply. A missile defense system won't do anything to stop a suitcase bomb, so it must be a waste of money, or so the argument goes.

This argument is repeated with such frequency, it might be useful to state for the record why it misses the point.

Let me state the most obvious reason first. The presence of one kind of threat doesn't mean you shouldn't also defend against other threats. Imagine if this logic were applied consistently to our approach to national defense. Why have an army if you can be attacked by sea? Or, why have air defenses if you can be attacked by land? Such reasoning is absurd. If we refused to defend against one threat simply because other threats exist, we would end up completely defenseless.

National defense capabilities are like insurance policies: we hope we never have to use them, but the consequences of not having them could be catastrophic. No one would argue that because you have auto insurance you shouldn't also buy insurance for your house. However, opponents of missile defense argue that you don't need insurance against ballistic missiles, but that you only need insurance against suitcase bombs and other terrorist threats.

I think we would all agree that a potential adversary would likely try to exploit any perceived vulnerabilities in our defenses. This is only logical. If the U.S. forgoes the capability to repel a missile attack, that creates a powerful incentive for our adversaries to seek a ballistic missile capability. Once again, this is only logical.

I would like to emphasize that defending against the so-called suitcase bomb threats is not an alternative to defending against ballistic missiles, as opponents of missile defense assert. We must do both. We have an obligation to do both.

Keep in mind that terrorist acts, such as those that would be perpetrated by a suitcase bomb, serve purposes entirely different from ballistic missiles. The surreptitious placement and detonation of a weapon, such as occurred at the World Trade Center or in Oklahoma City, is intended to disrupt society by spreading terror. Such acts

depend on covert action and their goal is the actual use of the weapon. That's not why nations acquire ballistic missiles.

How many times have we heard opponents of missile defense drag out the tired cliché "Missiles have a return address!" as though that somehow devalues them. The opposite is true, missiles derive their value from the knowledge of their existence and the belief that they might be used. Of course they have a return address; their owners want to make sure we know it. The point is not, as it is with terrorist weapons, to hide the existence of ballistic missiles, but to broadcast it. The ability to coerce the United States with ballistic missiles depends on our belief that a potential adversary has nuclear missile and would be willing to use them against us. We called this principle deterrence when the Soviet Union was in existence. However, in the hands of a dictator, deterrence can quickly become coercion and blackmail.

Those who argue that missile defense is not necessary as long as a potential adversary could use a suitcase bomb erroneously assume that the goal of a rogue state in having a ballistic missile is to use it somewhere. This is not necessarily correct. These rogue states recognize that ballistic missiles armed with nuclear warheads provide an effective way to coerce the United States. Imagine a dictator who could stand up to the United States with a nuclear missile, knowing full well that there is nothing the United States can do to defend itself.

There is another huge difference between the terrorist act and the ballistic missile—we are actively fighting against terrorism but doing nothing whatsoever to protect ourselves against ballistic missiles. Last year, the United States spent around \$11 billion in counter terrorism programs, more than double what we spent on the entire missile defense program, including theater missile defenses. Spending this year on counter terrorism programs will be even higher. And that layer of defense is working, as evidenced last year by the successful interdiction of terrorist infiltration attempts on our northern border. Counter terrorism is an important aspect of our national security program and we need to continue to be vigilant and to dedicate the necessary resources to it. But we have no defense against ballistic missiles, and we cannot continue to have this glaring vulnerability in our defenses.

For those opponents of missile defense, I pose the following questions. Why are nations like North Korea and Iran spending billions of dollars on the development of ballistic missiles? Are they irrational, spending money on things they don't need? I think that's highly unlikely. I think a better explanation is that the leaders of such nations see tremendous value in such weapons. They understand that the

only way to counter the power of the United States and reduce its influence is to exploit its vulnerabilities. I think they have surveyed the landscape and have correctly perceived that our one glaring vulnerability is our utter defenselessness against ballistic missile attack. And I think they have realized that ballistic missiles, with their return address painted right on the side in big bright letters, can be instruments of coercion without ever being launched.

That is a purpose very different from the one served by suitcase bombs, and it is time opponents of missile defense stopped pretending otherwise.

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 THE FISCAL YEAR 2002 VA-HUD AND INDEPENDENT AGENCIES

Mr. KYL. Mr. President, I regret that, once again, I was compelled to oppose this appropriations bill. At the outset, I should make it clear that there are many worthwhile items contained within it. Above all, I am pleased that the committee has provided significant increases in funding for veterans' health care, veterans' medical research, State veterans home construction and other vital programs that serve those who have sacrificed for our Nation.

Nevertheless, I cannot endorse the order of priority accorded to the various programs funded within this bill. I object to leaving veterans' needs unmet while funding hundreds of earmarked projects. And I regret that our appropriations process compels Members to, in effect, choose between voting for rightly popular veterans' programs and voting against wasteful social spending.

For a number of years, I have questioned the desirability of grouping agencies with unrelated missions into omnibus appropriations bills, and I have cited the VA-HUD bill as the best illustration of the problem. Despite my strong support for veterans benefits I have, more often than not, voted against the VA-HUD bill since I came to the Senate, because I believed that the spending levels and earmarks in the HUD portion could not be defended.

We all know that HUD is a Department fraught with serious problems, as detailed repeatedly by the General Accounting Office, which to this day, classifies HUD as the only "high risk" executive branch agency at the Cabinet level. Yet the bill before us provides HUD with a robust nine percent increase, bigger than the increase provided for veterans.

The HUD title also includes eleven pages of earmarked projects, the vast bulk of them in States represented by appropriators. If past history is any guide, the final list of earmarks will grow beyond what is in this bill, or the House bill.

Last night, I reluctantly voted against the amendment offered by the senior Senator from Minnesota, because I believed that the additional

funding for veterans' health it provided needed to be, and could have been, fully offset. The first \$140 million could be found in those eleven pages of earmarks!

Another \$420 million could be found in the allocation for AmeriCorps, former President Clinton's program to pay salaries and benefits to "volunteers."

Nearly all of the remaining \$90 million could be found by reclaiming for veterans money this bill allocates for federally-funded community computer centers, an unauthorized expenditure.

It is all about priorities, you see, and the priorities in this bill are out of whack.

Finally, I must reiterate my disappointment with the failure of the Senate to adopt needed reforms to restore equity in the formula used to distribute funding for wastewater needs to the various States. Although the managers graciously adopted my amendment urging the authorizing committee to act this year to address the need for reform, the Senate has lost a real opportunity to bring this outmoded formula into the 21st century.

#### WILDFIRE TRAGEDIES

Mr. SMITH of Oregon. Mr. President, I rise today to reflect on a tragedy that weighs very heavy upon my heart. Last month four firefighters were killed in a conflagration in Washington State's Okanogan National Forest. My prayers and thoughts are with the families of Tom Craven, Devin Weaver, Jessica Johnson, and Karen FitzPatrick. Their service and bravery will not be forgotten.

This tragedy, like those at Mann Gulch and Storm King Mountain, reminds us of the very real, imminent and often hidden specter of wildfire. While Congress and the Administration have made a commendable commitment to fighting and preventing wildfire, this most recent tragedy raises valid concerns about potential administrative and regulatory barriers to responsible fire management.

There are reports that conflicting authorities, involving the requirements to protect bull trout under the Endangered Species Act, delayed a water drop on the fire for nearly 12 hours, during which time the fire grew from 25 to 2,500 acres. I am aware that the Forest Service is investigating this matter, and in no way want to comment on the verity of this report. The fact that such an occurrence is possible, however, is cause enough for great alarm, and a call for immediate attention by this body and the administration.

I would pose two questions to my colleagues: What obstacles are preventing the protection of human life during emergency situations? If there is indecision in the face of danger, is there also inconsistency in our laws, and our priorities as a government?

There is a clause in the Endangered Species Act, ESA, that provides for

threats to human life. It says that "No civil penalty shall be imposed if it can be shown . . . that the defendant committed an act based on a good faith belief that he was acting to protect himself . . . or any other individual from bodily harm, from any endangered species." This is the "charging bear" scenario, which I believe in spirit, should apply to any conflict between human and animal life.

As the Forest Service investigates this tragedy, I believe that clarity should be given to all Federal land management agencies, as well as the National Marine Fisheries Service, NMFS, giving explicit authority, in emergency situations, to take without reservation necessary actions to prevent the loss of human life. While this authority is consistent with the Endangered Species Act, it seems to be constrained by a bureaucracy that has repeatedly turned a blind eye to the human side of natural disasters.

I also want to express my disappointment in one of the government's missed opportunities to prevent wildfire threats in the first place. The National Fire Plan provided a landmark level of funding to reduce hazardous fuel loads on 3.2 million acres of public lands. In addition, the Forest Service and NMFS entered into a Memorandum of Agreement to streamline the ESA consultation process for fuels reduction projects while protecting salmon habitat. NMFS was consequently given \$4 million to accomplish this. Over a month ago, thirty NMFS biologists were sent to the Pacific Northwest to expedite these consultations. It appears that, to date, they have not been assigned a single project. In addition, testimony from the General Accounting Office this week reported that there are serious flaws in the implementation of the National Fire Plan, including interagency cooperation.

When I go home to Oregon tomorrow I want to tell my constituents, including my friends and neighbors, that "help is on the way." In order to do that, I must be confident that this body will exert every power at its disposal to protect our citizens, and our forests, from Nature's disasters, and our own.

#### TRIBUTE TO LANCE ARMSTRONG

Mr. BROWNBACK. Mr. President, in the world of sports, there are competitions, there are grueling tests of strength and endurance, and there is the Tour de France. For 22 days—through 20 different stages—over 2,286 miles—over mountains—across valleys—through cities—some of the world's greatest athletes ride. They compete against each other, the elements, the terrain and themselves, primarily with the hope of simply completing the ride.

Competing in the Tour de France, there are the great athletes, there are the elite athletes, and there is Lance Armstrong. On his *Circum Vitae*,

Lance might list himself as a two time Olympian, a two time US Champion, World Champion, or—a feat boasted by only eight riders since the beginning of the tour in 1903—a three time Tour de France winner.

On this past Sunday, July 29, the 29 year old Texan pulled up to the Champs-Elysees, six minutes and 44 seconds ahead of his next closest competitor. It was his third victory at the Tour de France in as many years. While he has been reluctant to accept the title, many of his fellow cyclists consider him to be "the Patron"—the unquestioned boss of the race.

However, as remarkable as his competitive achievements may be, Mr. Armstrong's *Circum Vitae* has one addition that establishes him as a truly remarkable human being—he is a cancer survivor. With the same fortitude that carried him over 6 peaks in the Pyrenees, Mr. Armstrong defeated choriocarcinoma, an aggressive form of testicular cancer. By the time it was discovered, the cancer had spread to, and established itself in, Mr. Armstrong's abdomen, lungs and brain. Some of the 11 masses in the talented young cyclist's lungs were the size of golf balls. According to medical science, Mr. Armstrong had an estimated 50/50 chance of survival. Needless to say, the odds of his ever returning to the sport he loved were more slim.

However, as has been made obvious in the last three tours, Lance Armstrong is a man of great determination. Since 1997, Mr. Armstrong has been cancer free. Despite having endured brain surgery, the removal of a testicle and intense chemotherapy, he has returned to and excelled in one of the toughest competitions in the history of sport.

Beyond his professional triumphs, Mr. Armstrong has lived a fulfilled personal life. In 1998, Lance Armstrong and Kristen Richard were joined as husband and wife. In 1999, the couple were blessed with the birth of their first son, Luke David.

Beyond his incredible professional and personal triumphs, Mr. Armstrong has become a beacon of hope to his community. Through his work with the Lance Armstrong Foundation, Mr. Armstrong has greatly benefitted the causes of research, early detection and treatment, and survivorship. The name Lance Armstrong has come to signify hope for cancer patients and their families.

So, I rise today not to congratulate Mr. Armstrong, but to thank him. He has meant a great deal to a great many people. The word "hero" is, in my opinion, overused in the world of sports. Lance Armstrong is a hero.

#### THE BUDGET OUTLOOK

Mr. ALLARD. Mr. President, on July 20 the senior Senator from the great State of North Dakota made a series of thought-provoking comments on the