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DECLARATION OF POLICY OF THE UNITED
STATES CONCERNING NATIONAL MISSILE
DEFENSE DEPLOYMENT

R E P O R T

OF THE

COMMITTEE ON ARMED SERVICES
HOUSE OF REPRESENTATIVES

ON

H.R. 4

together with

ADDITIONAL AND DISSENTING VIEWS

[Including cost estimate of the Congressional Budget Office]



MARCH 2, 1999.—Committed to the Committee of the Whole House on
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DECLARATION OF POLICY OF THE UNITED STATES
CONCERNING NATIONAL MISSILE DEFENSE DEPLOYMENT

MARCH 2, 1999.—Ordered to be printed

Mr. SPENCE, from the Committee on Armed Services,
submitted the following

REPORT

together with

ADDITIONAL AND DISSENTING VIEWS

[To accompany H.R. 4]

[Including cost estimate of the Congressional Budget Office]

The Committee on Armed Services, to whom was referred the bill (H.R. 4) to declare it to be the policy of the United States to deploy a national missile defense, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE AND BACKGROUND

H.R. 4 would commit the United States to the deployment of a national missile defense (NMD) system as a matter of policy. The bill reflects the committee's belief that the American people must be protected against the threat of a limited ballistic missile attack.

The Administration's current policy commits the United States to the development—but not deployment—of a national missile defense system, and is predicated on the belief that the United States will have adequate warning time during which to deploy NMD in response to emerging ballistic missile threats. Although the Administration has proposed additional funding to support a national missile defense deployment in its Future Years Defense Plan (FYDP), it does not plan to make a deployment decision until June 2000 at the earliest.

The committee notes there is an increasing body of evidence to suggest that the proliferation of ballistic missiles and the weapons

of mass destruction they can carry poses a growing threat to the United States, and that missile threats from rogue states such as North Korea or Iran may emerge sooner than anticipated by the intelligence community. In this connection, the committee notes the establishment in the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201) of an independent and bipartisan Commission to Assess the Ballistic Missile Threat to the United States. That commission—chaired by former Secretary of Defense Donald Rumsfeld and commonly known as the “Rumsfeld Commission”—unanimously concluded in July 1998 that the threat posed to the United States by nations seeking to acquire ballistic missiles and weapons of mass destruction “is broader, more mature and evolving more rapidly than has been reported in estimates and reports by the intelligence community.” Consequently, the commission emphasized that the United States might have “little or no warning” before a ballistic missile threat materializes. This possibility, the commission observed, would result from the expanding access to detailed open source technical information; the availability of foreign assistance, primarily from Russia and China, to rogue states seeking to develop their own ballistic missiles; and the use of deception and denial techniques intended to thwart U.S. efforts to accurately assess the nature and pace of other nations’ ballistic missile programs.

Several recent events have underscored the Rumsfeld Commission’s findings. On July 24, 1998, Iran conducted the first flight-test of its Shahab-3 medium-range ballistic missile. Only months before, the intelligence community had forecast that the missile’s initial flight-test would not occur for at least another year. Iran’s accelerated development effort was facilitated by foreign assistance from Russia and North Korea. With additional assistance from these countries, Iran is also developing an intermediate-range ballistic missile—the Shahab-4—and, according to the Rumsfeld Commission, will be able “to demonstrate an [intercontinental]-range ballistic missile * * * within five years of a decision to proceed. * * *”

On August 31, 1998, North Korea launched a variant of its Taepo Dong-1 ballistic missile in an attempt to place a satellite into orbit. The missile had a third stage, flight profile, mission, and range that were not anticipated by the intelligence community. With a third stage, the intelligence community estimates that the missile could strike portions of the United States, including Alaska, Hawaii. North Korea also continues its development of a longer-range Taepo Dong-2 ballistic missile that could travel up to 10,000 kilometers—sufficient to place much of the continental United States at risk.

As a December 1998 CIA report to Congress noted, Russia and China have continued to be the primary suppliers to rogue states and potential U.S. adversaries of key nuclear, chemical, biological, and ballistic missile technologies. The committee believes that this kind of technology transfer will increase the long-range ballistic missile threat to the United States.

The committee welcomes the Administration’s recent acknowledgment that the ballistic missile threat to the United States is more serious than previously estimated. Secretary of Defense

Cohen stated on January 20, 1999, that the Rumsfeld Commission had presented a “sobering” report demonstrating that “there is a growing threat and * * * it will pose a danger not only to our troops overseas, but also to Americans here at home.” The committee also notes the Administration’s recognition that additional budget resources are required to support deployment of a national missile defense. Nonetheless, technology development and funding levels proposed over the FYDP do not support the Administration’s original “3-plus-3” NMD program, which was predicated on the ability to deploy a system three years after a decision to do so. Moreover, Secretary Cohen has acknowledged that, under current Administration plans, an initial NMD deployment would not occur before 2005. The committee believes that the pace at which the ballistic missile threat is evolving suggests that the United States faces an increasingly dangerous period of vulnerability to ballistic missile attack. Consequently, the committee considers it prudent to establish deployment of national missile defenses as U.S. policy.

The committee notes that H.R. 4 does not address the legal status or constraints of, or U.S. rights with respect to, the Anti-Ballistic Missile (ABM) Treaty signed with the Soviet Union in 1972. The committee notes that Congress, in the National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261), expressed its sense that “any national missile defense deployed by the United States must provide effective defense against limited, accidental, or unauthorized ballistic missile attack for all 50 States.” The director of the Ballistic Missile Defense Organization recently stated, and the committee agrees, that to provide an effective defense of all 50 states an NMD architecture would require revisions to the ABM Treaty. The Secretary of Defense also stated recently that he would support modification of the ABM Treaty to allow for the deployment of an effective, limited national missile defense. The Secretary correctly noted that if such revisions cannot be negotiated, the U.S. has the legal right to withdraw from the ABM Treaty.

The committee believes that the ballistic missile threat to the United States warrants a categorical commitment to the deployment of a national missile defense system. H.R. 4 establishes this commitment as a matter of national policy. The committee believes this to be an important step toward assuring that all Americans are protected against the threat of limited ballistic missile attack.

LEGISLATIVE HISTORY

On February 4, 1999, H.R. 4, to establish the deployment of a national missile defense system as the policy of the United States, was introduced with 59 co-sponsors and referred to the committees on Armed Services and International Relations. On February 25, 1999, the Committee on Armed Services held a mark-up session to consider H.R. 4. The bill was reported favorably by a record vote of 50–3. The record vote can be found at the end of this report.

COMMITTEE POSITION

On February 25, 1999, the Committee on Armed Services, a quorum being present, approved H.R. 4 by a vote of 50 to 3.

FISCAL DATA

Pursuant to clause 3(d)(2)(A) of rule XIII of the Rules of the House of Representatives, the committee attempted to ascertain annual outlays resulting from the bill during fiscal year 2000 and the four following fiscal years. The results of such efforts are reflected in the cost estimate prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974, which is included in this report pursuant to clause 3(c)(3) of rule XIII of the Rules of the House.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the cost estimate prepared by the Congressional Budget Office and submitted pursuant to section 402(a) of the Congressional Budget Act of 1974 is as follows:

FEBRUARY 25, 1999.

Hon. FLOYD SPENCE,
*Chairman, Committee on Armed Services,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office (CBO) has prepared the enclosed cost estimate for H.R. 4, a bill to declare it to be the policy of the United States to deploy a national missile defense.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Raymond Hall.

Sincerely,

DAN L. CRIPPEN, *Director.*

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

H.R. 4 would state that it is U.S. policy to deploy a national missile defense. CBO estimates that the bill, by itself, would have no budgetary impact. Because it would not affect direct spending or receipts, pay-as-you-go procedures would not apply. Any budgetary impact would stem from separate implementing legislation or from annual authorization and appropriation bills. How the costs of implementing the policy enunciated in H.R. 4 would compare with costs likely to be incurred under current law would depend on the systems and time frame required by subsequent legislation.

Section 4 of the Unfunded Mandates Reform Act excludes from the application of that act any legislative provisions that are necessary for national security. That exclusion might apply to the provisions of this bill. In any case, the bill contains no intergovernmental or private-sector mandates.

The CBO staff contact for this estimate is Raymond Hall. This estimate was approved by Paul N. Van de Water, Assistant Director for Budget Analysis.

COMMITTEE COST ESTIMATE

Pursuant to clause 3(d) of rule XIII of the Rules of the House of Representatives, the committee generally concurs with the estimate contained in the report of the Congressional Budget Office.

OVERSIGHT FINDINGS

With respect to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, this legislation results from hearings and other oversight activities conducted by the committee pursuant to clause 2(b)(1) of rule X.

With respect to clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a)(1) of the Congressional Budget Act of 1974, this legislation does not include any new spending or credit authority, nor does it provide for any increase or decrease in tax revenues or expenditures. The fiscal features of this legislation are addressed in the estimate prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

With respect to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the committee has not received a report from the Committee on Government Reform and Oversight pertaining to the subject matter of H.R. 4.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3 (d)(1) of rule XIII of the Rules of the House of Representatives, the committee finds the authority for this legislation in Article I, section 8 of the United States Constitution.

STATEMENT OF FEDERAL MANDATES

Pursuant to section 423 of Public Law 104-4, this legislation contains no federal mandates with respect to state, local, and tribal governments, nor with respect to the private sector. Similarly, the bill provides no unfunded federal intergovernmental mandates.

RECORD VOTE

In accordance with clause 3(b) of rule XIII of the Rules of the House of Representatives, a record vote was taken with respect to the committee's consideration of H.R. 4. The record of this vote can be found on the following page.

The committee ordered H.R. 4 reported to the House with a favorable recommendation by a vote of 50 to 3, a quorum being present.

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ADDITIONAL VIEWS OF CONGRESSMAN BOB STUMP

Mr. Chairman, unfortunately, I could not be in attendance for the Committee's consideration and markup of this important legislation. I was chairing a Joint House/Senate Veterans Affairs Committee hearing to receive the annual legislative presentation of Military Order of the Purple Heart, Fleet Reserve Association, The Retired Enlisted Association, Gold Star Wives of America, and the Air Force Sergeants Association. Had I been present, I would have voted in support of H.R. 4.

This bipartisan bill before us today sends a clear and convincing message to the world that the United States will no longer be vulnerable to foreign attack and will respond accordingly to defend our nation and its citizens. The growing threat of a ballistic missile attack on our homeland is a clear and present danger. Failure to deploy an effective defense capability soon will most assuredly threaten our interests worldwide and our security at home.

BOB STUMP.

ADDITIONAL VIEWS BY CONGRESSMAN JOHN SPRATT

I introduced this bill last year with my colleague, Curt Weldon, and I sponsor it again this year, not because I think we have a National Missile Defense (NMD) system ready to deploy, but because I think it's worth pursuit. Of course, any system worth deploying has to work, and by referring to "limited" strikes, this bill means that the objective system will have to take out up to 20 oncoming warheads. We are a long way from defending against a deliberate attack by a well-armed adversary, particularly if the oncoming re-entry vehicles (RVs) are mixed with decoys and chaff, requiring target discrimination; and particularly if the number of RVs exceeds 200. The Ballistic Missile Defense Office (BMDO) long ago concluded that when the number of RVs enters this range, the radiation, heat, and electro-magnetic effects generated by taking some of them out will make guidance of the remaining interceptors precarious, if not impossible. There is legitimate concern about how Russia may react to this push for NMD deployment. In truth, the system this bill calls for will not defend us against a massive attack by a nation with an arsenal as large and diverse as Russia's, not at least in the near future. It should defend us against rogue or accidental attacks and some unauthorized attacks, and Russia should have no objection to that.

The system we refer to seems to be within our reach, but it is not yet within our grasp. Secretary Cohen beefed up BMD recently and gave his backing to NMD, but he warned that the technology is, in his words, "highly challenging" and "highly risky." The Theater Missile Defense (TMD) programs, the Army's Theater High Altitude Area Defense (THAAD) and the Navy's Upper Tier, are not comparable on a one-to-one basis to NMD, but when the THAAD interceptor is 0-5 in testing, and Upper Tier is 0-4, we should be wary of presuming that a ground-based interceptor can travel thousands of miles into the exo-atmosphere and hit an RV four feet long.

That's why I said when we introduced this bill that I support it as much for what it does not say, as for what it does say. It does not say what will be deployed, when it will be deployed, or where it will be deployed, and I want to emphasize those points:

This bill does not mandate a date certain for deployment. We should not rush technology development, and we should not settle for a substandard system just to say we have deployed something. Rather, we should only deploy a system that has proven itself through rigorous testing. I have opposed NMD bills in the past that legislated Initial Operational Capability (IOC) dates and deployment dates. In 1991, the Senate imposed on us in conference a "Missile Defense Act" which made it a national "goal" to deploy a missile defense system by 1996. It is now 1999, and nothing has

been deployed, which shows the folly of legislating a deployment date.

This bill is also silent on the Anti-Ballistic Missile (ABM) Treaty. Everyone knows that we are developing a ground-based system, which can be treaty-compliant. This bill leaves open the number of interceptors and where they may be deployed, as it should. We do not want to push NMD so hard that we derail the Strategic Arms Reduction Treaty (START) II and doom START III. Unlike past bills, this bill does not dictate terms that the Administration must negotiate with the Russians, and it should not. For now, compliance with the ABM Treaty is important to ratifying START II and negotiating START III. If we are concerned about the threat of nuclear attack, or about the risk of unauthorized or accidental attacks, or about the cost of maintaining our strategic forces at START I levels, both treaties are important—probably a lot more important to our near-term security than a limited missile defense. These treaties are also important for the long run if the warheads deployed on both sides, in the U.S. and Russia, are to be lowered to levels where national missile defense can complement deterrence.

There is another key point I want to make clear. I am not supporting this bill because I think Congress needs to stiffen the resolve of this Administration. This Administration has put a billion dollars each year into developing a ground-based system, and for the last several years, Congress has generally acquiesced in that level of spending. This year the President's budget includes funds for deploying an NMD system, funds that amount to a plus-up of \$6.6 billion for a total of \$10.5 billion over FY 1999—FY 2005. That sounds like a system taking shape to me. In fact, that's one reason I support deployment as our objective. At this level of spending, we should be thinking about a deployable system, and not more viewgraphs to go on the shelf.

One aim of this bill is to focus NMD on attainable objectives. Since President Reagan's speech on March 23, 1983, this country has spent nearly \$50 billion on ballistic missile defense, much of it in pursuit of myriad systems, tried and abandoned. We have explored exo-atmospheric interceptors, endo-atmospheric interceptors, terminal interceptors, boost phase interceptors, Brilliant Pebbles, a neutral particle beam, and at least five types of laser. Our failure to field a missile defense system is due more to a lack of focus than a lack of funding.

Finally, I sponsor this bill in the hope that we can put BMD on a more bipartisan footing. TMD enjoys bipartisan support; NMD has been a political totem. Now that the technology is taking shape and showing promise, NMD needs to stand the test of any weapons system. If we can develop a system that can prove itself, in rigorous testing, capable of holding this country harmless against a limited missile attack, I think we should build it. It would give us a defense against rogue attacks and a working system to learn from and build upon. It would allow us to reap a return on the investment of nearly \$50 billion already spent on ballistic missile defense, and it would complement TMD and exploit the investment

in SBIRS Low and SBIRS High (Space-Based Infrared Sensors)
that we will make anyway for TMD and other missions.

JOHN M. SPRATT, Jr.

ADDITIONAL VIEWS OF REPRESENTATIVE SILVESTRE
REYES

I want to congratulate my colleagues, Curt Weldon and John Spratt, for drafting this bi-partisan bill which establishes that it is the policy of this nation to deploy a national missile defense (NMD) system. I also want to thank Chairman Spence and Ranking Member Skelton for bringing the bill before the House Armed Services Committee for our consideration in an expedited manner.

I support this bill both for what it says and for what it does not say. This bill does not say when an NMD system must be deployed. This bill does not say how an NMD system must be deployed. This bill does not say where an NMD system must be deployed. Chairman Weldon and Congressman Spratt have intelligently left those decisions for the future.

What this bill does say is that it is the policy of this nation to deploy an NMD system. My colleagues and I understand that the threat from ballistic missiles is here and now. On August 31, 1998, when the North Koreans tested their Taepo Dong 1, the reality of the threat to this nation became brutally clear. Even the Secretary of Defense is now admitting that the threat is real.

I hope that the President will support this bi-partisan bill. We need to send a message to our citizens, to our troops, to our allies and especially to our enemies that we are serious about national missile defense.

I regret that I was unable to participate in the mark-up of this important bill, but I had pressing business back in my district. Two years ago, I was appointed to the Transatlantic Learning Community-Migration Group, an organization of 25 international immigration experts. The TLC-Migration Group brings together elected officials, journalists and researchers from Western Europe and North America who meet in each other's countries to learn about practical policies that facilitate immigration and integration in local settings and how best practices can be transferred between Europe and North America. I am the only Member of Congress to have been selected to participate in the TLC-Migration Group, and I was hosting them in El Paso during the mark-up.

If I had been present at the mark-up, I would have voted in favor of the bill and look forward to supporting it when it is considered on the floor of the House.

SILVESTRE REYES.

DISSENTING VIEWS OF CONGRESSWOMAN CYNTHIA
MCKINNEY

Ladies and gentleman, I would like to speak in opposition to the proposal before the Committee.

As a Member of Congress for over 6 years now, I have been asked to make a number of very difficult decisions. Fortunately, this is not one of those occasions.

The decision to vote against making it the policy of the United States—mandating deployment of a system that does not now work, that may in fact, never work—is quite easy.

Why the rush to mandate deployment before it is successfully tested? Like all of the members of this committee, I am concerned about the security of the United States and her citizens.

Over the past several weeks we have heard testimony from the heads of all the uniformed services.

They have all given compelling and professional testimony on real emerging threats to our armed forces, from laser technology to sophisticated attacks on our Command, Control, Communication, Computer and Intelligence systems. And every one of them has spoken of the immediate need to provide adequate pay and benefits for our most important military asset—our people in military service.

Yet our first vote in this committee is not to provide a livable wage for our troops and their families, our priority it seems, is to pass into law a requirement that the United States build a “Maginot Line” in space.

Why the rush? Earlier this month, General Shelton, the Chairman of the Joint Chiefs of Staff said in an Interview with Sea Power Magazine: “The Chiefs question putting additional billions of taxpayers’ dollars into fielding a system now that does not work or has not proven itself . . .”.

Why the rush ladies and gentlemen. The latest estimate from the Congressional Budget Offices of the cost of deploying and operating a National Missile Defense System ranged from \$31 billion to \$60 billion. The tremendous costs along with the consistent technical failures prompted one analyst to write: “The only thing that seems certain is that the missile defense program will intercept large amounts of taxpayers money.”

The costs come on top of the some \$40 billion we’ve already spent in the 16 years since President Reagan first announced his star wars plan.

That’s a lot of cash. Particularly when one considers that any state or “rogue group” with the sophistication to build an intercontinental ballistic missile, can probably figure out how to drive a truck or a smugglers boat, a far more likely threat.

I know that much has been made in recent weeks that the citizens of the United States are defenseless against an attack of even

a single nuclear weapon. But that argument is false. Our real security lies in continuing the steady progress we have made under both Republican and Democratic Administrations to reduce the nuclear threat through arms control agreements. And it is that very progress that a star wars system is most likely to shoot down and kill.

Former Senator Dale Bumpers, in a recent editorial in the Los Angeles Times eloquently outlined that concern. He wrote: "As presently conceived, the system would be a clear violation of the U.S.-Russian Anti-Ballistic Missile Treaty of 1972. This treaty has been the solid foundation of all arms control efforts for the past 27 years. If we violate it, in spite of strong Russian objections, we virtually assure not only the end of arms reduction efforts but we jeopardize the very positive progress of the U.S.-Russia Cooperative Threat Reduction program."

Folks, if we were really concerned about our Armed Forces, we would RUSH to address the fact that thousands of American Service men and women have to depend on food stamps to provide for their families. Star Wars can wait.

CYNTHIA MCKINNEY.

