Soefor, Joel Breitner, Barry Walker, Deborah Chiarello.

SHARK CONSERVATION ACT OF 2009

Mr. REID. Mr. President, as in legislative session and in morning business, I ask unanimous consent that the Committee on Commerce be discharged from further consideration of S. 81 and that the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H. R. 81) to amend the High Seas Driftnet Fishing Moratorium Protection Act and the Magnuson-Stevens Fishery Conservation and Management Act to improve the conservation of sharks.

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

Mr. REID. Mr. President, I ask unanimous consent that the Kerry-Snowe amendment at the desk be agreed to, the bill, as amended, be read a third time and passed.

Mr. REID. Mr. President, I ask unanimous consent that the Kerry-Snowe amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to this bill be printed in the RECORD.

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

The amendment (No. 4914) was agreed to.

(The amendment is printed in today’s RECORD under “Text of Amendments.”)

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H. R. 81), as amended, was read the third time and passed.

Mr. REID. Mr. President, it is my understanding that, the hour of 1:30 having arrived or shortly will arrive, we will recess pending the call of the Chair, is that right, until the closed session is completed?

The PRESIDING OFFICER. The Senator is correct.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess.

Thereupon, at 1:28 p.m., the Senate recessed subject to the call of the Chair and reassembled at 5 p.m., when called to order by the Presiding Officer (Mr. MANCHIN).

EXECUTIVE SESSION

TREATY WITH RUSSIA ON MEASURES FOR FURTHER REDUCTION AND LIMITATION OF STRATEGIC OFFENSIVE ARMS—Continued

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I rise in opposition to the New Strategic Arms Reduction Treaty that we call New START. I believe New START is deeply flawed and is a dangerous step toward undermining our national security. I believe it does not strengthen verification or transparency of Russia’s nuclear arsenal. We negotiated this treaty with Russia when our time may have been better spent focusing on nuclear threats posed by other nations. I believe the treaty is virtually unverifiable. Starting with its flawed approach to both reducing the arms race and reaching the ideal of living in a nuclear-free world.

Many people have expressed the numerous shortcomings of this treaty. This evening I would like to touch on three.

First, New START restricts the future of our missile defense system. President Obama campaigned against missile defense and has systematically cut funding for it. It should not be a surprise to anyone in America that the administration lacks commitment to a robust missile defense system, but that does not mean the Senate needs to support it. New START links offensive reduction with missile defense. I believe these must be decoupled. Why? The treaty limits launch vehicles and restricts the conversion of intercontinental ballistic missiles for missile defense purposes. Converting nuclear in intercontinental ballistic missiles to the conventional missiles is also restricted in the proposed treaty. Most egregiously, statements made by senior Russian officials insist that the treaty’s language prohibits the United States from developing an antiballistic missile system. We carry the burden of this security. I will not support subordinating our national security to an untrustworthy partner, and neither should the Senate as a whole.

Secondly, we have reached the point where we cannot make reductions in our nuclear arsenal without viable plans for a strong, long-term strategy for modernization. Again, Russia is not our Nation’s only threat. Without modernizing our nuclear arsenal, the cuts necessitated by the New START treaty would likely encourage Iran and other proliferators to build up their own arsenals rather than discouraging them as we would like.

The United States cannot maintain a credible deterrent or reduce the number of weapons in its nuclear stockpile without ensuring that we have reliable warning, command, and control systems, and that we put an emphasis on the land and sea-based delivery vehicles that give us the confidence we need for protecting ourselves should the worst occur. The reduction of our nuclear-capable bombers and land or submarine-based missiles from 1,600 to 700 gives the Russians an immense advantage. Delivery vehicles are just one aspect of our nuclear triad, but they are a critical piece of a deterrent strategy. Russia has a long history of nuclear duplicity or cheating. Yet New START has substantially weaker verification mechanisms than START I.

Perhaps the clearest reason to suspect the true motivations behind the treaty is the inexplicable rush to ratify it now. The shortcomings of New START are numerous, substantial, and serious. The Senate should have the time to examine the treaty’s compliance provisions and ensure that loopholes are closed and deficiencies amended.

I believe the Senate has a responsibility to the American people to ensure that first and foremost our country’s negotiations have not unilaterally or bilaterally hampered in any way our national security. I will not support subordinating U.S. national security to an untrustworthy partner, and neither should the Senate as a whole.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 4833

Mr. INHOFE. Mr. President, it is my understanding in 45 minutes we are going to be on the Senate floor. I have one vote, one on amendment No. 4833 and on the Thune amendment No. 4841, having to do with delivery systems; mine having
to do with verification. That would mean we would have 45 minutes to talk about this.

We have already covered it pretty thoroughly. I think we need to have an understanding of what we are talking about.

There are only 180 inspections that are authorized by the New START treaty, and that is over a 10-year period. So we are talking about 18 per year versus the 600 inspections over 15 years under START I. If you do the math, that would be 40 a year in START I, and down to 18 a year in New START.

One of the arguments for that is that we have fewer sites to inspect, and for that reason we do not need to have as many inspections. I would disagree with that pretty strongly. One thing all the experts seem to have in common and agreeing to is that once you get down to fewer sites, the verification becomes more important.

John Bolton, on the 3rd of May, said: “What [verification is] important in any arms-control treaty, verification becomes even more important at lower warhead levels.” I think they all agree. Brent Scowcroft said the same thing. He said force levels provide a kind of buffer because they are high enough to be relatively insensitive to imperfect intelligence and modest force changes. . . . As force levels go down, the balance of nuclear power can become increasingly delicate and vulnerable to CHEMICAL WEAPONS.

“On arms control limits concerns about hidden missiles, and the actions of nuclear third parties.”

So he is saying the same thing. James Baker said the same thing. He said, when testifying recently, that the New START verification program “does not appear as rigorous or extensive as the one that verified the numerous and diverse treaty obligations and prohibitions under START I. This complex treaty is even more crucial when fewer deployed nuclear warheads are allowed than were allowed in the past.”

Do your math, and it figures out. If you have 10 warheads that you are going to be inspecting, and they hide 1, that is just 10 percent of them. If it gets down to 2, and they hide 1, that is 50 percent of them. That is what they are saying, that we need to have more, not less. Of course, this is less. In fact, if you do the math a little bit further, as was said by the Senator from Massachusetts—he said: So I think it is one thing to ask our strategic forces to do that 10 times a year, or less than once a month. It is another thing for them to be waiting for 30 inspections a year.

Again quoting him: We have two submarine bases, three bomber bases, and three ICBM bases. On the other hand, Russia has 3, 3, and 12. So they actually have 18, and we would have 8, which means, if you do the math further, they would be inspecting one site every 2 years, while we would only be able to inspect every 2 years. They would be inspecting it every 1 year.

That is the reason we should be doing this. The other thing is—and people keep forgetting about it because it is not fun to talk about—but the fact is, they cheat and we do not. Everyone has talked about this. We have something that was set up to try to measure who is cheating—CHEMICAL WEAPONS.

We had the START treaty’s Joint Compliance and Inspection Commission. That commission reported—they actually had two reports. One report was never ratified. And the report in 2005 that was on the Biological Weapons Convention, the State Department concluded—and I am quoting from the report of 2005—“Russia maintains a mature offensive biological weapons program and that its nature and status have not changed.” That was after it had been in force for 5 years. That was in 2005.

In 2010, that same Commission comes back, and the report states: Russia confidence-building measure declarations since 1992 have not satisfactorily documented whether its biological weapons program was terminated.

Again we have the Biological Weapons Convention reports in 2005 and 2010, saying they are not complying. In other words, they are cheating. If you sign an agreement and do not do it, then you are cheating. That makes sense. On the Chemical Weapons Convention, the same thing. In 2005, the State Department assessed that “Russia is cheating on its Chemical Weapons Convention obligations because its declaration was incomplete with respect to declaration of production and development facilities.” So that is what they said in 2005, that they are cheating on the Chemical Weapons Convention obligations they made, their treaty obligations.

In 2010, still talking about the Chemical Weapons Convention, the State Department again stated: There was an unresolved issue from 2005. It was backed from Russia, resulting in the United States being unable to ascertain whether Russia has declared all of its chemical weapons stockpile, all chemical weapons production facilities, and all of its chemical weapons development facilities.

Again, they stated in 2010 that they are still cheating. So it is always difficult, when you look at these. The Senator from Massachusetts said: Well, they are doing the same thing they have to do, and in your amendment, if we are going to have three times as many inspections, then we have to do three times as many and they have to do three times as many. We have to prepare for them to do that. I said: Yes, that is my point. We need to have more inspections. We want these inspections to take place. And we want to be sure that the Russians also adhere to their commitment for inspections, which they have never done.

When you look at this, we see there are problems with this. When you talk about using the argument that we cannot change something because you are changing the treaty, I think that is what we are supposed to do. We are supposed to be involved in the treaty. The Senator from Massachusetts was talking about the number of people involved in the treaty—the military and all these others in putting this thing together. Well, guess who was left out? Us. And that is what the Constitution, under article II, section 2, says, that we in the Senate are supposed to ratify—advice and consent. Well, we have been advised, but we have not consented yet. That is what this is all about. The process works this way.

If we do pass an amendment such as my amendment that will be voted on in a few minutes to triple the number of inspections, that will change the treaty, and I understand that. That means it will have to go back to the Duma in Russia, and they then would have to vote to accept whether they would agree with it, and, if not, have them make a change, and then it comes back to us. It goes back and forth, and this is what our forefathers had anticipated would happen. Because of all the people who they talk about, those who are discussing, who were drafting this, the thing they all have in common is, they are not answerable to the people. We are. I say to the Presiding Officer, we were elected; I say to the Presiding Officer, because it was elected; and, therefore, we are the ears and the eyes in the confirmation process for the public, and I think that is our constitutional obligation. It is very clearly stated.

So we do have serious problems. One thing that is kind of in the weeds and is a little bit complicated, is when you talk about that my amendment triples the number of inspections under New START from the types under the START I treaty, we have two types of inspections. This is critical. Type one refers to inspections of the ICBM bases, submarine bases, air bases—these are the delivery systems—to demonstrate very clearly that we are going to be able to look at those sites and see if they are carrying out those obligations under the treaty.

But type two refers to inspections at formerly declared facilities. They say we have more inspections right now. We have eight that have type two facilities in the START I treaty, because when you talk about formerly declared facilities, we are talking about facilities that are closed down. So we want to inspect to make sure they are closed down. So the test they use to see whether they are closed down is—they talk about debris. That is how you satisfy to see whether type two sites have been treated properly. Well, they can have debris left over from closing one site, and then leave the site that is closed and scatter the debris around to use it again. There has been testimony that is what they would.
I would be glad to yield, since we are going to have two votes coming up at 6 o'clock on the Thune amendment as well as my amendment, if the Senator from South Dakota wishes to talk about his amendment, and then I would be glad to resume my discussion.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I ask unanimous consent that the time until 6 p.m. today be for debate with respect to the Thune amendment No. 4833 and pending Thune amendment No. 4841, with the time divided between the leaders or their designees, with no amendments in order to either amendment; that at 6 p.m., the Senate then proceed to vote in relation to the Inhofe amendment; that upon its disposition, the Senate then proceed to vote in relation to the Thune amendment, with 2 minutes of debate, equally divided as provided above, prior to the second vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. INHOFE. Mr. President, I thank the Senator from Oklahoma for yielding some time. We are going to vote on his amendment and on the amendment I have offered. Both address important subjects in the treaty. The Senator from Oklahoma is dealing with the issue of verification, which is critical in the treaty with regard to that very important issue. The amendment I will have voted on deals with the issue of delivery vehicles, which, in my judgment, is a critically important element in this treaty as well.

As I have said earlier today on the floor, what this amendment does—it is very straightforward and it is very simple—is it just increases the number of delivery vehicles, which are the bombers, the submarines, and the ICBMs allowed for in the treaty from 700 to 720.

In terms of background about why that is important—and I want to inform my colleagues in the Senate about why it is important we get that number up to 720—I asked at an Armed Services Committee hearing at what point between the range of 500 and 1,100 delivery systems that GEN James Cartwright, the Vice Chairman of the Joint Chiefs of Staff, would be comfortable and where we would avoid making our triad into a dyad.

He said: “I would be very concerned if we got down below those levels about midpoints,” meaning that he would be concerned if the negotiated number fell below about 800 delivery vehicles. They have made a distinction—the administration has—between deployed and nondeployed, that there are 800 there. And he has subsequently said he could live happily with that deployed number. But the fact of the matter is that the concern that was voiced initially about dropping down below that midpoint level suggests that we need to at least increase up to where the administration’s guess would call it their nuclear force structure plan settled, and that was 720 delivery vehicles.

So the amendment raises from 700 to 720 the number of delivery vehicles. As I said earlier in my remarks, if you look at what the 1251 report says, it says up to 60 nuclear-capable bombers, up to 420 deployed ICBMs, and 240 deployed submarine-launched ballistic missiles on 14 submarines.

If you add up, up to 60 bombers, up to 420 ICBMs and 240 deployed SLBMs, you get a number of 720 delivery vehicles. That is what the nuclear force structure plan calls for. Yet the treaty specifies 700 delivery vehicles. So there is a 20-delivery vehicle cap there, which I think is important.

Frankly, if you ask the question about where wof II those reductions come from, obviously it would come from either ICBMs or bombers. People have suggested it doesn’t have to come out of the bombers, but if you did take it out of the bombers, if you reduce the bomber structure below 60 that is specified in the nuclear force structure plan to get down under 700, you would have to take the bombers from 60 down to 40.

As I said earlier today, we have about 96 B-52 nuclear bombers, about 24 B-2 nuclear bombers, and those are total deployed and nondeployed, the number we have in our inventory arsenal. We have about 94, I think, that are combat ready. But in any case, we are talking about a significant reduction in the number of bombers we could deploy at any given time under the treaty if you get it down to the 700 number.

The question as to whether that would come out of ICBMs or whether it would come out of bombers to get from 720 down to 700, it could be some combination of both. But the thing that concerns me about this is we have a bomber fleet that is aging. Most of our bombers today are vintage missile crisis-era vintage bombers—about 47 percent of them are. We need a follow-on, a next-generation bomber that will fill that role, that will be survivable in the types of modern-era defenses we are going to encounter, sophisticated air defense systems that are being employed by some of our potential adversaries around the world. So if you think about what we need in terms of a next-generation bomber, we need a field bomber and we need to do it sooner rather than later and it needs to be nuclear.

But when asked the question about whether the next bomber would be a nuclear bomber, the military and the administration have been very ambiguous on that point. They haven’t been able to answer clearly, with any degree of certainty, about whether the next bomber, the follow-on bomber, would, in fact, be a nuclear bomber, which would mean the administration’s commitment going forward to the bomber wing of the triad is a lot less than it is perhaps the other two legs of the triad.

That being said, let’s assume for the moment that if we have up to 60 bombers, we have up to 420 ICBMs, and we have 240 submarine launchable ballistic missiles, we are talking about a 720 number, not a 700 number. So that is why I think this is an important and why we are trying to be insistent in getting those two numbers to match.

The other point I wish to make is with regard to delivery vehicles in the treaty. We start out right now with about 856 delivery vehicles, if you add up ICBMs, submarine launchable ballistic missiles, and heavy bombers. We will end up down at 700. So we are going to take about 156 of our delivery vehicles, reduce that, retire those, and get down to that 700 number. The Russians, on the other hand, start at about 620. So they are already well below the 700 number called for in the treaty. It has been suggested that through attrition they will probably get down to somewhere in there in these vehicles. So this particular provision in the treaty costs them nothing. We give up 156 delivery vehicles. They give up nothing. In fact, they can come up to the 700 number. They could increase the number of delivery vehicles they currently have to come up to that 700 number.

So I think it is important to point out the difference that exists today and the disparity that exists in the number of delivery vehicles and the number the United States has at our disposal and the number called for in the treaty and why that disparity is so important.

Just one final point, if I might, with regard to the nuclear posture of the country. We also have to defend not only the United States but about 30 other countries around the world that fall under the nuclear umbrella, under our deterrence. The Russians have the ability to take these delivery numbers become even more important, given the geographic realities the United States has to deal with in terms of our strategic nuclear forces and what they are expected to do in terms of providing extended deterrence not only to the United States but to many of our allies around the world.

So I think it is important in this treaty debate—this particular part of it—that we get a vote on this amendment. It has been suggested that if this amendment gets adopted, we will have to go back to the Russians. That is part of our goal of advice and consent in the Senate. If it were just consent, we would be nothing more than a rubberstamp. I think we have an important role; that is, to look at these critical issues, and where there are areas of disagreement, to provide our advice. I think, in a very straightforward way, we can vote on an amendment that would increase from 700 to 720 the number of delivery vehicles specified in the treaty. It is a very straightforward amendment and one that would then go back, obviously, to...
the Russians, but it is certainly consistent with the Senate's traditional and historic role of advice and consent.

Former Defense Secretary Schlesinger testified to the Senate Foreign Relations Committee on April 29, 2010, that: "Verification cannot be limited to the strategic nuclear weapons, the numbers specified are adequate, though barely so."

Well, "barely so" does not seem to be good enough for me when we are talking about our constitutional obligations in defending America's vital national security interests as well as those of many of our allies around the world. I don't think settling for barely enough or barely so is sufficient.

So I hope my colleagues will support this amendment. I think, as I said earlier, the triad is critical to our nuclear deterrence and maintaining both ICBMs and SLBMs, but also having a very robust bomber component of that is critical. That is why investing in a follow-on bomber is a very important component of nuclear deterrence. I think the ambiguity that surrounds the question of whether a follow-on bomber is needed or not is really important. The uncertainty that surrounds the question about whether a follow-on bomber is needed seriously undermines the commitment to the triad, but it is also important to remember that a follow-on bomber is the best form of extended deterrence.

If you want to make sure that those who would proliferate nuclear weapons pay attention, then you need a follow-on bomber. A follow-on bomber is very visible, it is recallable, it is survivable, and it brings great psychological and political advantage to our country when it comes to trying to discourage proliferation by other countries around the world.

So I hope my colleagues will support this amendment. It is an important amendment. The delivery vehicle issue is, to me, critical to this debate not only in terms of the numbers but also the nature of the weapons on those various elements of the triad. The triad, over time, has given us great survivability, great flexibility, and if ever called upon, we want to be as prepared as we possibly can be to encounter any nuclear threat that might exist to the United States. I hope my colleagues will support this amendment.

I will reserve my time and yield back now to the Senator from Oklahoma, who I think probably wants to continue to talk about the verification issues.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, first of all, I concur in everything the Senator from South Dakota said, and I join him in everything that the Senator from Oklahoma said on his amendment. It seems as though the other side has had the opportunity to do a lot more testing, a lot more modernization than we have, and I am very much concerned about that.

I wish to elaborate on one thing. The fact that there is—that the other side—and I read all the quotes from the previous Commissions that took place in 2005 and 2010 to demonstrate very clearly that the Russians would sign a treaty and then they will cheat. They would not comply with the treaty. We saw it with the chemical weapons treaty and the biological weapons treaty and START I. So there is no reason to believe they would do this. So in terms of verification, we have to do something where we are convinced, knowing full well in advance that they are going to cheat.

That brings up one issue that I haven't had the chance to address in this treaty; that is, the length of time we have to wait between notification and actually causing an inspection. Under the START I treaty it was 90 days, and it has gone up to 24 hours in this treaty. In other words, if someone is going to cheat, if someone is going to hide something so we would not know where to look and we might not be able to find something why give them three times as much time as we did under START I? By the same token, more important about the fact that they cheat than we knew before? The second issue is, it becomes more important—as you get closer to the inspections and as there are fewer facilities to inspect, each one becomes more important, and we have had an opportunity to see that everyone seems to agree with that.

Former Secretary Harold Brown explained this in his testimony before the Senate Foreign Relations Committee. That was way back in 1991. He said:

"Verification will become even more important as the numbers of strategic nuclear weapons on each side decreases, because uncertainties of a given size become a larger percentage of the total force as this occurs."

I think I used the example that if you had 10 and you cheat on 1, that is 10 percent, but if you have 2 and you cheat on 1, that is 50 percent.

That statement is agreed with by John Bolton, who said:

"While verification is important in any arms-control agreement, verification becomes even more important at lower warhead levels."

Again, he agrees.

Scowcroft, the same thing. He said:

"...as force levels go down, the balance of nuclear power can become increasingly delicate and vulnerable to cheating on arms control limits, concerns about 'hidden' misfires, and the actions of nuclear third parties."

So I think everyone does understand and does agree that as they decrease, then each one becomes more significant in terms of being inspected.

In this amendment, we are changing it from the 180 inspections over a 10-year period to which would have been under New START versus the old one, which was 600 inspections over 15 years. Do the math on that, and you come up with 18 inspections a year as opposed to 40 inspections a year.

They are trying to say there are only 36 sites, which means—if this is true—we would only get to inspect each site in Russia once every 2 years, while the math works out that they would be able to do our side once every year. So that is something that is very concerning to me.

We talked a lot about where we are in this process. We have talked about our constitutional obligations, about the Senate's traditional role in a treaty process, which gives the President the prime role, but we have the right to advise and consent. With all of this, just today I think it is, that came out—yes, it is just today. It came out from Foreign Minister Sergey Lavrov in his statement. He said:

"I can only underscore that the Strategic Nuclear Arms Treaty, worked out on the strictest basis of parity, in our view fully answers to the national interests of Russia and the United States," Interfax quoted Lavrov and his statement.

"It cannot be opened up and become the subject of new negotiations," Lavrov said.

Who is this guy telling us what we can do under our Constitution? I find it almost laughable because it is just as if we have to do is say that and we have to follow the course.

But he said Russian lawmakers would closely examine the U.S. ratification resolution and any declarations or notes accompanying it to ensure no significant changes were made.

If changes are made, then they have not kept up their responsibility.

I would only remind my colleagues that:

As CRS has outlined in its study—

And this is a study they did not too long ago—

on the role of the Senate in a treaty process: Amendments are proposed changes in the actual text of the treaty... [They] amount, therefore, to Senate counter offers that alter the original deal agreed to by the United States and the other country.

If the Senate gives its consent to New START with an amendment to the text, the treaty is sent back over to Russia and to the Duma and they decide what they are going to do with it. Then, of course, they make changes and then it comes back over here. This is something that has been going on for 200 years.

All of a sudden, why are we in a position where we are not going to do it and we look at our constitutional responsibility as something that is in the past

So I feel we have this obligation, and I know so far every amendment that would have amended the treaty has been defeated, and it has been defeated on party—well, not necessarily on party lines but, by and large, on party lines. This is something very concerning to me.

The other issue is, when we talk about tripling the number of inspections under the New START, we have heard it said several times: Well, there is what we are supposed to do under this treaty. But I would like to suggest that the type two—keep in mind type one refers to inspections of ICBM bases, air bases, those facilities that are active today.
The PRESIDING OFFICER. The Senator’s time has expired.

Mr. KERRY. Mr. President, how much time remains?

The PRESIDING OFFICER. We have 14 minutes 45 seconds.

Mr. KERRY. Did my colleague need to finish what we will see up here? If so, I am happy to yield him a minute.

Mr. INHOFE. No.

Mr. KERRY. Mr. President, I thank the Senator from Oklahoma for the discussion we had yesterday and again today. I know that an issue he thinks is critical. I think every Senator here is absolutely convinced we need to have the strongest verification regime possible. The fact is that this treaty, the New START treaty, has exactly that. It has an effective verification system. Does it have a perfect system? No treaty that has ever been passed or been negotiated would be that one-sided and be able to achieve that. It is an effective verification system, which is the standard we have. The President Reagan negotiated those treaties, and Paul Nitze, one of our great arms control statesmen, really defined that concept of effective verification.

I wish to quote what Secretary Gates said about this. I don't need to remind colleagues, but I guess people in the public who don't necessarily focus on it might be impacted to know that Secretary Gates was appointed by President George Bush, and he was held over as Secretary of Defense by President Obama. By everybody’s judgment here in the Senate, he is a man of great credibility and distinction who has worked through many different layers of American government. He is one of the people for whom we have great respect. In a letter he wrote to Senator Isakson this summer, he said:

I believe that the number of inspections provided for by the New START Treaty, along with other verification mechanisms, provides for verifying Russia's compliance with its Treaty obligations while also providing important insights into the size and composition of Russian strategic forces.

I know the Senator from Oklahoma is concerned about the number of inspections. He has several times raised the question of cutting the inspections from the original START to the New START. I want to walk through it again without absolutely clear.

Comparing the number of inspections under START I to the number of inspections under New START is literally an apples-to-oranges comparison for three reasons—one, today we are only conducting inspections in one country instead of four. Under START I, we had Belarus, Kazakhstan, Ukraine, and Russia.

Mr. INHOFE. Will the Senator yield for a unanimous consent request?

Mr. KERRY. Yes, as long as I don't lose my right to the floor.

Mr. INHOFE. Mr. President, I ask unanimous consent that the time be extended by 10 minutes—5 minutes for the Senator from Massachusetts and 5 additional minutes for the Senator from South Dakota.

The PRESIDING OFFICER. Is there objection?

Mr. KERRY. Reserving the right to object, and let me finish that thought about the difference. So when we had those 4 countries, we had 70 sites that were subject to inspection. Under this treaty, there were 35 sites subject to inspection, but they are all in one country—Russia—because all of the weapons were moved to Russia after the fall of the Soviet Union.

Secondly, we are inspecting half as many facilities and when we inspect those facilities, we, thirdly, have a type one inspection and a type two inspection, which allows us to be able to go in and look at the missile but to also do an update inspection, which is sort of a general inspection of the up-to-date status of the various things we look at in the course of an inspection, which, in effect, really doubles the amount of inspections we have because under START I, if you went in and did an update inspection, that was it. You didn't have an additional inspection and vice versa. We really have a two-for-one here. It is disingenuous to reflect that in the comments about how we count here. We are talking about a completely comparable inspection regime under New START as under START I.

Finally, we addressed this question of verification in condition 2 of the resolution of ratification. That condition requires that before New START can enter into force—and every year thereafter—the President of the United States has to certify to the Senate that our national technical means, in conjunction with New START’s verification activities, are sufficient to ensure adequate and effective monitoring of Russian compliance. So we are going to remain right in the center of this issue of verification every year this treaty is in force, and the Senate is going to be part of that process.

Let me briefly turn back to something Senator THUNE said earlier. He said this treaty was negotiated with the assumption that the Russians weren't going to cheat. No, Mr. President, it is not accurate that there was any such assumption whatsoever, that is precisely where a verification structure here. It is why we are taking this discussion so seriously, because we don't take people at their word. We have to verify. That is what the verification regime is for. Let me quote what Secretary Gates said here. Secretary Gates quoted the Secretary saying that the Russians would not be able to achieve any militarily significant cheating under this verification regime. That is the judgment of our intelligence community, but it doesn't mean that they think or that we think we might not try to cheat. It means that if they do, it is going—if it is militarily significant cheating, we will know it, and we will understand exactly what they are doing. So we can respond, as Secretary Gates has, by increasing the size of our force, by increasing the alert level of SSBNs and bombers, and on bombers, SSBNs, and on ICBMs. There are all kinds of things we can do to respond the minute we notice that kind of militarily significant event.

It is my judgment that this amendment does not give us anything in the way of additional confidence, but it certainly will give us months of unnecessary and even counterproductive renegotiation of the treaty. That means that by reaching for three times the number of inspections, we would guarantee that for months and months we will have zero, absolutely none. That is the tradeoff.

I think we need to get our verification team back in place, and I think that what is most imperative in terms of the national security interests of the country. I thank Senator THUNE for his amendment. I thank him also for the constructive discussion we have had about these numbers with respect to missiles and bombers in order to maintain our nuclear deterrent.

I think this is another place where it is pretty important for all of us to listen to our military. They have made the judgments here, and they have been very transparent about how they have made those judgments. We have been able to query them in the Armed Services Committee, the Intelligence Committee, the Foreign Relations Committee, the National Security Committee, the Foreign Relations Committee, and the Intelligence Working Group. They have arrived at the judgment—not a political judgment but a military judgment—that the treaty's limit of 700 delivery vehicles is perfectly adequate to defend our Nation and our allies at the same time. As the Vice Chairman of the Joint Chiefs, GEN James Cartwright, who was a former strategic commander, said:

I think we have more than enough capability in our ability to detect any that we see today or that might emerge in the foreseeable future.

This amendment seeks to insert sort of our arbitrary judgment that, oh, we ought to have 20 additional. I remind the Senators what LTG Frank Klotz, the commander of the Air Force Global Strike Command, said. That is the command that oversees ICBMs and bombers. Just last Friday, he said:

I think the START Treaty ought to be ratified, and it ought to be ratified now, this week.

The military came to this conclusion after the Department of Defense conducted a very thorough review of our
nuclear posture, including detailed force-on-force analyses. We shared some of that discussion in the classified session earlier. Our nuclear commanders have done the math, run the scenarios, and they have concluded that we only need delivery vehicles.

General Chilton, head of the Strategic Command, said:

“The options we provided in this process focused on ensuring America’s ability to continue to deter potential adversaries, assure our allies, and maintain strategic stability for as long as nuclear weapons exist. This rigorous approach, rooted in deterrent strategy and assessment of potential adversary capabilities supports both the agreed-upon limits in New START and recommendations in the Nuclear Posture Review.

I do know the Senator expressed some concern about our ability to field Prompt Global Strike systems. It is true that conventionally armed ICBMs will count toward the treaty’s limits, but again, let’s listen to what the military says.

Secretary Gates stated for the record that:

‘Should we decide to deploy them, counting this small number of conventional strategic systems and their warheads towards the treaty limits will not prevent the United States from maintaining a robust nuclear deterrent.

Admiral Mullen said as far back as March that the treaty protects our ability to develop a conventional global strike capability should that be required.

I also point to our resolution of ratification, condition 6, understanding 3, and declaration 3, all of which go toward preserving our ability to deploy conventional Prompt Global Strike forces.

Finally, the Senator raised the possibility that we are moving from a triad to a dyad. I wish to be especially clear on this point. The administration has stated forcefully and again today reiterated in a letter sent to us by the Chairman of the Joint Chiefs of Staff, Admiral Mullen, in which he reiterates the administration’s commitment to the triad. As it said in the “update” section of the 1251 report:

The administration remains committed to the sustainment and modernization of U.S. strategic delivery systems.

Regarding heavy bombers, that same report says:

‘DOD plans to sustain a heavy bomber leg of the strategic triad for the indefinite future and is committed to the modernization of the heavy bomber force.

To be clear, our existing nuclear bombers will be in operation at least for the next 20 years, and probably at most this treaty could be a 10- to 15-year treaty. Our existing bombers will outlive this treaty.

The administration also made clear that we are committed to the triad in the resolution of ratification, including our nuclear bombers. I might add that they have also said they are not going to close bases, and they are not going to reduce the total number of bombers.

I believe there should not be concern on these points.

This amendment, once again, is one of those that would force renegotiation of the entire treaty. I might mention for my colleagues that one of the reasons that is so important to all of us—we can all remember negotiating around here many times on different bills and pieces of legislation. We always begin that negotiation—I can remember Senator George Mitchell, when he was majority leader and we did the START II extension—authorization in 1990, he would begin every session by reminding people that nothing is agreed upon until everything is agreed upon. We negotiate that way here all the time.

So if all of a sudden nothing is agreed upon and that is the way this treaty was negotiated—if nothing is agreed upon until everything is agreed upon, when you take one piece out of there and change it unilaterally, nothing is agreed upon. Inagreement on most of all the other issues, and some of them are contentious, which are difficult, which people may have a different view on, and which will affect our relationship.

If this amendment is so substantive and I thought we were buying a pig in a poke, I would say I understand why we have to do that.

But the military, our national security people, our national intelligence community—there is not anybody who works at this day to day to day in our Strategic Command, our National Defense Missile Command—all of them say: Ratify this treaty. And that is what I believe we ought to do as soon as possible.

I reserve the remainder of my time.

Mr. KYL. Madam President, I wonder if I might engage in a colloquy briefly with my colleague from Massachusetts and then propound a unanimous consent agreement.

The PRESIDING OFFICER (Mrs. SHAHAN). The Senator from Arizona.

Mr. KYL. Madam President, there are two votes scheduled on the Thune amendment and the Inhofe amendment. Have we locked in the LeMieux amendment yet?

Mr. KERRY. I do not believe so.

The PRESIDING OFFICER. No. The Kyl amendment remaining pending to the treaty.

Mr. KYL. If that was the impression, I do not think I can do that. But in any event, I did not try to do that. There are four all told. I would eliminate my one, and there would be a fixed number—only three possibilities after that.

Mr. KERRY. Could we then say for the record which amendment is being withdrawn at this point?

Mr. KYL. It would be the only Kyl amendment remaining pending to the treaty.

The PRESIDING OFFICER. If the Senator will withhold. There is no Kyl amendment pending.

Mr. KYL. Madam President, if I may say to my colleague, the majority leader would like to work with us in this process. I think what we should do, if I may ask my colleague to do this, I would like to take a moment, if we can, to work through this with the majority leader. We can do it during the votes, and then at the end of the votes we can hopefully propound something that has his engagement.

Mr. KERRY. I can tell my colleague that the amendment I would be agreeing to not to bring up is amendment No.
The result was announced—yeas 33, nays 64, as follows:

[Hallcall Vote No. 285 Ex.]

YEA—33

Barrasso            DeMint            LeMieux
Bond               Ensign             McCain
Bunning             Graham            McConnell
Burr               Grassley            Risch
Bunning (MA)         Grassley             Roberts
Burr               Graham             Sebelius
Burris               Grassley            Thune
Burr               Grassley            Thune
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Burris               Grassley            Thune

NOT VOTING—3

Bayh          Brownback          Wyden

The amendment (No. 4833) was rejected.

The PRESIDING OFFICER. There is now 2 minutes, equally divided—

The majority leader.

Mr. REID. Madam President, first of all, I ask unanimous consent that the vote on the Thune amendment be 10 minutes in duration.

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

Mr. REID. No. 2, Senator LeMIEUX has an amendment that is pending. I ask unanimous consent that we follow the Thune amendment and that vote also be 10 minutes in duration.

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

Mr. REID. Madam President, I ask unanimous consent that there be no amendments—

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The majority leader has the floor.

Mr. REID. Let me finish my unanimous consent request, and if someone does not like it, we can worry about that. I ask unanimous consent that—we are going to vote on the Thune amendment; that will be a 10 minute vote; that is amendment No. 4841—following that vote, we consider the LeMieux amendment No. 487; that prior to the vote, there be 4 minutes of debate, equally divided and controlled in the usual form; that is, of course, with the Thune amendment and the LeMieux amendment; that upon the conclusion of the voting or yielding back of the time, the Senator then proceeds to vote in relation to the LeMieux amendment, with no amendments in order to the amendment prior to the vote.
Mr. REID. Madam President, we yield back the 2 minutes on our side.

The amendment (No. 4841) was rejected.

Mr. BOND. I ask for the yeas and nays.

The amendment (No. 4847) was rejected.

Mr. BOND. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH) and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Kansas (Mr. BROWNBACK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 33, nays 64, as follows:

[Rollcall Vote No. 286 Ex.]

The amendment (No. 4847) was rejected.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4847.

Mr. BOND. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The clerk will call the roll.

The legislative clerk called the roll.

The amendment (No. 4847) was rejected.

The PRESIDING OFFICER. Is there an objection?

There is no objection. The amendment is in order.

The PRESIDING OFFICER. The amendment (No. 4847) is in order.

The amendment (No. 4847) was rejected.

The PRESIDING OFFICER. The amendment (No. 4847) is in order.

The amendment (No. 4847) was rejected.
No. 4904 to the resolution of ratification be brought up as pending.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Reserving the right to object, I apologize. Did Senator Corker ask a unanimous consent request?

The PRESIDING OFFICER. Yes, to call up an amendment.

Mr. KYL. But to return to the treaty upon its disposition; is that correct?

Mr. CORKER. That is what I was just getting ready to say.

Mr. KYL. Might I ask the Senator from Tennessee whether he talked with one of the Senators from South Carolina about this?

Mr. CORKER. I have not. I attempted to do so. He was off the floor by the time.

Mr. KYL. I do not have any objections as long as we return to the treaty so those who have amendments to the treaty will at least have their rights protected.

The PRESIDING OFFICER. Is there an objection?

Mr. KYL. I will not object. I simply note that I think we will need an understanding that we will work with our other interested colleagues on a way forward on all of these issues. Having expressed that as a matter of good faith, I suspect we can do that.

Mr. CORKER. Absolutely.

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

The clerk will report.

Mr. CORKER. Mr. President, I also ask unanimous consent to accept the modification. It is modified slightly. I want to make sure that is acceptable.

Mr. KERRY. Mr. President, reserving the right to object.

Mr. CORKER. It was a modification that the staff of the chairman suggested.

Mr. KERRY. Mr. President, I have no objection.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. CORKER] proposes an amendment numbered 4904, as modified.

Mr. KYL. I do not have any objection.

The amendment is as follows:

Purpose: To provide a condition and an additional element of the understanding regarding the effectiveness and viability of the New START Treaty and United States missile defense systems.

At the end of subsection (a) of the Resolution of Ratification, add the following:

(11) EFFECTIVENESS AND VIABILITY OF NEW START TREATY AND UNITED STATES MISSILE DEFENSES—Prior to the entry into force of the New START Treaty, the President shall certify to the Senate, and shall communicate to the Russian Federation, that it shall be the policy of the United States that the continued development and deployment of United States missile defense systems, including qualitative and quantitative improvements to such systems including all phases of the Phased Adaptive Approach to missile defenses in Europe maintaining the option to use Ground-Based Interceptors, do not and will not threaten the strategic balance with the Russian Federation. Consequently, while the United States cannot circumscribe the sovereign rights of the Russian Federation under paragraph 3 of Article XIV of the Treaty, the continued improvement and deployment of United States missile defense systems does not constitute a basis for questioning the effectiveness and viability of the Treaty, and therefore would not give rise to circumstances justifying the withdrawal of the Russian Federation from the Treaty.

At the end of subsection (b)(1)(C), strike “United States.” and insert the following: “United States; and

(D) the President of the New START Treaty does not impose a legal obligation on the United States.

Mr. CORKER. Mr. President, I also ask unanimous consent that we now return to the treaty.

The PRESIDING OFFICER. The Senate is on the treaty.

Ms. COLLINS. Mr. President, I rise today to discuss the New START treaty. Before I begin, I would like to thank Senator KERRY and Senator LUGAR for their leadership on this important arms control agreement.

When I first began to consider this treaty, I considered the fundamental question of whether we are better off with it or without it since the previous START treaty expired a year ago. By reducing the deployed nuclear weapons in a mutual and verifiable way, I believe that this treaty does enhance our security, but it is not without flaws.

Our choice is not, however, between some ideal treaty and the New START treaty. It is between this treaty and having no inspection regime in place at all since the previous START treaty expired in December of 2009.

In evaluating this treaty, I scrutinized several issues including the effect on our Nation’s security, the need to modernize our nuclear deterrent, the effectiveness of verification and inspection regimes, and the impact on missile defense.

These and other issues were fully covered in classified briefings as well as in the seven Senate Armed Services Committee hearings that I attended that included testimony from Secretary of Defense Gates, Secretary of State Clinton, Admiral Mullen, the Chairman of the Joint Chiefs of Staff, and General Chilton, the commander of our nuclear forces. We also heard testimony from the three current directors of our national nuclear laboratories and a number of former government officials and security experts.

I met personally with Rose Gottemoeller, the top U.S. treaty negotiator, and sought counsel from Gen Brent Scowcroft, who has served as an adviser to four Republican Presidents and was the National Security Adviser to President George H. W. Bush.

I also have met with a wide range of Mainers—foreign policy experts, religious leaders, and former members of the military—who expressed their views to me.

Clearly, the New START treaty enjoys broad bipartisan support. Secretaries of State for the past five Republican Presidents, including Gen Colin Powell, support its ratification, as does former Maine Senator and former Secretary of Defense Bill Cohen.

No Member of this body should support a treaty simply because it has strong bipartisan support. But neither should we withhold our support for a treaty simply because it was negotiated and signed by a President from a different political party.

The fact is that the New START treaty is a modest arms control agreement. The treaty does not require the destruction of a single nuclear weapon. Under the New START, a 30-percent reduction in the number of deployed warheads in the arsenals of the United States and Russia will be required.

As such, the New START treaty places the United States and the Russian Federation on a path to achieve mutual and verifiable reductions over the next 7 years. Failure to ratify a treaty that makes modest reductions in the deployment of nuclear weapons would represent a giant step backwards in the commitment of the United States to arms control. If we cannot reduce the deployed stockpiles of the two countries that hold 9 of every 10 nuclear weapons in the world, how can we expect other countries not to seek any nuclear weapons?

Yet the New START treaty has significance beyond its function as an arms control agreement. New START is one component of our bilateral relationship with the Russian Federation. In April 2009, I traveled to Moscow with the chairman of the Armed Services Committee, Senator CARL LEVIN. At that time, I indicated that while I supported the President’s commitment to reset the U.S.-Russian relationship, it was ultimately up to the Russians to see if they wanted to have a stronger relationship.

Since then, Russia has expanded the use of northern supply routes for our military forces in Afghanistan and has cancelled the sale of advanced surface to air missiles to Iran. These are positive steps.

During that same trip to Moscow, Chairman LEVIN and I sought to encourage Russian officials to cooperate on missile defense in Europe. And this issue of missile defense raises an important point about the U.S.-Russian relationship. Just because our relationship with the Russians is important does not mean that we must compromise on an issue vital to our national security. One of those issues is missile defense.

I was troubled when I read the unilateral statements made by Russian leaders who sought to make a binding tie between missile defense and the New START agreement.

The Kerry-Lugar resolution of ratification eliminated any doubt that the United States will continue to develop missile defense systems. The proposed resolution of ratification clarifies that the treaty places no limitation on the
deployment of U.S. missile defense systems except for those contained in article 5. It further clarifies that the Russian unilateral statement regarding missile defense does not impose a legal obligation on the United States.

The United States is committed to improving its strategic defensive capabilities, both quantitatively and qualitatively, during the lifetime of the treaty.

In addition to developing a robust missile defense capability, it is equally imperative that the United States maintain a modernized nuclear weapons program as we consider further reductions in nuclear arms.

In March, I traveled with my good friend from Arizona, Senator Kyl, to discuss nuclear modernization with our allies. I learned a great deal from an in-depth meeting with French physicists about our need to modernize our own nuclear arsenal.

As Secretary of Defense Gates has noted, "The United States is the only declared nuclear weapons state in the world that is not modernizing its nuclear arsenal nor has the capability to produce a new nuclear warhead." The Perry-Schlesinger Strategic Posture Commission noted that the nuclear weapons complex "physical infrastructure" is in serious need of transformation.

In response, the administration has made a commitment to invest $14 billion in new funding over the next 10 years for the nuclear weapons complex. As a result, the safety, stability, and reliability of our nuclear deterrent can be improved. The new investments will double the surveillance within the nuclear stockpile from fiscal year 2009 to fiscal year 2011. Finally, the Administration has proposed nearly $9 billion for outdates uranium and weapons facilities, and it has made a commitment to request additional funding necessary for those facilities once the designs are completed.

While the New START treaty contributes to reducing the threat of nuclear war and strengthens nuclear non-proliferation efforts, it is disappointing to me that the treaty reflects an outdated view of one of the primary threats to our national security. This treaty does not address the significant disparity between the number of non-strategic nuclear weapons in Russia's stockpile compared to our own.

The Perry-Schlesinger Strategic Posture Commission reported that Russia had an estimated 3,800 tactical nuclear weapons compared to fewer than 500 in our own stockpile. By maintaining a distinction between the threats of nuclear attack that warrant the ratification of a treaty from those nuclear threats that do not simply based upon the terrorist threat, we preserve a Cold War mentality regarding the nuclear threats facing our country.

The large numerical disparity in the number of warheads each country maintains is not the only reason they warrant a higher priority than they were given by either country in this treaty.

As the ranking member of the Homeland Security and Governmental Affairs Committee, I believe that the characteristics of tactical nuclear weapons—particularly their vulnerability for theft and potential for nuclear terrorism, make reducing their numbers essential to our national security. President Obama correctly described the greatest threat facing our Nation in his 2010 Nuclear Posture Review when he said that "the threat of global nuclear war has become remote, but the risk of nuclear attack has increased... today's most immediate and extreme danger is nuclear terrorism."

Several arms control groups, including the Stimson Center, the Center for Nonproliferation Studies, and the Union of Concerned Scientists, have stated that the danger of these weapons rests not only in the destructive power of each weapon but also because they are vulnerable to theft by rogue nations and terrorist groups.

Earlier this month, I wrote to Secretary Gates and Secretary Clinton about my concerns regarding this issue and requested a commitment from them to seek reductions in the number of Russian tactical nuclear weapons. I would like to read a portion of their response for those of my colleagues who share my concern regarding this disparity:

The Administration is committed to seeking improved security of, and reductions in, Russian tactical nuclear weapons. We agree with the Senate Foreign Relations Committee's call in the resolution of advice and consent to ratification of the New START treaty, "that the Russians address them. These negotiations offer our best chance to constrain Russian tactical nuclear weapons, but we believe Russia will be unlikely to begin such negotiations if the New START treaty does not enter into force.

The letter further states that:

With regard to future agreements, we strongly agree with you that the characteristics of tactical nuclear weapons—particularly their vulnerability to theft, misuse, or acquisition by terrorists—make reducing their numbers and enhancing their safety and security essential.

I assure unanimous consent that my letter to the Secretaries and their response be printed in the RECORD at the end of my statement.

What does this mean for us? Does the New START treaty lead to mutual and verifiable reductions in nuclear arms? Does the New START treaty renew our Nation's commitment to arms control? Given the commitments by the administration, will it reinvigorate our nuclear nonproliferation efforts?

The answers to these questions were most succinctly addressed in a statement by the leader who negotiated and signed the first START treaty, former President George H.W. Bush. I will conclude by associating myself with his comments on the issue, which I will read in full: "I urge the United States Senate to ratify the [New] START treaty..."

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

U.S. Senate,

HON. HILLARY RODHAM CLINTON,
Secretary of State,
Washington, DC.

Dear Secretary Clinton: I want to thank the Administration for making its experts available to discuss the proposed New START and its associated issues, including the importance of modernizing the nuclear weapons complex in light of proposed reductions in our deployed nuclear forces. I support the recent commitment President Obama made to increase the investments for nuclear modernization by $4.1 billion and to fully fund the costs associated with new facilities as the design for these facilities are completed. The Administration also answered many of my concerns about verification and inspections. Although I believe the verification and inspection requirements were preferable, the explanations regarding the new verification methods have helped to assuage my concerns.

There is, however, a remaining issue that must be resolved before I can conclude that the treaty warrants my support. The New START treaty does not address the significant disparity between the number of non-strategic nuclear weapons in the stockpiles of the Russian Federation and the United States. By maintaining a distinction between the threats of nuclear attack that warrant the ratification of a treaty from those nuclear threats that do not simply based upon the distance from which a nuclear weapon is launched, we preserve an outdated model regarding the nuclear threats facing our country. Any nuclear attack on our country or one of our allies, not just those that are launched quickly from a great distance, would be devastating. The characteristics of tactical nuclear weapons, particularly their vulnerability for theft and misuse for nuclear terrorism, make reducing their numbers important now. Several arms control groups, the Stimson Center, the Center for Nonproliferation Studies, and the Union of Concerned Scientists, have stated that the danger of tactical nuclear weapons rests not only in the destructive power of each weapon, but also because they are vulnerable to theft by terrorist groups. President Obama's 2010 Nuclear Posture Review warned of nuclear terrorism: "The threat of global nuclear war has become remote, but the risk of nuclear attack has increased... today's most immediate and extreme danger is nuclear terrorism. Al Qaeda and their extremist allies are seeking nuclear weapons."

Non-strategic delivery systems are also as capable as some of the submarines covered under New START of delivering a swift nuclear attack. For example, the Russian Federation is capable of deploying submarine-launched missiles and cruise missiles armed with nuclear warheads. According to press reports, a new type of Russian attack submarine capable of launching nuclear-armed cruise missiles began entering service in late 2010. My understanding is that, unlike submarine launched ballistic
mistrust, these nuclear-tipped cruise missiles would not be counted under New START. In addition, I was troubled to learn of reports in the New York Times that the Russian Federation has increased the tactical nuclear weapons closer to the territory of our NATO allies and U.S. deployed forces in Europe earlier this year, apparently in response to deployment of missile defense capabilities there.

Insufficiently addressing these weapons may prove to make difficult to achieve future nuclear arms control agreements. According to the independent Perry-Schlesinger Strategic Posture Commission report, the Russian Federation has 3,800 tactical nuclear weapons and the United States has less than 500 tactical nuclear weapons. If the New START treaty is ratified, the number of deployed tactical weapons in the two countries will be evenly balanced. Absent a significant unilateral reduction in tactical nuclear warheads by the Russian Federation, any effort to reduce the disparity in these weapons may lead to unacceptable concessions regarding U.S. capabilities that are not tied to the size of the nuclear stockpiles maintained by each country, such as concessions regarding missile defense or conventional prompt global strike.

Including non-strategic weapons in strategic arms control negotiations is not unprecedented. On July 31, 1991, the day START I was signed by President George H.W. Bush and Mikhail Gorbachev, the U.S.S.R. publicly acknowledged that for the United States with annual declarations regarding the deployments of nuclear sea-launched cruise missiles for the duration of START I. In addition, the Soviet Union committed to deploying no more than a single warhead on each cruise missile and to not exceed the deployment of more than 800 nuclear sea-launched cruise missiles in any one year.

On July 27, 2010, Dr. Keith Payne, former Deputy Assistant Secretary of Defense for nuclear policy and a member of the Perry-Schlesinger Commission, testified before the Senate Armed Services Committee that the reason he believed tactical nuclear weapons were not included in the New START treaty was because, “the Russians did not want to engage in negotiations on their tactical nuclear weapons.” I think they will be very wary of entering into any serious negotiations on their tactical nuclear weapons. I also understand, and would expect, that any reductions of non-strategic nuclear weapons in Europe would be part, on the position of our NATO allies.

Nonetheless, the concerns I have regarding non-strategic weapons remain outstanding as I consider whether or not the New START treaty warrants my support. As such, I request that you provide, in writing, the Administration’s plan to address the disparity between the non-strategic tactical nuclear warheads of the Russian Federation compared to the United States, in order that I may consider this information prior to a vote on the ratification of the New START Treaty.

Thank you for your attention to this matter, and for your service to our nation.

Sincerely,

Susan M. Collins
United States Senator

Hon. Susan M. Collins
U.S. Senate
Washington, D.C.

Dear Senator Collins: Thank you for your letter of December 3, 2010, regarding the New START Treaty. We believe ratification of the Treaty is essential to preserving core U.S. national security interests. The Treaty will establish limits on U.S. and Russian deployed strategic warheads and strategic delivery systems, and will provide the U.S. with essential visibility into Russian strategic forces through on-site inspections, data exchanges, and other verification provisions.

As you note, the Strategic Posture Commission expressed concern regarding Russian tactical nuclear weapons. At the same time, the Commission recommended moving forward with quick ratification on strategic weapons. With the expiration of the START Treaty in early December 2009, for the past year the U.S. has had no inspectors with “boots on the ground” to verify Russian strategic forces.

The Administration is committed to seeking improved security of, and reductions in, Russian tactical (also known as non-strategic) nuclear weapons. We agree with the Senate Foreign Relations Committee’s call in the resolution of advice and consent to ratification of the New START Treaty, to pursue an agreement with the Russians to address these negotiations offer our best chance to constrain Russian tactical nuclear weapons, but we believe Russia will likely be unwilling to begin such negotiations if the New START Treaty does not enter into force. We will consult closely with Congress and our Allies concerning and conducting any follow-on negotiations.

At the NATO summit in Lisbon in November 2010, the Alliance has already made strong support for ratifying the New START Treaty now, and welcomed the principle of including tactical nuclear weapons in future U.S.-Russian arms talks. The U.S. remains committed to retaining the capability to forward-deploy tactical nuclear weapons in support of its Alliance commitments. As such, we won’t reenter into nuclear arms talks with the dual-capable F-35 Joint Strike Fighter, and conduct a full scope Life Extension Program for the B-61 nuclear bomb to ensure its functionality with the F-35 and enhance warhead surety.

Your letter notes recent press reports alleging that Russia has moved tactical nuclear warheads and missiles closer to Europe. We note that a short-range ballistic missile unit long has been deployed near Russia’s border with Estonia, and earlier this year the Russians publicly announced that some SS-26 short-range ballistic missiles would be located there. Although this deployment does not alter either the balance in Europe or the U.S.-Russian arms talks, the U.S. has made clear that we believe Russia should further consolidate its tactical nuclear weapons in a small number of secure facilities deep inside Russia.

With regard to future agreements, we strongly agree with you that the character of tactical nuclear weapons—particularly their vulnerability to theft, misuse, or acquisition by terrorists—make reducing their numbers and enhancing their safety and security extremely important. That is why Secretary of Defense Gates and the New START Treaty in April, he made clear that “going forward, we hope to pursue discussions with Russia on reducing both our strategic and tactical weapons, including non-deployed weapons.”

Thank you for the opportunity to address the important issues raised in connection with the New START Treaty. We look forward to continuing to work with you on this and other issues of mutual interest, and urge your support of New START.

Sincerely,

Hillary Rodham Clinton
Secretary of State.

Robert M. Gates
Secretary of Defense.

ORDER OF PROCEDURE

Mr. KERRY. Mr. President, I ask unanimous consent to proceed as in legislative session and as in morning business in order to process some cleared legislative items.

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

NORTHERN BORDER COUNTER-NARCOTICS STRATEGY ACT OF 2010

Mr. KERRY. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged of further consideration of H.R. 4748 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4748) to amend the Office of National Drug Control Policy Reauthorization Act of 2006 to require a northern border counter-narcotics strategy, and for other purposes.

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

Mr. KERRY. Mr. President, I ask unanimous consent that a Schumer substitute amendment, which is at the desk, be agreed to; the bill, as amended, be read a third time and passed; the third reading was dispensed with; the motions to reconsider be laid upon the table, with no intervening action or debate; and that any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 4915) was agreed to, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Northern Border Counter-narcotics Strategy Act of 2010”.

SEC. 2. NORTHERN BORDER COUNTER-NARCOTICS STRATEGY.

The Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109–469; 120 Stat. 3502) is amended by inserting after section 1101 the following:

“SEC. 1110A. REQUIREMENTS FOR NORTHERN BORDER COUNTER-NARCOTICS STRATEGY.

“(a) Direction.—In this section, the terms ‘appropria...