

I came over here to say that people ought to be very careful about how they implicate other people and what happened to show up on a bill—as the Senator from Nevada knows, our side of the aisle is not in control of these things. I am not speaking for the Senator from Mississippi because he is capable of speaking for himself. When I get an opportunity, I will join the Senator from Nevada in trying to get rid of that provision once and for all.

I want to make it clear to my colleagues when the Senator from Nevada mentioned this to me the other day, I was as shocked as he was. I can tell you I certainly had nothing to do with it and will do everything I can to take it out. I yield the floor.

TREATY WITH THE RUSSIAN FEDERATION ON FURTHER REDUCTION AND LIMITATION OF STRATEGIC OFFENSIVE ARMS (THE START II TREATY)

The Senate continued with consideration of the treaty.

Mr. PELL. Mr. President, I am very pleased—as all of my fellow Members should be—that the Senate will now be considering whether to give its consent to ratification of the START II Treaty.

We can anticipate that the floor debate will be relatively brief by contrast with the time devoted to previous strategic offensive arms accords—the 1972 Interim Agreement and the 1991 START Treaty.

This treaty deserves the Senate's careful consideration, and approval. In the nearly 3 years since it was negotiated, the treaty has been carefully weighed, and I believe it to be clear now to almost all Members that START II is a logical and significant successor to the first START Treaty, which is also assuredly in the national security interests of the United States.

The Russian legislature has started, but not finished, its work on this treaty. The Russian Federation has just had elections, and the consideration and approval process, if successful, will involve many new members heretofore unfamiliar with START. I deeply believe that Russian legislators will carefully consider the present political, economic and military situation of their nation, will weigh priorities, and will see that START is a significant achievement that is clearly in their national interests. I believe very strongly that our activities and action in committee and the consideration being taken in the Senate today will serve to reassure their legislature that we are a serious party to this endeavor and will be of value as they consider their approach to the treaty.

Mr. President, the START II Treaty, which builds upon START, was signed by the United States and the Russian Federation on January 3, 1993, and was transmitted by President Bush to the Senate on January 15, 1993. The treaty builds upon the reductions of offensive strategic nuclear arms required by

The START Treaty. Members will recall, requires about a one-third reduction in the strategic offensive nuclear arms of the United States and, collectively, of Russia, Ukraine, Belarus, and Kazakhstan. The treaty specifically cuts the former Soviet Union's heavy ICBM totals in half.

In addition the START Treaty and the subsequent Lisbon protocol obligates Ukraine, Belarus, and Kazakhstan to give up all of their nuclear weapons and to join the START II Treaty, which is a bilateral treaty between the United States and the Russian Federation.

The START II Treaty has several critically important aspects:

First, it will reduce by 2003, Russian and American deployed strategic warheads to a level at or below 3,500—a more than two-thirds reduction over pre-START levels.

Second, it bans deployment of multiple-warhead intercontinental ballistic missiles [MIRVed ICBMs]. These missiles are generally considered to be the most threatening component of each nation's strategic arsenal.

Third, it legally obligates Russia to destroy all 154 SS-18 heavy ICBMs and to destroy or convert all silo launchers for such missiles. The SS-18 missile is the largest and most destabilizing ICBM in the world. Half of them were eliminated by START. This treaty will finish the elimination process.

These are three very important accomplishments. All of them are important to strategic stability. The details make that evident.

The START II Treaty calls for reductions, in two phases, in ICBMs, ICBM launchers, ICBM warheads, SLBMs, SLBM launchers, SLBM warheads, heavy bombers and nuclear armaments on heavy bombers.

The first phase of reductions is to be completed no later than seven years after entry into force of the START Treaty.

The second reduction phase, to be completed no later than January 1, 2003, requires each party to achieve the following final reduction limits:

Between 3,000 and 3,500, for the aggregate number of warheads on deployed ICBMs, deployed SLBMs, and deployed heavy bombers;

Between 1,700 and 1,750, for warheads on deployed SLBMs;

Zero, for warheads on deployed MIRVed ICBMs; and

Zero, for warheads on deployed Russian heavy ICBMs (SS-18s).

Mr. President, the START II Treaty was considered thoroughly in hearings that I chaired in May and June 1993, and that Senator LUGAR, my colleague from Indiana, chaired in January, February, and March 1995. Witnesses included Secretary of State Warren Christopher; former Secretary of State Lawrence Eagleburger; Secretary of Defense William Perry; General John Shalikashvili, Chairman, Joint Chiefs of Staff; John Holum, Director of the Arms Control and Disarmament Agen-

cy; Ambassador Linton Brooks, chief negotiator of the treaty; Thomas Graham, Jr., Acting Director of the Arms Control and Disarmament Agency; Director of Central Intelligence, Mr. James Woolsey and Douglas MacEachin, Deputy Director for Intelligence, Central Intelligence Agency. Non-governmental witnesses included Steven Hadley, an attorney with Shea and Gardner; Sven Kraemer, president, Global 2000; Michael Krepon, president, Henry L. Stimson Center, and Jack Mendelsohn, deputy director of the Arms Control Association.

Earlier this month, the committee considered and approved a resolution of ratification in an 18 to 0 vote. The resolution contains six conditions and seven declarations, none of which will require any renegotiation of the provisions or the further agreement of the Russian Federation. These are the key points of the conditions and declarations:

Condition 1, on noncompliance makes it clear that the Senate would view as a most serious matter actions by the parties to START or by the Russian Federation with regard to START II that are inconsistent with the object and purpose of the treaties or in violation of the treaties. In such an event, it specifies courses of action to be taken by the President with regard to the Senate and the noncompliant party.

Condition 2, makes it clear that the Senate, in approving START II, is not obligating the United States to accept any modification of the 1972 ABM Treaty.

Condition 3, makes clear that Russian ratification and implementation of START II is not contingent upon a United States-Russian agreement for financial aid.

Condition 4, makes clear that specified exchanges of letters are of the same force and effect as treaty obligations.

Condition 5, recognizes that the administration has reached an agreement with the Russians under which there will be strict accountability for all ballistic missiles associated with START. The Senate reaffirms its view that space-launch vehicles containing items limited by START are subject to the relevant treaty terms.

Condition 6, embraces the administration's view that the START and START II provisions on national technical means do not preclude the United States from pursuing options to urge the Russian Federation to dismantle its electronic eavesdropping facility at Lourdes, Cuba.

Declaration 1, deals with cooperative threat reduction. Vigorous continuation of the Safe and Secure Dismantlement talks is urged. The resolution makes clear the importance of confirming the irreversibility of the process of nuclear weapons reduction.

Declaration 2, urges the President to regulate reductions so as to avoid any strategic imbalance endangering the national security.

Declaration 3, expressed the sense of the Senate that the President should

consult with the Senate as to whether START II remains in the national interest should any nation other than Russia expand its strategic arsenal so as to jeopardize the United States'—security—interests.

Declaration 4, recalls earlier commitments to reduce armaments and calls upon the United States and Russia to seek further strategic offensive arms reductions and calls upon the other three nuclear-weapon states to give careful and early consideration to corresponding reductions.

Declaration 5, urges the President to insist that Belarus, Kazakhstan, and the Ukraine abide by the guidelines of the Missile Technology Control Regime.

Declaration 6, states that the Senate will consider agreements obligating the United States to reduce or limit the Armed Forces or armaments in a militarily significant manner only pursuant to treaty power as set forth in the Constitution.

Declaration 7, affirms the applicability to all treaties of the constitutionally based principles set forth in condition 1 of the resolution of ratification of the INF-Treaty.

The START and START II Treaties and the 1972 Anti-Ballistic Missile Treaty limiting strategic defensive arms, truly represent a continuum of arms control that has already had considerable benefits to the nations involved and promise still more over the next 7 years.

There is no question that all of this effort, more than two decades-long, characterized by new initiatives that build upon earlier achievements step-by-step, has been critically important in the effort to curb the costly and essentially pointless arms competition that characterized much of the postwar period prior to the collapse of the Soviet Union. While I, together with many others, am pleased that we finally have reached a point at which we can anticipate the elimination of the most destabilizing weapons—land-based missiles with multiple warheads, it also is saddening to realize that this Nation's leaders might have been wiser earlier. The pointless and wasteful MIRV competition that has been central to the arms race well might have been averted.

It is useful to recall that the Committee and the Senate endeavored in 1970 to forestall the development of MIRVed systems.

Senate Resolution 211 stated in part:

Whereas development of multiple independently targetable reentry vehicles by both the United States and the Soviet Union represents a fundamental and radical challenge to such stability;

Whereas the possibility of agreed controls over strategic forces appears likely to diminish greatly if testing and deployment of multiple independently targetable reentry vehicles proceed;

Resolved further, That the President should propose to the Government of Union of Soviet Socialist Republics an immediate suspension . . . of the further development of

all offensive and defensive nuclear strategic weapons systems, subject to national verification or such measures of observation and inspection as may be appropriate.

Senate Resolution 211 was introduced by Senator Edward Brooke and 39 cosponsors with three later additions on June 17, 1969. The Foreign Relations Committee reported favorably Senate Resolution 211 on March 24, 1970, and it passed the Senate on April 9, 1970, on a vote of 72 to 6.

I remember well making the case to several senior administration officials that we would do well to do our best to avoid a race in multiple-warhead missiles. Nonetheless, the administration did not agree with the Senate on the matter, believing instead that the United States enjoyed a technological lead over the Soviet Union, and would do better if MIRVs were allowed. Accordingly, the United States never proposed, in any serious way, that MIRVs be banned in SALT I. Two decades later, Soviet MIRVs have become a matter of considerable concern, and much effort in START and further effort in connection with the demirving Treaty have been required to deal with the problem. Now, 25 years later, it is clear how prescient the Senate was. Now that we are coming full circle, only five of Senate Resolution 211's cosponsors—Senators DOLE, HATFIELD, INOUE, KENNEDY, and I—remain in the Senate.

The achievements of SALT, START, and the ABM Treaty demonstrate that the United States and the successors to the Soviet Union are fulfilling pledges made repeatedly since the 1963 Limited Test Ban Treaty to reduce their nuclear arsenals. These pledges were seen as justification by other nations for decisions to refrain from nuclear weapons testing, join the non-proliferation treaty as non-nuclear weapon states and, earlier this year, to agree upon the permanent extension of the Non-Proliferation Treaty.

I hope very much that we will have the wisdom to understand what has been achieved, the resolve to preserve our achievements, and the foresight to build upon them.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, yesterday I wrote to the majority leader to indicate that I intended to object to any time agreement or other agreement to conclude debate on the START II Treaty until the administration is willing to support the defense authorization conference report. In my letter to the leader I made it clear that I do not oppose the START II Treaty and will eventually support an agreement for expedited consideration of the treaty.

I also indicated, however, that the administration and Senate Democrats have linked START II to the fiscal year 1996 Defense Authorization Conference Report. While I strongly reject such linkage, given the administration's insistence that linkage exists, I

now have no choice but to clarify what I believe is a misleading assertion.

In order to clarify what the defense authorization conference report actually requires, and the fact that it contains nothing that could cause Russia to reject START II, I will require a significant amount of time. I had not intended to offer any amendments or declarations to the START II resolution of ratification, but it now appears as if I will be forced to. I simply cannot stand by while the administration spreads misleading information regarding the defense authorization conference report.

Let us be clear about what does and does not threaten START II. START II will be ratified by the United States. The treaty enjoys overwhelming support in the Senate; there is no threat to it here. In Russia, however, there are many groups opposed to START II, including factions in the military and many hard-line nationalists. These Russians who oppose START II do so for reasons having nothing to do with anything in our conference report.

But these same Russian opponents of START II have found all kinds of convenient excuses to justify their real objections, including opposition to the expansion of NATO and United States policy in Bosnia. What the administration has done by arguing that the ballistic missile defense provisions in this conference report threaten START II is to create yet another excuse for Russian opponents of START II. Those who have already decided to oppose START II will simply repeat the administration's rhetoric.

If anything in the United States threatens START II in Russia it is the administration's own rhetoric. False assertions about how the defense authorization conference report violates the ABM Treaty are prepackaged Christmas presents for the Russian opponents of START II.

The day after the Senate passed the defense authorization conference report, the chairman of the House National Security Committee and I wrote to the President to clarify that nothing in the conference report required or advocated a violation of the ABM Treaty.

Mr. President, I ask unanimous consent a copy of that letter written to the President, dated December 20, 1995, be printed at this point in the RECORD.

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

U.S. SENATE,  
COMMITTEE ON ARMED SERVICES,  
Washington, DC, December 20, 1995.

The PRESIDENT OF THE UNITED STATES,  
The White House,  
Washington, DC.

DEAR MR. PRESIDENT: As you know, the House and Senate have now passed the fiscal year 1996 Defense Authorization Conference Report. Given the importance of this legislation for our military men and women and their families, and for the national security of the United States, we are disturbed by the fact that your Statement of Administration Policy (SAP) indicates that you intend to

veto this conference report, primarily because of provisions regarding ballistic missile defense.

We are writing to clarify misconceptions contained in your SAP that the ballistic missile defense provisions in this conference report either constitute a breach of, or establish an intent to breach, the Anti-Ballistic Missile (ABM) Treaty. In fact, there is nothing in the conference report that advocates or requires any action by the United States to breach its obligations under the ABM Treaty. Our conferees went to great length to ensure that Administration concerns in this regard were fully addressed.

Our conference report does require deployment of a national missile defense (NMD) system by 2003, and it urges you to enter into negotiations with the Russian Federation to amend the ABM Treaty to allow for a multiple-site NMD deployment. There is no requirement, explicit or implied, for the United States to deploy a multiple-site NMD system by 2003. In fact, the language in the conference report regarding ABM sites is taken verbatim from the Senate-passed bill, which the Administration has endorsed.

We urge you to join us in working with Russia to allow both sides to eventually deploy a multiple-site NMD system. We believe that it is in the interests of both countries to do so. However, nowhere does this legislation mandate such a deployment. Therefore, the concerns raised in your SAP concerning Russian responses are not supported by the legislation itself.

With the only operational ABM system in the world deployed around Moscow, and since it is fully within our treaty rights to deploy a single-site NMD system, we find it difficult to understand your Administration's linking this conference report to Russia's consideration of the START II Treaty. Such linkage is highly questionable and extremely risky, both for START II and for United States national security.

It is unclear to us whether or not your Administration supports deployment of even the most limited NMD system. However, to maintain that your objections concerning ballistic missile defense provisions in this conference report are based on a putative requirement to breach the ABM Treaty is simply not consistent with the actual legislation.

We respectfully urge you to more carefully examine the ballistic missile defense provisions in this conference report. We believe that you will conclude that there is nothing even approaching a commitment to violate the ABM Treaty contained therein.

This conference report adequately addresses the ballistic missile defense concerns raised by your Administration over the last several months. Therefore, we urge you to sign the conference report and thereby ensure that the men and women of our armed forces receive the benefits and material support that they so badly need and deserve.

Respectfully,

FLOYD SPENCE,  
Chairman, Committee on National Security, House of Representatives.

STROM THURMOND,  
Chairman, Committee on Armed Services, U.S. Senate.

Mr. THURMOND. Let me clarify some of the false assertions about the defense authorization conference report. It has been asserted that the conference report requires the United States to deploy a multiple-site national missile defense system and even a space-based system. Both of these assertions are flat wrong.

The conference report does require the Secretary of Defense to deploy a ground-based national missile defense system by the end of 2003. But nothing in the conference report requires the system to include multiple-sites.

I continue to believe that the United States should ultimately deploy a multiple-site system, but nothing in this conference report requires such a system. Nor does the conference report advocate, let alone require, a violation of the ABM Treaty.

The language in the conference report urges the President to undertake negotiations with Russia to amend the ABM Treaty to allow for deployment of a multiple-site national missile defense system. This and other provisions in this conference report envision a cooperative process, not unilateral abrogation.

It has been asserted that there is no way to defend the territory of the United States from a single site, and therefore this conference report indirectly requires a multiple-site system. While I believe that a multiple-site system should be our goal, I must point out that the Army has concluded that it can defend all 50 States, including Alaska and Hawaii, from a single, ABM treaty-compliant, site. I would also point out that the Army's report on this subject was prepared at the request of the ranking minority member of the Armed Services Committee.

Unfortunately, despite all our efforts in conference to resolve concerns related to the ABM Treaty, we continue to hear the artificial argument that this conference report constitutes an "anticipatory breach" of the ABM Treaty. Since there is no requirement to deploy a multiple-site national missile defense system in this conference report, there can be no "anticipatory-breach" contained in it.

But even if there were a multiple-site requirement, this would still not constitute an "anticipatory breach". Since there are treaty-compliant ways to get to a multiple-site system, just having a policy that points us in that direction cannot constitute an "anticipatory breach." To quote the senior Senator from Alabama, who was a distinguished judge prior to coming to the Senate, "While there are legal methods to deploy multiple sites within the framework of the ABM Treaty, there can be no anticipatory breach."

It has also been argued that this conference report requires a space-based defense. The conference report does call on the Department of Defense to preserve the option of deploying a layered defense in the future. But there is no requirement to deploy any specific space-based system or to structure an acquisition program that includes space-based weapons. The conference report does increase funding for the space-based laser program. But this increase is merely to keep a technology program alive. We have asked for a report to illustrate what a deployment program would look like, but this is hardly a mandate to deploy.

We can certainly debate the merits of what this conference report requires. But let's be clear about what it actually contains. If Senators want to debate the need for deployment of a national missile defense system by 2003, that is a legitimate debate. But to argue, as several Senators have, that this conference report requires deployment of space-based weapons and mandates a violation of the ABM Treaty is simply an act of disinformation. Senators are entitled to their views, but they owe the American people an honest statement of fact.

Mr. President, I yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I think we have come to a very auspicious time in our United States history, the history of the Russian Federation, and probably the history of the world because we have the opportunity now to move forward and ratify START II and hopefully implement it.

As the Senate knows, this is the second such treaty, following on the precedent set by the first START Treaty. We are doing our best to further reduce the United States and Russian strategic offensive nuclear weapons.

I believe it is the result of President Reagan's vision. He certainly led the United States and the former Soviet Union to begin negotiations in the first START Treaty back in 1982. President Reagan's initiatives were carried on by President Bush, who, through his leadership concluded this effort that resulted in the signing of the first START Treaty on July 31, 1991.

START mandates reductions in strategic offensive nuclear weapons, including intercontinental ballistic missiles, or ICBM's, and submarine-launched ballistic missiles, or SLBM's, and heavy bombers.

START also limits each country to 6,000 accountable warheads on 1,600 strategic offensive nuclear weapons. These limits reduce the number of warheads carried on ballistic missiles and nuclear weapons carried on heavy bombers by about 30 percent from the 1990 levels.

Just before the end of President Bush's term in office on January 3, 1993, the United States and Russia signed the second effort to further reduce these nuclear weapons, and this is treaty before us now—START II.

For the record the START II Treaty is formally titled "The Treaty Between the United States of America and the Russian Federation on Further Reductions and Limitation of Strategic Offensive Arms."

This second treaty limits each country to 3,500 accountable warheads on strategic offensive nuclear weapons and reduces the number of warheads on ballistic missiles and nuclear weapons on bombers in each country to about one-third of the 1990 levels.

I think that we have to really consider seriously where we are going with

START II. It is I think the right direction for this country. It has come about not only because of the administration's commitment—both the prior administrations and this administration—to the reduction of these systems. But, also, I think because of the members of the committees on both sides of the aisle here in the Senate and the staffs of those committees involved, the Senate Committees on Foreign Relations, Armed Services, Intelligence, and Appropriations, as well as the staff of the Senate Arms Control Observer Group.

I want to have the RECORD show my deep appreciation for those who have been so much involved in this process.

On this side of the aisle, certainly the floor manager of this bill, Senator RICHARD LUGAR, deserves a great deal of credit; our distinguished President pro tempore, Senator THURMOND; and I want to note that Senator COCHRAN and our relatively new Senator, Senator KYL, brought a great deal of leadership and direction into this world-shaping issue. And I commend the counsel that has been given to us from the other side of the aisle, particularly from my good friend, whom I see returning to his seat right now, former chairman and now distinguished ranking member of the Foreign Relations Committee, Senator PELL. Senator NUNN, and Senator LEVIN have also been very much involved, and their counsel is likewise appreciated.

Let me also mention, Mr. President, the support and thoughtful insights provided by the administration's representative in these negotiations—he is well known to us—he served on the Senate committee and is now the Special Assistant to the President, Bob Bell.

One particular reason for my statement now is to make a record of what has happened with regard to the Arms Control Observer Group participation in these efforts. In 1985, this group was created by our leader, Senator DOLE, in an effort to have greater Senate participation in the negotiations and the processes that would lead to arms control agreements. Along with other Arms Control Observer Group Senators, I made trips in 1985, 1986, 1987, 1989, and on through the 1990's to Geneva, to Vienna, to Brussels, to the former Soviet Union, then to Russia, and to many of the countries of the former Soviet Union.

We did so in order to see to it that the Senate was involved in the discussions and the negotiations so that there would be no surprises in the START process.

We are now seeing the fruits of the Senate's wisdom in creating the Arms Control Observer Group, and I congratulate my good friend, Senator DOLE. He did this in 1985 in his first year as being the Senate leader.

It has given the Senate the ability to move through a very deliberative process, and it does so through this group of Arms Control Observer Group Sen-

ators who come from the Foreign Relations Committee, the Armed Services Committee, and the Intelligence Committee, as well as the Appropriations Committee.

We have had a very dedicated staff who have assisted us. And it is through staff behind the scenes efforts as well as the members consensus, which is the result of the continued participation of the members of this group, which I think brings us to START II today. It is a relatively noncontroversial subject, Mr. President, because we have been able to give the Senate knowledge of what is going on. We have been able to hold hearings and deliberate on various issues. We have had a series of hearings where representatives of the administration and the military and the intelligence community have come and answered our questions. Only recently now we have come through an additional new process, and that is the process of working up a series of amendments which will soon be presented here as part of the managers' package.

I congratulate all concerned in regard to this. Many of those initiatives came from the Senator from Arizona [Mr. KYL]. Others have added to them. And we now have a package which I think represents the viewpoints of all who have participated in the ongoing efforts of the Arms Control Observer Group.

I can think of no finer gift to give the American people or the people of the Russian Federation and literally all mankind this holiday season than to deliver them a package which says that the Senate is prepared to take a major step for the world's really great major nuclear power. We will make the historic move that I think could significantly reduce the threat of nuclear conflagration, and that is the step to ratify this START II treaty.

I wish to congratulate again the two managers of the bill. I think through their wisdom and knowledge and experience in handling this subject, that it is a subject which any Member of the Senate should be proud to participate in the deliberation of and hopefully the vote for the ratification of the START II Treaty. I hope that it will take place before end of the year, Mr. President. I look forward to the discussion with my friend from Arizona on some of the points that we have intensely reviewed now for the past week or so, and I wish to congratulate him and his staff for working with me and particularly John Roots who is on my staff now working on this matter. I am grateful to them for their assistance.

I yield the floor.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I wish to again thank Senator STEVENS for his leadership role in bringing together a group of Senators who wanted to put the finishing touches on the declarations here and to do that in a very

short period of time. I appreciate his leadership in bringing the group together and getting this job done so that we could begin the discussion of the treaty now prior to the end of the year.

Mr. President, let me begin by asking unanimous consent to have printed in the RECORD several items which pertain to the matters which I will be discussing relative to the START II Treaty.

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

*Baseline START I Force*

[For purpose of amendment No. 2]

ICBM:	
Minuteman III .....	500
Peacekeeper .....	50
Total .....	550
Submarines:	
Trident I .....	8
Trident II .....	10
Total .....	18
Bombers:	
B-52H .....	66
B-1B .....	96
B-2 .....	20
Total .....	182

From AMEMBASSY MOSCOW.  
To SECSTATE WASHDC PRIORITY 1623,  
INFO MOSCOW POLITICAL COLLECTIVE, Sept. 1995.

Subject: Internal Duma report recommends major amendments to START-2 treaty

1. Decontrol upon receipt—sensitive but unclassified—protect accordingly.

2. Summary: The Embassy recently acquired an internal state Duma study of the START-2 treaty that recommends ratification certain important amendments (copy being faxed to EUR/RUS). The amendments are designed to correct what the authors see as imbalances in the treaty in favor of the United States. The report recommends that the Duma ratify the treaty while stressing the link between strategic weapons reduction and observance of the ABM treaty. It also recommends amending the treaty to:

Permit each side to keep Mirved ICBM's with four warheads or less, rather than banning Mirved ICBM's altogether;

Provide for the controlled liquidation of warheads removed from Mirved ICBM's and SLBM's as part of the process of meeting treaty-mandates levels of weaponry;

Require liquidation of old launch platforms and their replacement with platforms designed specifically to bear fewer warheads;

In order to reduce the cost of reconfiguring the land-based leg of Russia's deterrent, permit utilization of 154 launch silos built for heavy ICBM's to house single-warhead missiles;

Delete the requirement to fill with concrete such ICBM launch silos;

Permit redefinition of all 170 RS-18 missiles as single-warhead missiles;

Push back the implementation deadline for START-2 by 2-3 years.

START-2 AND THE ABM TREATY

3. The Duma study, written by the parliament's analytical center before the July START-2 hearings, strongly attacks U.S. plans to develop limited anti-missile defense systems. It states that, "In Reality, deployment of such a limited ABM system, coupled with radical cuts in strategic nuclear forces,

is no less destabilizing a factor than constructing a full-scale ABM system. Since a limited ABM system requires establishing a full infrastructure (Information Systems, Communications, and Military Command), it can grow very quickly to a size at which a retaliatory strike by our strategic nuclear forces could be neutralized." Thus, the report concludes, it is essential for the duma to lay down an unbreakable link between strategic force reductions and observance of the 1972 ABM treaty.

#### ABM RECOMMENDATIONS

4. Thus, the study recommends that, "When ratifying the START-2 treaty, the state duma of the Russian Federation should declare that the 'exceptional circumstances' mentioned in paragraph 4, article VI of the treaty include as well circumstances arising in connection with one of the parties ceasing to observe the 1972 ABM treaty, or its substantial violation." The report goes yet further, and also recommends that, "Attainment of a coordination and officially confirmed agreement on demarcation of strategic and "nonstrategic" ABM systems should precede ratification of START-2." The report states that such an agreement on the demarcation issue must include "precise quantitative limitations on deployment of "nonstrategic" ABM systems.

#### MIRVED ICBM'S

5. The report notes that the current text of the START-2 treaty calls for total elimination of MIRVED ICBM's. It calls this provision unacceptable, because it is contrary to Russia's National Security interests and favorable to the interests of the U.S. The study's authors note that 50 percent of Russia's strategic forces consist of land-based MIRVED ICBM's. They recommend that the treaty be amended to ban only MIRVED ICBM's with more than 4 warheads.

6. The authors admit that the effective life of Russia's SS-18 and SS-24 missiles will run out in 10-15 years, and that production of more such missiles will be next to impossible, since the facilities for doing so are in Ukraine. Russia cannot today afford to build a comparable defense industrial infrastructure for producing new SS-18's and SS-24's on its own soil, they note. However, they call for developing a new, Mirved sea-based missile that could also be deployed on land. In the future, they believe, Russia will need to maintain a proper balance between Mirved and single-warhead ICBM's in both its strategic rocket forces and fleet.

#### ELIMINATING LAUNCH PLATFORMS AND WARHEADS

7. The Dama study states that START-2 would permit the U.S. to maintain essentially intact a large number of launch platforms for nuclear weapons that, while formally speaking no longer used for nuclear purposes, could in a "Crisis Situation" be rapidly refitted with nuclear warheads. The report charges that, under the treaty, "the U.S. would assure itself of a favorable regime for reducing nuclear weapons that would not require liquidation of the carriers of nuclear weaponry, except for 50 MX ICBMs and part of its older B-52 heavy bombers." Russia, on the other hand, would have to undertake an expensive reconfiguration of much of its strategic forces. It adds: "The START-2 Treaty allows the possibility of rapidly deploying the nuclear potential of the U.S. in all components of the Strategic Nuclear triad."

8. The study asserts that the U.S. would quickly be able to redeploy previously removed nuclear warheads on still extant Minuteman-3 and Trident-2 missiles in a crisis. Similarly, nuclear weapons could be quickly reloaded onto B-LB bombers, since "START-

2 does not require them to be refitted in order to be re-oriented toward non-nuclear tasks." "After realization of START-2 the U.S. will have the possibility in a crisis situation of operationally increasing its nuclear potential by more than 4000 nuclear warheads. Russia cannot compensate such an increase." Hence, the report's authors recommend amending the START-2 Treaty to require liquidation of warheads removed from Mirved ICBM's and SLBM's as part of the process of meeting treaty-mandated levels of weaponry. They also call for altering START-2 to require liquidation of old launch platforms and their replacement with platforms designed specifically to bear fewer warheads.

#### REDUCING THE FINANCIAL COST OF IMPLEMENTATION TO RUSSIA

9. The Study charges that START-2 essentially favors the U.S., permitting it to reduce its nuclear forces in the most economical way, while imposing an unacceptably high burden on Russia. It calls treaty provisions permitting Russia to re-fit 90 launch silos for heavy ICBM's and re-utilize them for single-warhead missiles insufficient. Its answer is to call for amending the treaty to permit Russia to re-use 154 launch silos built for heavy ICBM's to house single-warhead missiles, to delete the requirement to fill with concrete such ICBM launch silos, and to permit redefinition of all 170 RS-18 missiles as single-warhead missiles.

#### DELAYING TREATY IMPLEMENTATION

10. Finally, the study's authors also call for delaying implementation of the START-2 treaty by 2-3 years. The report argues that, since the seven-year implementation period for START-1 will end in 2001, only one year will remain for completing implementation of START-2. This is not enough time, and so, when ratifying START-2. This is not enough time, and so, when ratifying START-2, the Duma should "extend" the implementation period by 2-3 years, in order to avoid "significant financial and production difficulty."

#### COMMENT

11. This study was prepared as a guide for Duma deputies by the Duma's Analytical Center, and thus reflects the views of the Duma's in-house defense and security analysts. While pro-ratification in principle, they are clearly eager to see changes in the treaty that would substantially alter its character in ways that appear to be unacceptable from the standpoint of U.S. policy. In the first round of START hearings in July, deputies did not raise the kind of fundamental amendments addressed in this paper, though they did stress the link between START-2 and the ABM Treaty. The upcoming second round of hearings will show whether many deputies agree with the views outlined in the START study, and, indeed, whether the Duma is willing to ratify START-2 in any form before the December parliamentary elections.

12. The START study also indicates that Russian Government analysts are thinking carefully about how to restructure the country's nuclear deterrent to adapt to the Government's current straitened economic circumstances while maintaining the force's effectiveness. If this study is any indication, at least some analysts are envisaging a Russian deterrent that would still contain significant numbers of Mirved ICBM, both land-based and at sea—in contradiction of what START-2 calls for.

Mr. KYL. Mr. President, in considering whether the United States should ratify the START II Treaty, I believe it is critical that the terms of the treaty be reviewed in the context of the na-

tional deterrent strategy of the United States.

Further, it is important to recall why this treaty came about and how it was intended to complement the strategic posture of the United States.

The treaty, in other words, Mr. President, is based on assumptions. If these assumptions change, we have to reassess our position with respect to the treaty. What are some of these assumptions? First, the Bush legacy, how the treaty came into being. As the Soviet communism and the Warsaw Pact were collapsing, President Bush moved to establish a new framework for U.S. strategic forces, and it had two key elements. First involved a restructuring and downsizing of U.S. offensive nuclear forces and operations. This was the precursor for START II.

Second, it involved refocusing the strategic defense initiative from the previous Reagan administration to provide protection against ballistic missile attacks on the United States, our troops deployed abroad, and United States allies, and an offer to work cooperatively with Russia and the allies in developing and fielding such defenses.

President Bush's commitment to a new strategic framework based on fewer but still potent nuclear forces and the development and deployment of effective ballistic missile defenses was perhaps best highlighted during June 1992 when he and President Yeltsin had their famous summit. At that meeting, the two Presidents reached an agreement on the outlines of the START II agreement which committed both sides to reduce their strategic nuclear arsenals to 3,000-3,500 warheads, significantly below the force levels permitted by START I. Importantly, they also agreed to explore creation of a global ballistic missile defense system and to cooperate in the development of missile defense technologies.

The administration's framework rightly retained a strong commitment to ensuring nuclear deterrence and supporting infrastructure over the long term. President Bush and his advisors correctly believed that nuclear weapons should retain a legitimate, albeit more limited, role in U.S. national security policy. They also recognized that efforts to delegitimize or to eliminate nuclear weapons could have the paradoxical effect of increasing national instability and the likelihood of conflict.

Finally, they prudently believed that given the possibility of reversal of reform in Russia, the United States should retain a healthy nuclear capability as a residual deterrent.

In sum, President Bush and his advisors understood that there was simply too much uncertainty in the international arena to justify eliminating what was a central element of U.S. national security policy.

Likewise, President Bush's support for a more prominent role for ballistic

missile defenses in the United States and allied security policy was correctly seen as a means of bolstering, not replacing, nuclear deterrence at reduced strategic offensive force levels. Such defenses also could protect our allies and forward-deployed United States troops from threat posed by short and medium-ranged missiles and provide substantial population defense in the event of an accidental, unauthorized or limited attack on the American homeland from Russia or any other country.

From that foundation, we come to the Clinton administration. This administration has essentially rejected the Bush framework and instead has embraced what I believe is a dangerous and ill-conceived policy of proactive denuclearization. The administration has taken steps to lock in perhaps for decades to come America's vulnerability to missile attack and has used the arms control process to impede development and deployment of effective defenses against short and medium-ranged missiles and has used the arms control process to impede development and deployment of effective defenses against short- and medium-ranged missiles.

The Clinton administration's anti-nuclear sentiments are perhaps best illustrated by reviewing the declining health of the U.S. nuclear weapons infrastructure. America's core nuclear competency is made up primarily of skilled and motivated people, modern facilities, adequate funding, and continued nuclear testing.

I would like to discuss each of these briefly. The concept, Mr. President, is this: When we draw our forces down from a very large component of nuclear warheads and missile delivery systems to a much more modest one under START I, and an even more modest level under START II, we have to be in a position to guarantee that what we are left with will work for the purpose for which it is intended, to deter anyone from a nuclear attack. That is why it is necessary to ensure that our infrastructure is not eroded or dismantled.

I mentioned that the first critical element of this group are the people themselves. The critical skill base, or the expertise of individuals at the weapons laboratories, is rapidly eroding and poses an immediate problem, Mr. President.

As noted in a recent Congressional Research Service report:

The experience gained from testing is irreplaceable, and aspects of it may be lost unless it is passed on to the next generation. Yet demographic data . . . indicate that skill base is eroding rapidly. The weapons program is losing skills as many experienced scientists retire and few new ones are hired. As a result, gaps in the skill base are opening that have adverse consequences for stewardship.

This means the stewardship of our nuclear stockpile.

The weapons programs face further strain from a budget that is shrinking no end in sight and from a growth in mandated non-programmed risks.

The CRS report further notes that a majority of weapons designers will be facing retirement within the next 10 to 15 years and that the labs have already lost certain experimental capabilities, and in other areas the labs are only one person deep.

The next critical element of our U.S. nuclear infrastructure are the facilities. Currently the United States has no capacity to produce tritium, a critical gaseous element not only for our new nuclear warheads but also for replenishment of the active inventory.

In sum, Mr. President, our weapons do not work without tritium, which decays at such a rapid rate that it must constantly be reinterjected into the weapons.

Energy Secretary O'Leary has twice delayed a decision to select a new production reactor technology as a replacement for the K reactor at Savannah River, SC. The Department of Defense now indicates that a decision on the selected technology for a future tritium production capability will be made soon. But given the numerous delays by the Department of Defense, I hope you will forgive my skepticism.

For all practical purposes, the United States has lost its capacity to produce critical plutonium components, including the vital pits of our nuclear warheads. And yet the Department of Defense has not decided on where such a production facility will be located.

Meanwhile, the Pantex facility in Texas is so overloaded with the task of dismantling warheads for disposal that it risks not being able to conduct a rigorous program of stockpile surveillance.

The next component for a robust stockpile, Mr. President, is nuclear testing. The Clinton administration continues to embrace a nuclear testing moratorium and a Comprehensive Test Ban Treaty as central to its arms control policy.

Contrary to President Clinton's beliefs, I believe that a moratorium, a continued moratorium on U.S. nuclear testing will do nothing to aid in the fight against proliferation. Extension of the NPT matters little to the pariah nations that are or at least should be the primary object of our nuclear proliferation efforts. And with these states, U.S. nuclear testing has no bearing on their nuclear ambitions and programs.

In fact, Mr. President, Charles Krauthammer captured the essence of this point in a Washington Post op-ed of July 16, 1993, of which he said:

There is something lunatic about saying that if we devalue and degrade our arsenal, nukes will then have less value for the North Koreans of the world. On the contrary. . . . The future nuclear weapons reliably held by the great powers, the greater the premium—the power—conferred upon the have-not who acquires them.

At the same time, Mr. President, nuclear testing is needed to assure the long-term safety and reliability of our nuclear weapons, and with it our abil-

ity to deter Russian nuclear aggression and to convince our allies, such as Germany and Japan, that abstaining from the acquisition of nuclear weapons makes sense as well. Even though U.S. nuclear weapons are at present safe and reliable, it is only through the continued explosive testing that the United States will be able to monitor and improve the stockpile safety and reliability well into the future.

I talked before, Mr. President, about U.S. missile defense plans. And as I said, all of the premises of the START II Treaty are important to understanding why the START II Treaty is believed to be advantageous, but in the event these assumptions change, our position would obviously have to be reassessed.

To the issue of a combination of offense and defense, which was contemplated by the Bush administration at the time that the treaty was signed, I would note that following the Persian Gulf war, which certainly focused attention on the proliferation of missile defenses and weapons of mass destruction, the Congress passed the Missile Defense Act of 1991 to continue this movement toward the development of a robust missile defense system in the United States.

The act urged accelerated deployment of effective theater missile defense capability. Perhaps more importantly, it served as a sign of intent that the Congress was prepared to adequately fund and support a robust U.S. missile defense capability, both the theater missile system and a national missile defense.

But the consensus was short lived. One of the first casualties of President Clinton's quest to cut defense spending in order to pay for costly social programs was the budget for ballistic missile defenses. The DOD Bottom-Up Review of 1993 cut the fiscal year 1994 to 1999 5-year budget for the Strategic Defense Initiative by approximately 60 percent from \$41 billion to \$18 billion. Hit hardest by this cut was the National Missile Defense Account. DOD not only rejected the option to deploy a defense of the American homeland, but also rejected even a robust research and development effort.

The Clinton administration has also used arms control to further erode the U.S. ability to effectively deploy TMD and NMD systems. Since November 1993, the administration has been engaged in negotiations with Russia and other states of the former Soviet Union in an effort to demarcate the line between permitted TMD systems and those activities and systems that are banned under the 1972 Antiballistic Missile Treaty.

In those talks, the United States has taken the following positions: First, we are no longer seeking to amend the ABM Treaty to allow multiple ground-based ABM sites in the United States, nor is the United States continuing to propose that the treaty be amended to

allow space-based interceptors; for example, the so-called Brilliant Eyes program, to perform direct battle management functions or otherwise substitute for ABM radars. This is despite the fact that the space-based system offers unique capabilities for sensing and intercepting missile threats that ground-based systems simply do not have.

As described above, the United States needs to begin fielding a national missile defense system now in order to be able to have it in place by the time the new threat is deployed.

Second, the administration has agreed to multilateralize the ABM Treaty and accept as treaty partners any of the former 10 Soviet states who want to be secessionites. And this means that all former Soviet Union states will be required to approve any changes to the treaty. So the administration approach will make it much more difficult for any future administration modifying the treaty, for example, to permit multiple ground-based ABM sites or space-based interceptors since, of course, these modifications must be blessed, not only by Russia, but also several other former republics of the Soviet Union.

Third, in November 1993, the administration proposed a standard for determining compliance of TMD systems with the ABM Treaty based on the demonstrated capability of such systems. More recently, however, the administration has accepted specific design/performance limitations on TMD systems and is considering numerical and deployment-area limitations on such systems as well.

The limitations now under discussion are more restrictive than the ABM system limitations already in the treaty. If accepted, such new limitations would effectively transform the ABM Treaty into a Theater Missile Defense/ABM Treaty and would preclude the United States from deploying one or more promising concepts for countering the growing threat posed by theater missiles.

I have reference to the Navy Upper Tier program. Despite five letters from Senate Republicans and clear language from the Senate Armed Services Committee and the House National Security Committee, the administration has kept up its assault on theater ballistic missile defenses.

A clearly stated objective of the Nuclear Posture Review, which was publicly released by the administration on September 22, 1994, was to provide planning stability for the U.S. strategic forces between now and the year 2003, the year that START II is to be fully implemented.

This raises the next important point with regard to the assumptions underlying the START II treaty, Mr. President, because, of course, the Nuclear Posture Review is the document which determines the number and nature of our nuclear warheads and the targets to which they would be assigned.

The administration in this review embraced a force structure of 66 nuclear-capable B-52H bombers, down from previously 94; 450 to 500 ICBM's—currently the number is 550—and 14 missile-carrying Trident submarines, down from 18, all to be backfitted with the D-5 missile.

This force structure was linked to the so-called "hedge strategy" designed to take into account the possibility of a reversal of reforms in Russia and the much slower paced nuclear drawdown there. But no sooner had the Defense Department released the results of the nuclear posture review, the President moved to overturn it. Just 5 days after the NPR was released, President Clinton stated his willingness to begin discussions with Russia on a possible START III agreement to reduce strategic forces below the 3,500 weapons permitted by START II and to deactivate all strategic nuclear delivery systems to be reduced under START II by removing their nuclear warheads or taking other steps to remove them from combat status.

The President's declarations served to undermine whatever hoped-for planning stability associated with U.S. strategic forces existed as a result of the NPR. Since 1988, U.S. strategic nuclear forces have been reduced by approximately 50 percent and U.S. non-strategic nuclear forces by approximately 90 percent.

Furthermore, the annual budget for strategic forces has been reduced from roughly \$50 billion per year at the height of the cold war to below \$13 billion today, and the United States has no new strategic systems under development.

By contrast, Russia continues to modernize its strategic arsenal. The Russian program involves the development for deployment of two new ICBM's, one new SLBM, submarine-launched ballistic missile, and continuation of deep underground bunkers for control and command and leadership survivor. This seems to indicate, despite severe economic difficulties, Russia intends to modernize down to lower force levels.

In addition, Russia's new doctrine places much greater emphasis on retaliation against conventional attacks on targets in Russia. That brings us to where we are today in consideration of the START II treaty.

START II on January 3, 1993, President George Bush and Russian President Boris Yeltsin signed the treaty. START II builds on the START I treaty which reduces strategic offensive arsenals on both sides by about one-third and which focuses on the conversion and destruction of missile launchers—bombers, silos, submarine launchers—rather than the missiles and the warheads.

START II reduces both countries' nuclear arsenal to about 3,300 warheads for the United States and about 3,000 for Russia. The treaty requires Russia to eliminate all MIRV'd missiles.

These are the missiles that have more than one warhead on top of them and present a special threat launched by either side. But it does allow the country to download 105 of the six-warhead SS-19's to a single warhead each, and to make 90 SS-18 silos inoperable by partly filling them with concrete, but it allows Russia to house the less powerful SS-25 missile in the converted silo.

In addition, the treaty allows Russia to inspect, for the first time, the bomb-bays of the B-2, the U.S. bomber, to ensure that the warhead limits are adhered to. It actually also counts the warheads on the B-1 bomber cruise missiles, and it ensures that 100 U.S. bombers have been reassigned to conventional use.

START II requires the United States to scrap or modify its 50 MX missiles, which have 10 warheads each, and to cut by about one-half the number of warheads on its submarine-launched missiles from 3,456 to 1,728.

START II is to be implemented in two phases: the first is to be completed within 7 years of ratification and the second by the year 2003. When reductions are complete, the U.S. level will return to those of the 1960's and the Russian levels to those of the 1970's.

Mr. President, I want to make it very clear that while I believe the START II treaty is fair and is advantageous to the United States, it is only in the interest of the United States if certain key provisions of the treaty are not changed or are not weakened in any way.

I do not think it is too much to expect those in the Senate who ratify this treaty, who support ratification, to expect that the treaty will be adhered to by both sides and will not be changed or weakened in any way. I know that some in the defense community have real concerns with provisions of the treaty. The Washington-based Center for Security Policy, for example, has listed the following provisions as particularly troublesome:

First, the right on the part of the Russians to retain the SS-18 silos. As I said, the START II treaty will not eliminate the infrastructure associated with this most dangerous of the former Soviet Union MIRV'd missile, SS-18 heavy ICBM's. Instead, it allows Moscow to retain 90 of the SS-18 silos and associated launch facilities and support complexes. As the United States has no idea how many SS-18 missiles the Russians actually have in their inventory, even the monitored destruction of "declared" heavy ICBM's could leave Moscow in a position to utilize these silos in the future to launch SS-18's. So this is a matter of some concern.

The right to retain the SS-19's: Under START II, Moscow may retain as many as 105 deployed SS-19's as long as these missiles are "downloaded," a process by which five of the six warheads are removed. Unfortunately, as long as the Russians retain replacement warheads, it can, with little fear of U.S. detection, rapidly reverse the

downloading process. In this manner, the Russians can retain a militarily significant breakout capability. This is an obvious concern. Since there are no limits on either START I or START II on the number of "nondeployed" SS-19's, the Russians may be able to keep as many of these missiles, even in a fully loaded status, as they wish.

As I said before, the United States agreed to onsite inspections of the B-2. The effect of this provision, though considered necessary for the agreement of the treaty, will be to degrade the deterrent value of this air-breathing leg of the U.S. strategic triad.

This is by no means a comprehensive list of some of the problematic aspects of the treaty. I call my colleagues' attention to the testimony before the Foreign Relations Committee by one of the critics of the treaty, Sven Kraemer, former Director of Arms Control at the National Security Council, in which he lists a comprehensive listing of some of the more troublesome aspects of the treaty.

I note these simply to indicate, Mr. President, that while I believe this treaty, on balance, represents a fair and constructive way to approach the problem of reducing the number of these dangerous weapons as to the interests of the United States, that it is not without concern and that those of us who support the treaty, I think, should be respected in our delineation of these concerns, because, as I have said, much depends on the assumptions that underlie the treaty, and if those assumptions later change, obviously we would have to reassess our position under the treaty.

President Reagan said it well: "Trust but verify." The problem here is that it is not easy to verify. There are some things that are just very, very difficult to verify in this treaty, difficult if not impossible. So, to some extent, there is an element of trust required, and I suspect that all of us base some of our position here on an element of hope as well.

But the point is that as we bring the number of these weapons down to a relatively lower number, much smaller number, we better make sure that they work, we better make sure that the other side does not cheat, because cheating, when both sides only have a few, is much more dangerous than if we both have very large components in our nuclear arsenal.

I also note, Mr. President, that the Russians have certain concerns with START II. This would be, I think, obvious in any negotiation where both sides give and take. So we are not the only ones who have concerns. As a matter of fact, an internal Duma report prepared by the Duma's analytical center and reporting in an unclassified memo from the American Embassy, we note that there are seven specific amendments recommended to the treaty. I will not go into these, although I will be submitting my entire statement for the RECORD, which identifies these

particular proposed changes from the standpoint of the Russian Duma. None of these amendments, suffice it to say, would be acceptable to the United States. In fact, if any one of these were to be accepted by the Russian Duma, it would gut the central provisions of START II. That is why, despite the fact that there are those who believe that some amendments might have made the treaty more acceptable from the United States' perspective and urged that we actually offer amendments to the treaty in that regard, I think others of us felt that it was better to keep the treaty as it was negotiated and signed by the two parties, because we did not want to begin the process of amendment which would then give those in the Russian Duma a greater capability to argue the appropriateness of making amendments from their perspective.

That is why it is important that there be no amendments from either side. We have declarations and one condition, which we think help to establish the basis of the treaty from our perspective. Clearly, no amendment to the treaty, along the previously suggested lines, by the Russian Duma would be appropriate. That would be a basis for our withdrawal from the treaty.

I want to make it very clear that there is one thing in particular I would very strongly oppose. I will very strongly oppose any attempt by the administration, or anyone else, to walk back the MIRV downloading provision of the treaty, to allow the Russians to either increase the numbers of SS-18's, or to modify the structural changes to the SS-18 silos, or to delay the implementation of START II. I believe that any changes to the treaty, especially in these two key areas, would obviously require Senate advice and consent.

Mr. President, if there is anyone who, during the course of this discussion, disagrees with that, I would like them to say that. I would like to have a dialog with that individual. I doubt that anyone could conceivably come to that conclusion. But, clearly, we have to have it established, as we vote to ratify this treaty, that in those two most important respects the U.S. Senate would have to provide advice and consent.

I know the administration has agreed with that proposition as of now. I cannot imagine any disagreement. I note, for the Record, that with regard to walking back the MIRV downloading, Mr. Bob Bell, Special Assistant to the President, and an individual well known here in the Senate, who has assisted Senator NUNN for many years, has written, "This report is totally unsubstantiated and pure fantasy." By the way, he was referring to a report that there may be some move toward some MIRV downloading in the treaty. "The administration is not planning and does not have under consideration any such proposal."

Mr. President, I accept that statement from Mr. Bob Bell, and I cer-

tainly would not oppose the treaty based on assurances from the administration that MIRV downloading will not occur. But, it is an illustration, Mr. President, of the kinds of things which at least have been talked about as possible changes and which I think we have to be very, very careful in considering prior to the ratification of the treaty, so that if those kinds of changes should ever be suggested to us, the record has been very clear that, A, it would require the advice and consent of the Senate, and, B, it would not be in the best interest of the United States.

One more note about Russian compliance with the arms control agreement, Mr. President. Questions about verifiability of the treaty are important because of concerns about whether the Russians will, in fact, abide by the terms of START II. Obviously, we all hope and require that the Russians fully comply with START II. But their record, and the record of the former Soviet Union, with respect to compliance with arms control agreements is somewhat dubious. I will note just a few of the areas of violation in the past:

The Biological Weapons Convention, the Chemical Weapons Agreements, the Missile Technology Control Regime, START I, and the Conventional Forces in Europe Treaties. All of these agreements have provisions that Russia has, in one way or another, failed to comply.

I mention this and the previous arms control agreements to underscore the importance of assuring that the Russians comply with the START II Treaty—not that they intend to comply, but that they are complying. An assumption of Russian compliance with the terms of START II is one significant consideration in my decision to support the treaty. I have confidence that they will comply, and that is the basis for my support of the treaty.

The final substantive point, Mr. President, I would make is this, and it has to do with linkage to the ABM Treaty.

There is no linkage between the ABM Treaty and the START II Treaty—although this is a favorite argument of some members of the administration and of opponents of ballistic missile defenses in the Russian Duma. There is no linkage between these two treaties. There never was and never will be.

There are those who believe that the ABM Treaty and START II are linked; further, that action relating to ballistic missile defenses in the United States will somehow affect ratification of START II in Russia. In fact, the preponderance of the evidence suggests that the Russians have concerns about ratifying START II irrespective of Senate action on the ABM Treaty.

It is incontroverted by a variety of Russian spokesmen themselves, who have made the point crystal clear that their concerns about START II have to do with the treaty itself, with their requirements under the treaty, and with

the costs that their compliance will entail, and not with the United States position with respect to the ABM Treaty.

For example, chairman of the Duma's Foreign Relations Committee, Vladimir Lukin, said "We need big money to carry out these reductions [in START II], and we don't have it. We do not want to ratify this Treaty and then not be able to comply with its terms. We will have to wait until we see how to pay for our promises." As quoted by Jim Hoagland in the Washington Post, July 2, 1995.

Other Russians tie START II ratification to other international issues. Speaker of the Federation Council [upper chamber], Vladimir Shumeiko, stated, "We closely link [START II] ratification with the overall situation existing between Russia and NATO. We consider the perseverance of NATO as a stumbling block to our cooperation in the area of disarmament and advancement on the road to peace."—Interfax, 1255 GMT, April 3, 1995.

And, still others see START II as inimical to Russian interests. Viktor Ilyukhin, Chairman of the State Duma Security Committee, commented, "If this treaty [START II] is fully implemented, the United States will almost double its superiority, while the damage to Russia's national security will be unrecoverable."—ITAR-Tass, 1849 GMT, February 18, 1995.

There are also political problems with Russian ratification of START II. Aleksander Kononov, Director of the Russian Academy of Sciences USA and Canada Institute, observed, "The outlook for the treaty's [START II] ratification by the Russian Federation's Federal Assembly is not at all promising. Some deputies support the treaty in its current version, but they are obviously the minority in parliament. A sizable group of opposition deputies will probably vote against the ratification of START II for purely political reasons."—Segodnya, November 15, 1994, p.10.

Sergei Karaganov, adviser to President Yeltsin, was quoted as saying, "There is widespread feeling now that the United States pushed too hard when Russia was weak and that the treaty is unfair." As quoted by Jack Mendelshon, from ACDA, week of July 3, 1995.

The U.S. ambassador to the START II talks, Linton Brooks, wrote in a memo dated November 5, 1995 about other factors affecting Duma consideration of START II. Brooks said, "The major reason START II is in trouble in the Yeltsin government is not pushing it. Indeed, the government has been unable to say what the Russian force structure will be under START II, how much it will cost, or how Russia will pay for it."

Brooks further stated, "The bluntest political analysis I heard came from Alexei Mitrofanov of the Liberal Democratic Party. He argued that running against START II was good politics. In the LDP analysis, the Russian public

associates the "reforms" which have ruined their country with the United States. As a result, there is growing, deep-rooted, exploitable, anti-American sentiments in the Russian electorate. START II is associated with the United States and thus no politician will want to support it."

Finally, Brooks correctly concluded "without more action by the Russian government, nothing that the United States does will matter." I say "amen" to any further discussion about the negative impact of Senate action on the ballistic missile defenses and the negative impact on Duma passage of the START II Treaty.

Now, I want to move from those substantive points to the final point of my presentation, which has to do with the nine managers' amendments to the resolution of ratification—not treaty amendments, but rather declarations, and, in one case, a condition. Again, I express my appreciation to Senator STEVENS, who is chairman of the Arms Control Observer Group, who called the group together to consider these ideas, and Senator LUGAR, who was active in participating in the discussions, and to all of the Members on the other side of the aisle, who were active in negotiating and, in fact, also to Bob Bell, representing the administration's point of view.

As a result of these discussions, we were able to agree to these nine managers' amendments. They will be discussed shortly, and I hope they will be agreed to because they express, in important ways, the substance of what I have been saying here. For example, that there is no linkage between the START II Treaty and ballistic missile defenses; that the President must consult closely with the Senate if he changes the nuclear force structure; that the President must submit for advice and consent any material modification or amendment or reinterpretation of the START II Treaty; that the Senate is concerned about the impact of allowing Russia and Ukraine to use excess ballistic missiles for space launch vehicles; and that the Senate is concerned about the maintenance and preservation of the nuclear weapons stockpile and the attendant facilities.

These are important declarations, and I believe that in adopting them, the Senate is putting the administration and Russians, and everybody else, on notice that this drawdown must be accomplished carefully and with full cognizance of the impact on the future deterrent posture of the United States.

The declarations also place the administration on notice that the Senate must be closely consulted with while it continues to negotiate with the Russians about the precise implementation of START II.

Mr. President, in conclusion, I think President Bush got it right when he moved to reduce nuclear force levels and the role of nuclear weapons in the U.S. national security strategy. But he was also correct in maintaining a

strong commitment to ensuring the long-term viability and efficacy of U.S. nuclear deterrent and supporting infrastructure. Likewise, his determination to refocus the SDI program on providing defenses against limited missile strikes reflect the widespread proliferation of ballistic missiles and weapons of mass destruction and the apparent willingness of regional aggressors to use those weapons.

Furthermore, once the United States' ability to manufacture and test new nuclear weapons and repair unsafe or unreliable old ones has disappeared, then neither we nor our allies will be able to count on our arsenal or deter aggression. At that point, we will have become effectively disarmed. Such a situation would result in a rethinking by our allies of their current commitment not to build their own nuclear arsenal—although they are technically capable of doing so—with dramatic consequences for U.S. national security.

Likewise, the administration's abandonment of President Bush's plan to effect the TMD and NMD systems as a means of protection from strikes, at least on the timetable and in the way we believe is important, based on its view of the world, I think, represents a strategic blunder of major proportions.

I will be working in the future to try to readdress that issue so that we can, at the same time we are drawing down our strategic offensive forces, provide a robust national and regional missile defense system.

Mr. President, I hope that in the discussion of the declarations and the condition that will transpire in just a moment, that it would be clear to all of our colleagues that we have tried to express our concerns about the context in which the treaty must be considered, and that our colleagues will agree with us that these are all important declarations and it is an important condition that we place upon the treaty. I, of course, strongly urge the acceptance of that document.

Finally, Mr. President, I, too, would like to make some comments when this matter is finally debated and voted on because I think it is important for all of our colleagues to hear something of the background of this treaty prior to the time—I say immediately prior to the time—that the treaty is voted upon.

Mr. NICKLES. Mr. President, I wish to commend Senators HELMS, LUGAR, and PELL for their fine work on the Strategic Arms Reductions Talks II [START II] Treaty. I rise to support this treaty, which builds on the reductions established under the START I Agreement.

Taken together, START I and START II will reduce the deployed strategic offensive arms of the United States and Russia by more than two-thirds. This treaty, signed by Presidents George Bush and Boris Yeltsin in 1993, limits both sides to between 3,500 and 3,000 deployed warheads. Moreover,

START II obligates Russia and the United States to ban all land-based, multiple warhead ballistic missiles and limits the number of warheads deployed on submarine launched ballistic missiles (SLBMs). In addition, START II achieves a long-standing U.S. goal of eliminating the threat of Russia's heavy ICBM missile, the 10 warhead SS-18 missiles and their launch canisters.

At the same time, however, the START II Treaty is not without loopholes. For instance, while the Russians are obligated to eliminate their heavy SS-18s ICBM by January 2003, the treaty allows Russia to retain 90 SS-18 silos to be converted to accommodate only single-warhead missiles of the SS-25-type. Of course, the United States is allowed to inspect such conversion to ensure Russia retains only single-warhead missiles, as outlined by the Treaty. But one concern I have is that the "new type" SS-25 missile Russia is now testing is an advanced follow-on Topol-M missile, larger than the U.S. MX Peacekeeper missiles.

On the whole, however, I support this treaty, particularly in light of the conditions and declarations added to the Resolution of Ratification by the Foreign Relations Committee, and those proposed in the form of the "Manager's Amendment." I believe these amendments provide a historical record of the Senate's view on a number of national security issues associated with the START II Treaty. It is with this understanding that I can conditionally support ratification of the START II Treaty.

I will address a few what I believe are the most important conditions and declarations proposed by the committee and the managers' amendments.

#### 1. START II AND THE 1972 ANTI-BALLISTIC MISSILE TREATY

The Foreign Relations Committee Resolution of Ratification contains a condition stating that the U.S. government does not accept the view implied by the Russian Federation that Russian ratification of START II is contingent upon continued adherence by the United States to Russian interpretations of United States obligations under the 1972 Anti-Ballistic Missile (ABM) Treaty. This condition makes clear that U.S. ratification of the START II Treaty does not obligate the United States to accept any modification, change in scope or extension of the ABM Treaty.

This condition is wholly warranted, given Russian attempts to expand the scope of the ABM Treaty to include systems never intended to be covered by that Treaty—theater ballistic missile defenses. Further, by giving its advice and consent to the START II Treaty, the Senate is only agreeing to those limitations, eliminations and reductions of strategic offensive weapons contained in that Treaty.

At the same time, I believe it is important to be on record stating the converse. Namely, that Senate ratifica-

tion of START II must in no way be construed by Russia as changing our rights to renegotiate changes to the ABM Treaty or our right to withdraw from that Treaty should supreme national interests warrant it. Which is why I believe the Managers's amendment, in the form of a declaration, is an essential supplement to the language already contained in the Committee's resolution of ratification.

This manager's amendment adds a new section to specify that ratification does not change any of the rights of either Party with respect to Articles 13 (which allows continual United States/Russian consultation on changes in the strategic situation and their meaning for the ABM Treaty); Article 14 (allowing either Party to propose amendments to the treaty), and Article 15 (allowing either Party to withdraw if supreme national interests are jeopardized).

I believe Articles 13, 14, and 15 are critical provisions of the ABM Treaty. The ABM Treaty is outdated. It may have been relevant to the strategic situation in 1972, when deterrence was based on Mutual Assured Destruction [MAD]. But MAD is completely irrelevant to the strategic environment of the 1990's. The Soviet Union no longer exists. Ballistic missiles and weapons of mass destruction are proliferating throughout the Third World. In a 1994 speech, Secretary of Defense William Perry declared that, "we now have the opportunity to create a new relationship, based not on MAD, not on Mutual Assured Destruction, but rather on another acronym, MAS, or Mutual Assured Safety." [Speech before the Harry L. Stimson Center, 9/20/94]. The United States and Russia should, as the ABM Treaty envisioned, be discussing plans to deploy a mutual protection system against these growing threats, including the possibility of amending the ABM Treaty to allow more than one missile defense site.

#### 2. IMPLEMENTATION ARRANGEMENTS

One particular concern of mine is whether and when the Russian Duma will ratify START II. Perhaps the worst of all possible worlds would be if the United States began drawing down its strategic nuclear arsenal to conform with the limits established under START II, and Russia had not yet ratified the treaty.

I believe, however, that this concern is addressed by a declaration on implementation arrangements proposed in the managers' amendment. Specifically, the language states that the START II Treaty shall not be binding on the United States until such time as the Duma has ratified the Treaty and the Treaty has entered into force. Equally important is the two-step process set up if the President plans to go below the number of forces currently planned and consistent with the START II Treaty. Under these circumstances, the President is called upon to: First, consult with the Senate on how these reductions would effect

U.S. national security; and second, take no such action until a Presidential determination is sent to the Senate stating that such reductions are in the U.S. national security interest.

#### 3. NONCOMPLIANCE

Recognizing that compliance is critical to the integrity of any arms control agreement, the Senate Foreign Relations Committee Resolution of Ratification contains a condition on non-compliance. This condition states that if the President determines that a Party to either START I or START II is acting inconsistently with the object and purpose of either Treaty, the President shall submit a report to the Senate detailing the impact of such non-compliance on the Treaty and seek to bring the noncompliant Party into compliance through diplomatic means. Further, any modification or change in obligations shall be submitted for Senate advice and consent. If such non-compliance persists, the President is called upon to seek a Senate resolution in support of continued U.S. adherence to the Treaty or Treaties in question.

I believe this condition is important for several reasons. First, it sets a standard for evaluating noncompliant behavior. Second, underlying the reporting requirement is the understanding that noncompliant behavior by Russia could actually affect the United States continuing as a party to that treaty. Third, and most important, is that this condition answers the decade-old question of what should be done after a violation is detected. In the case of persistent noncompliance, the Senate, at the President's request, is to vote on whether to remain a party to that treaty.

While this condition addresses a number of compliance concerns, the managers' amendment builds on this language by adding several declarations. Each of these declarations will help ensure the Senate is apprised of compliance concerns the United States Government may raise with the Russian Federation through various channels and the outcome of such discussions.

And finally, this language declares that the Senate expects the Russian Federation to be "in strict compliance with the terms of START II, as presented to the Senate for advice and consent."

#### 4. NATURE OF DETERRENCE

In addition to the declarations offered by the Foreign Relations Committee in its Resolution of Ratification, is a declaration, proposed by the managers, on the nature of deterrence. This declaration recognizes that offensive forms of deterrence alone cannot address the emerging threats to U.S. national security and states that missile defenses are "a necessary part of new deterrence strategies."

I believe missile defenses make sense not only for addressing growing proliferation threats, but also within the

strategic equation where the United States is reducing its nuclear arsenal to significantly lower levels.

The START II Treaty could actually create conditions conducive to deploying effective ballistic missile defenses. As the United States and the Russian Federation deploy only single warhead missiles, the old argument that missile defenses could be saturated by multiple warheads becomes moot. Further, at the low levels of warheads required by START II, both sides should have an incentive to pursue mutual missile defense deployments. Finally, as with other arms control treaties, START II contains loopholes Russia could exploit to retain a larger, more lethal arsenal, ballistic missile defenses could provide a hedge, or insurance policy against possible Russian treaty violations.

My concerns about the impact of START II on U.S. national security have been adequately addressed by the Foreign Relations Committee's actions and the Managers' amendments which add important conditions and declarations to the Resolution of Ratification. With this in mind, I will support the START II Treaty Resolution of Ratification, with the understanding that these conditions and declarations specify certain U.S. obligations to be fulfilled.

Mr. NUNN. Mr. President, I rise in support of the ratification of the START II Treaty by the Senate. The case for ratification is, I believe, overwhelming. Both the START I Treaty, negotiated under President Reagan, and the START II Treaty, negotiated under President Bush, are the end products of bipartisan arms control support by the Congress and the American people. Ratification of the START II Treaty is supported by the President as well as by the Secretary of Defense, Secretary Perry, as well as General Shalikashvili, the Chairman of the Joint Chiefs.

The START II Treaty is a continuation of the substantial reductions in strategic weaponry brought about by the signing of the START I Treaty. The signing of the START I Treaty occurred after the fall of the Berlin Wall at the end of the cold war, the dissolution of the Soviet Union, and the development of democratic movements and free elections in the countries of the former Warsaw Pact. These events have transformed the longstanding bipolar relationship between the United States and the now vanished Soviet Union.

Given these historic changes, ratification of the START II Treaty is a very logical step. Upon entry into full force, the START II Treaty will further reduce the number of strategic nuclear warheads held in the active inventories of the United States and Russia from about 8,000 weapons in START I levels, to between 3,000 and 3,500 weapons, a reduction of more than 50 percent.

By the time START II is fully implemented, the START I and START II Treaties will have led to more than a

threefold reduction in the numbers of strategic nuclear warheads online in both sides. Moreover, the entry into force of this country will eliminate all of the land-based multiple warhead or MIRV intercontinental ballistic missiles from the arsenal of both sides.

It has long been a goal of U.S. arms control policy both under Republican and Democratic Presidents and Congresses to eliminate these poised for instant launch MIRV ICBM's from the inventories of both sides. There was too much incentive on both sides if there was warning of some attack to feel that these weapons had to be used or lost in large numbers, and the ratios gave the wrong incentives. Elimination of these land-based ICBM's, a required measure of the START II Treaty, will help avoid a return to hair-trigger strategic posture on both sides and put an end to any conceivable incentive for a bolt-from-the-blue attack.

Ratification of the START II Treaty is a highly cost-effective way to reduce the threat to the United States' national security interest posed by nuclear weapons. It will eliminate 5,000 warheads from the Russian force. Our modest verification costs will be dwarfed by U.S. defense budget savings that will flow both from the reduced threat and the retirements of our excess nuclear weapons and delivery systems.

Mr. President, I urge my colleagues to support the ratification of the START II Treaty today and to work to build support and understanding of the advantages of the START II Treaty among the members of the Russian Duma prior to the consideration of the treaty next year.

There is considerable work that has to be done, Mr. President, by I think Members of this legislative body if we are going to see the Russian Duma ratify this treaty. They are very dubious about the treaty. They are very concerned about the antiballistic missile developments and discussion and legislation in this country, and it is going to take a considerable amount of effort on the part of the United States and our other allies, as well as friends of Russia, to see that they ratify this treaty also. It is their decision. We cannot force it. But certainly we ought to have every dialog we can with them on this because this treaty is truly in the interests not only of both the United States and Russia but also of mankind.

Mr. GLENN. Mr. President, I rise to speak on behalf of ratification of the START II Treaty.

I would like to begin by summarizing what I see as the three major features of this treaty. First, given that Russia remains the only country that presents a serious nuclear strategic threat to the United States, the treaty effectively addresses three key aspects of this threat: It will eliminate all Russian heavy inter-continental ballistic missiles [ICBMs], it will ban all multiple-warhead ICBMs, and it will put a

ceiling of 1,750 on the number of nuclear warheads deployed on submarine-launched ballistic missiles. Second, the treaty continues a process of arms reductions that is vital not just to U.S. national security but that is also good for the U.S. economy: It will require a two-thirds reduction of the number of deployed United States and Russian strategic nuclear stockpiles by the year 2003. Third, reductions in nuclear stockpiles will help to curtail the global proliferation of nuclear weapons both by helping to fulfill America's commitment under the NPT to seek an end to the nuclear arms race.

In these times of partisan bickering on all sorts of issues, I am gratified to see that this treaty had the support of all 18 members of the Senate Committee on Foreign Relations. In my remarks today, I will speak about the importance of the Senate providing its advice and consent to the START II Treaty—I will not address today any of the specific non-binding policy declarations that appear in the resolution, some of which I find agreeable, and some I do not support. Instead, I believe it is better to focus on the overall attributes of the Treaty and how it advances the U.S. national security interest.

#### A VERIFIABLE TREATY

As with all of our arms control and nonproliferation agreements, the United States will depend heavily (but not exclusively) on "national technical means" to verify the START II treaty. Though I cannot discuss in any great detail the nature of these methods, I am gratified at the confidence that the Joint Chiefs and other members of our national security community have shown in the verification measures in this treaty.

On March 1, 1995, Gen. John Shalikashvili, as Chairman of the Joint Chiefs of Staff, testified before the Senate Foreign Relations Committee that:

We believe that the verification procedures are adequate to ensure that we will be able to detect any significant violations. Conversely, we also believe that the verification provisions are sufficiently restrictive to protect ourselves against unnecessary intrusion.

Similarly, on May 17, 1995, Lt. Gen. Wesley Clark, the JCS Director for Strategic Plans and Policy, testified before the Senate Armed Services Committee that:

We are confident that the majority of monitoring requirements for START II can be accomplished with high confidence and there is little chance that the Russians can engage in militarily significant cheating. Further, the Joint Staff judges that the military risk to U.S. security associated with any monitoring uncertainties is low. In short the START II Treaty is effectively verifiable.

Echoing General Shalikashvili, General Clark added that:

I am confident that the Treaty verification procedures are sufficiently restrictive to protect ourselves from unnecessary intrusion.

The treaty follows closely the extensive verification regime established to monitor the START I Treaty. In addition, START II includes some new verification measures, such as: U.S. observation of SS-18 silo conversion and

missile elimination procedures; exhibitions and inspections of all heavy bombers to confirm weapon loads; and exhibitions of heavy bombers reoriented to a conventional role to confirm their observable differences.

The START verification regime for conducting on-site inspections is not an anytime, anywhere type of regime. As a result, both parties to the treaty must always be on the watch for covert facilities or activities. Last February 28, CIA Deputy Director Douglas MacEachin testified before the Senate Foreign Relations Committee that:

... when estimating our chances of detecting and correctly interpreting potential cheating, we judged that the increased openness of Russia and the former Soviet republics makes cheating increasingly difficult to conceal.

He added later that:

The Intelligence Community continues to doubt that Russia will be able to initiate and successfully execute a significant cheating program.

The use of the term "increasingly difficult" rather than impossible, however, only underscores the vital importance of maintaining America's intelligence capabilities (both for collection and analysis) to monitor compliance with this treaty. I think this conclusion equally applies to all of America's arms control and nonproliferation agreements.

From my vantage points on the Armed Services Committee and the Select Committee on Intelligence, I will do my best to ensure that our country has the resources it needs to ensure a high standard of compliance with all of these agreements, most particularly START II.

#### LOOKING AHEAD

Ratification of this treaty will constitute an important arms control milestone—it does not, however, constitute the end of the road by any means. Ratification will set the stage for several additional arms control measures that are vitally needed to strengthen U.S. national security. The treaty should thus not be viewed in isolation, but should instead be seen as a key stepping stone toward a safer world. By any measure, the agenda ahead is a lengthy one.

We need to get on with ratification of the Chemical Weapons Convention. We need to strengthen the safeguards that are used to monitor compliance with the Nuclear Non-Proliferation Treaty. We need to ensure the conclusion in 1996 of a treaty banning all underground nuclear explosions. We need to ensure that our export controls and sanctions policies are enforced and implemented in a manner that is consistent with our treaty obligations—and we have a long way to go, I am afraid, before we achieve that particular goal. We need to bring the British, French, and Chinese nuclear stockpiles into the global arms reductions process, particularly in the context of START III Treaty negotiations. We need to recognize the continuing value of the Anti-

Ballistic Missile [ABM] Treaty in stabilizing nuclear deterrence and in holding down defense expenditures in a post-cold war world.

We need to do more—much more—to strengthen controls over bomb-usable nuclear materials that are being produced particularly in Europe, Russia, and Japan for commercial uses. It is not enough merely to pursue a treaty banning the production of such materials for bombs or outside of safeguards—the security-related and environmental hazards of plutonium recognize no national borders or spurious distinctions between civilian and military uses. We should not seek to facilitate or to legitimize large-scale commercial uses of plutonium—whether safeguarded or not—but should instead explore new measures to discourage such uses before the nuclear terrorist threat catches up with us.

Above all, we need to recognize the relationships that exist between all of these important arms control regimes.

If the nuclear-weapons states fail to live up to their obligations to reduce their strategic stockpiles, this will inevitably have an effect on the rate of the proliferation of such weapons to additional countries.

If the United States abandons the ABM Treaty, this will inevitably affect in a most negative way the calculations of Russian leaders on both offensive and defensive nuclear strategies.

If we succeed in reducing the stockpiles of the nuclear weapons states, but fail to curb the burgeoning production of new bomb-usable nuclear materials (especially plutonium and highly-enriched uranium) for commercial purposes, we should not be surprised to find ourselves facing new nightmares of nuclear terrorism, blackmail, proliferation, and extortion down the road.

If we neglect the importance of traditional approaches to nonproliferation (in particular export controls and sanctions) and concentrate our energies and resources merely on developing offensive and defensive military countermeasures to proliferation, we will again face a more dangerous world—our priority must remain to prevent, rather than to manage, the global spread of weapons of mass destruction.

#### CONCLUSION

With these terms in mind, I urge all my colleagues to vote in favor of ratification of the START II Treaty. I would like to take this occasion to recognize the debt that this treaty owes to the persistent work of Senators PELL, LEVIN, and other long-time supporters of the START II Treaty in the Senate. I also credit the leadership of President Bill Clinton in encouraging timely action by the Senate in ratifying this important treaty.

I can only hope that the bipartisan leadership the Senate is showing today in voting, I hope overwhelmingly, to approve this treaty will echo into the next session, where I am sure it will be needed as much if not more than the treaty itself.

Mr. BIDEN. Mr. President, I rise in strong support of the START II Treaty

which has finally been brought to the floor of the Senate after a long, unnecessary, and perhaps fatal delay. I will elaborate on that last point in a moment.

But first, let me say that START II represents an unprecedented opportunity to dismantle the Soviet nuclear arsenal. I say "Soviet," Mr. President, because START II would, if implemented, eliminate the most devastating nuclear missiles built by the Soviet Union in the 1970's and 1980's: Hundreds of multi-warhead missiles of cataclysmic destructive power—among them, the infamous SS-18, which became the very symbol of the Soviet threat.

Even as we speak today, these missiles remain deployed in launching silos scattered across a Russian nation undergoing enormous political turmoil. They could at a moment's notice be targeted on the United States of America.

For the American people, the future of those missiles is a fundamental, compelling national security question.

The salient feature of START II is its planned elimination of every land-based multi-warhead missile in the Soviet-now-Russian arsenal. These were the weapons that, for years, so worried our defense establishment that we expended hundreds of billions of dollars to counter their first-strike potential.

Mr. President, that apocalyptic potential remains today.

As matters now stand, this threat carries with it considerable irony. For months, the Senate has engaged in yet another round of controversy over whether to build an anti-missile system intended to protect the United States from missile attack.

Earlier this week, this body passed a defense authorization conference report that would require deployment of such a system by 2003, putting us on a collision course with the ABM Treaty, which has been the basis for all strategic arms controls agreements over the past two decades.

Any such system, if built, would be monumentally expensive, of highly uncertain reliability, likely to provoke additional offensive deployments, and available, at best, only sometime in the next century. Yet, the START II Treaty during that same period would eliminate with verifiable certainty the one serious missile threat the United States has ever faced.

The effort over the past several months to eviscerate the ABM Treaty has been driven by those who do not favor the limits in START II, and, correspondingly, never much cared for the ABM Treaty. They believe that the ABM Treaty prevents us from constructing an impenetrable shield against all types of ballistic missiles.

I admit—a ballistic missile shield is a comforting image. But, as our experience with star wars in the 1980's demonstrated, it is not grounded in reality.

Unfortunately, that ballistic missile shield, if it could ever overcome awe-some technical and financial barriers—and I doubt it would, would provide a false sense of security.

That is because it would not alleviate a much greater threat—a terrorist transporting a nuclear device or its components into the United States through very conventional means, and detonating that device near an important landmark.

Our focus ought to be in preventing that possibility by improving our capabilities to tract terrorists and securing the many tons of fissile material spread across the territory of the former Soviet Union.

My colleagues know that last Sunday, the Russian people went to the polls and decided to elect a Duma apparently dominated by Communists and nationalists who are skeptical about START II and suspicious about American motives on the ABM treaty. They do not regard as a mere coincidence that 2003 is the year established for final compliance with the central limits in START II, as well as the target date for deployment of a national missile defense system in the Republican plan.

From their perspective, START II will take away their most effective means of countering a national missile defense—overwhelming it with offensive missiles.

While Russian concerns alone should not determine our policy decisions, it would be shortsighted, to say the least, to ignore them altogether when Russian behavior and Russian missiles can have a direct bearing on our national security.

If the Russians decide that we are intent on abrogating the ABM Treaty, then they will likely refuse to ratify START II, halt START I implementation, and begin a strategic build-up. We would have to follow suit and waste vast sums of money on deploying more offensive missiles and developing more missile defenses.

How ironic that would be—in the post-cold war era when we are on the verge of ratifying a historic reduction in strategic nuclear weapons—to set off an offense-defense spiral that the ABM Treaty was designed to prevent, and did prevent for over 20 years.

For the past several months many here saw the Communist and nationalist clouds building in Russia, and for that reason we repeatedly called for early United States ratification of START II in order to encourage similar action by the Duma. That could have locked in the gains promised by START II. Unfortunately, we did not act.

Now, some reports suggest that the new Duma may wait to see the results of our presidential election before approving START II. I hope that is not the case, because between now and then Russia will hold its own presidential election. That election has the potential to rearrange Russian politics in ways we cannot predict.

Our action today can send a clear signal that we are serious about implementing START II, and provide the incentive for quick action by the Duma.

It is my hope that the Senate's advice and consent to START II will encourage the Duma to act in kind prior to the G-7 Nuclear Safety Summit in Moscow next April. Due to the crowded political calendar in both countries later in the year, the summit would be the ideal, and maybe last, opportunity for Presidents Clinton and Yeltsin to exchange instruments of ratification. I would also hope that the two leaders can at that time agree to begin negotiations toward a new agreement on even further reductions.

I would just like to add here that I am concerned with some of the hortatory language that is contained both within the committee report and the proposed managers' amendment. In particular, I find the language on missile defenses and nuclear testing to be particularly problematic. However, I have decided not to object at this time because I believe it is absolutely critical that we act quickly and favorably on START II. I think it is also important to emphasize for all concerned that the language to which I and many of my colleagues object is non-binding.

Mr. President, the ultimate entry into force of the START II Treaty may well depend on a choice we must make in the months ahead: Do we pursue a technically questionable and prohibitively expensive national missile defense which would doom START II, or do we pursue a path that promises with greater certainty and less cost to eliminate the very missiles such a system would defend against?

In my view, there is not much of a choice. Star Wars technology is uncertain, costly, and likely to undermine our national security. On the other hand, arms control agreements like START II are proven, cost-effective, and will reduce the nuclear threat to the United States.

The American people, having sent us here to protect the security of their homes and children, are entitled to the only rational choice: We should ratify START II and abandon the reckless plans for an ABM Treaty-busting national missile defense system.

Mr. KERRY. Mr. President, today is a very important day in the history of the modern world. It is a crucially important day in the history of humankind's efforts to achieve peace and avoid armed conflict.

For over 50 years following the end of the World War II, the United States was locked in what came to be known universally as the cold war. That war, while it only occasionally broke into open armed conflict, was a very destructive conflict. It consumed the wealth of much of the world as armaments were stacked upon armaments to prepare for the open conflict that we hoped would never come.

There have been countless periods in the history of the world during which

there have been uneasy periods of standoff of one power against another. But there has been none even nearly approximating the cold war. The reason is terrifyingly simple. The cold war was the first time in the world's history when human beings possessed weapons of mass destruction in the form of thermonuclear weapons. First the United States and then the Union of Soviet Socialist Republics obtained the ability to manufacture and use nuclear weapons. Eventually that capability was acquired by other nations. The use of just one such weapon is sufficient to annihilate an entire city.

The use of many not only could obliterate an entire nation and all its people from the face of the earth, but arguably might set in motion natural reactions which could lead to the extinguishment of most if not all life on this planet.

All of us in this Chamber endured most if not all of the cold war. We know of many of its human costs, although they will never be fully calculated. We also know today that there were a number of occasions where the world teetered on the very brink of the use of such weapons, which very likely would have been followed by a general exchange between the United States and the Soviet Union, and which very likely would have involved use of their nuclear weapons by the other nations possessing them.

What we also know, Mr. President, is that there was and is no higher objective—while preserving the liberties for which this Nation was founded and for the preservation of which so many have sacrificed so greatly—than to reduce both the threat of and the ability to wage nuclear war.

This objective has been reflected in numerous efforts initiated by both Republican and Democratic administrations to negotiate limits on the manufacture and testing of nuclear weapons, to negotiate limits on the types, capabilities, and numbers of weapons systems armed with nuclear devices, and to negotiate various other measures designed to reduce the likelihood that a nuclear weapon will be used in anger.

The treaty between the United States of America and the Russian Federation on further reduction and limitation of strategic offensive arms—the so-called START II Treaty—which is before the Senate today is one of the most significant milestones among these efforts. It builds upon the foundation established by the original START Treaty signed by the United States and the Russian Federation in 1991.

That first START Treaty was the first treaty that provided for real reductions—rather than just limits on further growth—of strategic offensive arms of both nations. It provided for overall reductions of 30 to 40 percent, and reductions of up to 50 percent in the most threatening systems. That treaty now acts to emphasize and enhance stability in times of international crisis. It provides for rough

equality of strategic forces between the two sides, and was painstakingly crafted to be effectively verifiable. That treaty will result in the elimination of nuclear weapons and their delivery systems from the territories of Belarus, Kazakhstan, and Ukraine and accession of these three states to the treaty on the non-proliferation of nuclear weapons [the NPT] as non-nuclear state parties. As a result, after 7 years, of the states formed upon the disintegration of the former Soviet Union, only Russia will possess deployed strategic offensive arms.

START II adds to these very significant accomplishments. It increases the stability of the nuclear balance. It bans deployment of the most destabilizing type of nuclear weapons system—land-based intercontinental ballistic missiles with multiple independently targetable nuclear warheads [or MIRV's]. Under its terms, Russia and the United States will reduce the number of nuclear weapons each possesses to 3,500.

Mr. President, some believe that with the passing of the former Soviet Union, and the economic weakness and chaos that have in many respects permeated its successor states, there no longer is a danger of nuclear conflict. Some would argue that these nations and their people, already struggling to make their way in a world that passed them by during the cold war period, would never risk losing literally everything they are and have by initiating a nuclear conflict. But that is an incomplete if not naive view of the world situation.

As long as nuclear weapons exist, there is a danger they will be used. Disagreements can escalate, and sometimes become dangerously personalized as national leaders struggle to maintain power and control. It is conceivable that rogue elements of a nation's military could gain control of one or more weapons—or even the entire nuclear apparatus of a nation—and launch one or more or many of those weapons. There are countless scenarios where those weapons could be employed. There is no better reason than this simple reality, Mr. President, for putting in place the reductions contained in the START II Treaty.

As we seek to bring to a conclusion the business of the Senate prior to this weekend of great significance to families and religions, I will not take the Senate's time to exhaustively detail all of the reason why this treaty will provide increased stability to the world, will reduce the danger of nuclear conflict and nuclear accidents, and will do this while preserving the defensive capability of the United States so that it unquestionably can effectively defend our democracy and liberties that are so precious to us. The legislative record of the treaty is available for all to see, and other Senators already have spoken eloquently to these issues.

There is simply no question, Mr. President, that the immediate ratification of this treaty is in the best inter-

ests of the United States and, indeed, the world. All of our most senior national security leadership concurs. The Chairman of the Joint Chiefs of Staff joined by all the Chiefs have so testified. Our intelligence leadership has so testified. Our diplomatic leadership has so testified. The agreement is neither partisan nor regional. While exceedingly little of vital importance occurs with absolutely unanimity, the START II Treaty comes as close as any major foreign policy or national security issue of which I am aware.

It is for this reason, Mr. President, that I was distressed, and remain distressed, that the Senate's action on this treaty was delayed for many months when the chairman of the Foreign Relations Committee held it hostage in an attempt to compel Members of this body to acquiesce to his plan to constrain the diplomatic capacity and media that are of critical importance to our Nation and its leaders—regardless of their party affiliation. For months many other Members of this body and I struggled to free this treaty for Senate action.

Finally, last month, the negotiation effort succeeded, and we were assured the Senate would at least take up the treaty before the end of this year. I am pleased to have helped accomplish this.

It is not just that it was and is regrettable that, because of this hostage-taking, the United States did not do everything in its power to speed this beneficial treaty into effect, and thereby the increased safety and security it offers have been unnecessarily delayed. That is regrettable enough—and I only hope that history does not show that this failure resulted in loss of life. The delay, in fact, has placed the entire treaty in jeopardy. While I think there is virtually no doubt that the Senate, when it is permitted to finally act on this treaty, will vote overwhelmingly on a bipartisan basis to approve it, the deteriorating situation in the Russian Federation makes approval by the Russian Duma increasingly uncertain. As nationalists and reconstructed Communists push successfully for greater influence in Russia, it is quite possible they will reject an treaty they see as resulting in too great a reduction in power-projecting weapons systems.

So, ironically, in the very kind of situation where the reduced threat of nuclear conflict would be most significant and valuable, the short-sighted actions here in the Senate could deny us and the world the heightened security this treaty offers. That would be a catastrophe of monumental proportions, Mr. President. If it comes to pass, history will properly and caustically criticize those who have delayed Senate action or acquiesced in that delay.

Before I complete my remarks, Mr. President, I want to address a related issue that is of great importance. There are some who would draw a connection between this treaty and the establishment of a ballistic missile de-

fense. That, in turn, raises questions of continued adherence to the anti-ballistic missile or ABM Treaty. Such a linkage of this treaty to the question of ballistic missile defense is not necessary, is inappropriate, and could be tremendously counterproductive.

I have long and strongly supported development of effective defenses against theater and short-range ballistic missiles. Our troops and sailors deserve such protection whenever they are sent into harm's way. But I have equally fervently supported the ABM Treaty as a critical link in the chain of United States-Russian relations. So much about the cold war—and so much in our new and still unfamiliar post-Soviet relationship—is dependent on each nation feeling confident of its ability to protect its homeland and repel aggressors. The ABM Treaty has made and continues to make an absolutely vital contribution to that confidence. The treaty provides confidence that, in case of an attack launched by the other side, the attacked nation would be able to effectively counterattack with its ballistic missiles. This uneasy but effective balance acted to keep the cold war from ever going hot.

Now, in the form of the START Treaty and the START II Treaty, we are reducing the terror arrayed on both sides, and reducing the likelihood that what remains will be used in anger. But the confidence must remain. The START II Treaty increases confidence on both sides. Nothing in it prejudices the consideration of how to provide for defense against theater and short-range ballistic missiles while maintaining the critical balancing tool of the ABM Treaty. Ratification of the START II Treaty certainly does not increase the need for a national missile defense that would be in violation of the ABM Treaty—to the contrary, it reduces the danger of attack and removes the most threatening of the Russian nuclear delivery systems.

Mr. President, immediately is not too soon to provide the Senate's overwhelming approval of this treaty. All who labored in its negotiation are to be commended for their service to the security of this Nation, the security of the world, and the safety of our citizens and those around the globe. I compliment especially the distinguished Senator from Indiana, Senator LUGAR, and the distinguished ranking Democratic member of the Foreign Relations Committee, Senator PELL, and their staffs, for their roles in managing the treaty and moving it toward approval by the Senate. I urge the majority leader, and the Democratic leader, to ensure that the Senate acts finally and expeditiously on the treaty just as soon as the Senate returns to session after the holidays.

I thank the Chair, and I yield the floor.

Mr. HARKIN. Mr. President, today—at long last—we discuss START II. I urge this body to ratify it quickly.

START II is a truly historic treaty. It will cut the number of the world's

nuclear weapons in half, getting rid of nearly 4,000 deployed H-bombs in Russia and about the same number here. An overwhelming number of our citizens favor implementing this treaty, and a large number of elected officials on both sides of the aisle have expressed their support for it.

Mr. President, START II should be ratified for many reasons. First, START II destroys weapons. This reduces the risk of an accidental launch. Second, every Russian weapon destroyed is a weapon we don't need to defend against. The following table, which I ask unanimous consent be printed in the RECORD, shows the numbers and kinds of ICBMs that can be eliminated under START II.

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

Intercontinental Ballistic Missiles—Eliminated Under START II

Delivery system	Launchers	Warheads
SS-18 .....	188	1,880
SS-19 .....	1,170	1,020
SS-24 .....	46	460
SLBM's .....		2,600
Total .....	304	3,960

<sup>1</sup> Some SS-19s may be converted to carry only a single warhead in order to offset the cost of developing a new launcher.

<sup>2</sup> Based on limit of 1,750 submarine launched ballistic missiles. The current Russian arsenal of SLBMs is estimated at 2,350.

Source: Bulletin of Atomic Scientists, Nuclear Notebook, September/October 1995.

Mr. HARKIN. Additionally, destroying weapons saves taxpayers' money. Just look at the current defense authorization bill. As my friend from New Mexico pointed out in the report to the Defense Authorization Act, the act "proposes a nuclear weapons manufacturing complex sized to meet a need of a hedge stockpile far above the active START II stockpile of 3,500 weapons." The total cost of producing our nuclear weapons to date is about \$4 trillion. Compare that with our \$5 trillion national debt. In 1995 alone, \$12.4 billion was spent to build, operate, and maintain strategic nuclear weapons. If we ratify START II we can give taxpayers the double peace dividend of higher security at lower cost.

Even if START II were fully implemented, we would have more than 3,000 deployed strategic missiles—500 warheads on missiles in silos, 1,680 warheads on submarine-launched missiles, and 1,320 on airplanes. Furthermore, an additional 4,000 nuclear weapons would remain in our stockpile. Surely, this will be more than enough atomic firepower to counter any conceivable threat to the United States.

Mr. President, Russia and other former Soviet Republics are more open than ever before. We have all seen the unprecedented pictures on television of Russian missiles and airplanes being destroyed. This new openness will make START II even more verifiable than START I. With the recent Russian elections and the presidential election season just starting, we must act now to keep this olive branch from withering.

In conclusion, Mr. President, we need to ratify START II quickly. It is not in the national interest to play politics over the ratification of any treaty. Russian President Yeltsin needs quick American ratification of START II to help get the Russian Parliament to ratify it. We need the security of fewer Russian warheads now. We need to stop spending so much money making our nuclear weapons now. We can use the warheads we have now to defend America. We need to ratify START II now.

Mr. LUGAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. LUGAR. Mr. President, we have checked with both sides of the aisle to make certain that all parties are in agreement, and after that, I ask unanimous consent that the START II Treaty be advanced through its various parliamentary procedure stages up to and including the presentation of the resolution of ratification, and the managers' amendments which I will offer after consultation with Senator PELL be deemed agreed to, and that no further amendments be in order to the resolution of ratification.

The PRESIDING OFFICER. Without objection, the treaty will be considered as having passed through its various parliamentary stages up to and including the presentation of the resolution of ratification, which the clerk will state.

The bill clerk read as follows:

*Resolved, (two-thirds of the Senators present concurring therein), That (a) the Senate advise and consent to the ratification of the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms, signed at Moscow on January 3, 1993, including the following protocols and memorandum of understanding, all such documents being integral parts of and collectively referred to as the "START II Treaty" (contained in Treaty Document 103-1), subject to the conditions of subsection (b) and the declarations of subsection (c):*

(1) The Protocol on Procedures Governing Elimination of Heavy ICBMs and on Procedures Governing Conversion of Silo Launchers of Heavy ICBMs Relating to the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms (also known as the "Elimination and Conversion Protocol").

(2) The Protocol on Exhibitions and Inspections of Heavy Bombers Relating to the Treaty Between the United States and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms (also known as the "Exhibitions and Inspections Protocol").

(3) The Memorandum of Understanding on Warhead Attribution and Heavy Bomber Data Relating to the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms (also

known as the "Memorandum on Attribution").

(b) CONDITIONS.—The advice and consent of the Senate to the ratification of the START II Treaty is subject to the following conditions, which shall be binding upon the President:

(1) NONCOMPLIANCE.—If the President determines that a party to the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms, signed at Moscow on July 3, 1991 (in this resolution referred to as the "START Treaty") or to the START II Treaty is acting in a manner that is inconsistent with the object and purpose of the respective Treaty or is in violation of either the START or START II Treaty so as to threaten the national security interests of the United States, then the President shall—

(A) consult with and promptly submit a report to the Senate detailing the effect of such actions on the START Treaties;

(B) seek on an urgent basis a meeting at the highest diplomatic level with the noncompliant party with the objective of bringing the noncompliant party into compliance;

(C) in the event that a party other than the Russian Federation is determined not to be in compliance—

(i) request consultations with the Russian Federation to assess the viability of both START Treaties and to determine if a change in obligations is required in either treaty to accommodate the changed circumstances, and

(ii) submit for the Senate's advice and consent to ratification any agreement changing the obligations of the United States; and

(D) in the event that noncompliance persists, seek a Senate resolution of support of continued adherence to one or both of the START Treaties, notwithstanding the changed circumstances affecting the object and purpose of one or both of the START Treaties.

(2) TREATY OBLIGATIONS.—Ratification by the United States of the START II Treaty obligates the United States to meet the conditions contained in this resolution of ratification and shall not be interpreted as an obligation by the United States to accept any modification, change in scope, or extension of the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, signed at Moscow on May 26, 1972 (commonly referred to as the "ABM Treaty").

(3) FINANCING IMPLEMENTATION.—The United States understands that in order to be assured of the Russian commitment to a reduction in arms levels, Russia must maintain a substantial stake in financing the implementation of the START II Treaty. The costs of implementing the START II Treaty should be borne by both parties to the Treaty. The exchange of instruments of ratification of the START II Treaty shall not be contingent upon the United States providing financial guarantees to pay for implementation of commitments by Russia under the START II Treaty.

(4) EXCHANGE OF LETTERS.—The exchange of letters—

(A) between Secretary of State Lawrence Eagleburger and Minister of Foreign Affairs Andrey Kozyrev, dated December 29, 1992, regarding SS-18 missiles and launchers now on the territory of Kazakstan,

(B) between Secretary of State Eagleburger and Minister of Foreign Affairs Kozyrev, dated December 29, 1992, and December 31, 1992, regarding heavy bombers, and

(C) between Minister of Defense Pavel Grachev and Secretary of Defense Richard

Cheney, dated December 29, 1992, and January 3, 1993, making assurances on Russian intent regarding the conversion and retention of 90 silo launchers of RS-20 heavy intercontinental ballistic missiles (ICBMs) (all having been submitted to the Senate associated with the START II Treaty),

are of the same force and effect as the provisions of the START II Treaty. The United States shall regard actions inconsistent with obligations under those exchanges of letters as equivalent under international law to actions inconsistent with the START II Treaty.

(5) SPACE-LAUNCH VEHICLES.—Space-launch vehicles composed of items that are limited by the START Treaty or the START II Treaty shall be subject to the obligations undertaken in the respective treaty.

NTM AND CUBA.—The obligation of the United States under the START Treaty not to interfere with the national technical means (NTM) of verification of the other party to the Treaty does not preclude the United States from pursuing the question of the removal of the electronic intercept facility operated by the Government of the Russian Federation at Lourdes, Cuba.

(c) DECLARATIONS.—The advice and consent of the Senate to ratification of the START II Treaty is subject to the following declarations, which express the intent of the Senate:

(1) COOPERATIVE THREAT REDUCTIONS.—Pursuant to the Joint Statement on the Transparency and Irreversibility of the Process of Reducing Nuclear Weapons, agreed to in Moscow, May 10, 1995, between the President of the United States and the President of the Russian Federation, it is the sense of the Senate that both parties to the START II Treaty should attach high priority to—

(A) the exchange of detailed information on aggregate stockpiles of nuclear warheads, on stocks of fissile materials, and on their safety and security;

(B) the maintenance at distinct and secure storage facilities, on a reciprocal basis, of fissile materials removed from nuclear warheads and declared to be excess to national security requirements for the purpose of confirming the irreversibility of the process of nuclear weapons reduction; and

(C) the adoption of other cooperative measures to enhance confidence in the reciprocal declarations on fissile material stockpiles.

(2) ASYMMETRY IN REDUCTIONS.—It is the sense of the Senate that, in conducting the reductions mandated by the START or START II Treaty, the President should, within the parameters of the elimination schedules provided for in the START Treaties, regulate reductions in the United States strategic nuclear forces so that the number of accountable warheads under the START and START II Treaties possessed by the Russian Federation in no case exceeds the comparable number of accountable warheads possessed by the United States to an extent that a strategic imbalance endangering the national security interests of the United States results.

(3) EXPANDING STRATEGIC ARSENALS IN COUNTRIES OTHER THAN RUSSIA.—It is the sense of the Senate that, if during the time the START II Treaty remains in force or in advance of any further strategic offensive arms reductions the President determines there has been an expansion of the strategic arsenal of any country not party to the START II Treaty so as to jeopardize the supreme interests of the United States, then the President should consult on an urgent basis with the Senate to determine whether adherence to the START II Treaty remains in the national interest of the United States.

(4) SUBSTANTIAL FURTHER REDUCTIONS.—Cognizant of the obligation of the United

States under Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons of July 1, 1968 “to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at any early date and to nuclear disarmament and on a treaty on general and complete disarmament under strict and effective international control”, it is the sense of the Senate that in anticipation of the ratification and entry into force of the START II Treaty, the Senate calls upon the parties to the START II Treaty to seek further strategic offensive arms reductions consistent with their national security interests and calls upon the other nuclear-weapon states to give careful and early consideration to corresponding reductions of their own nuclear arsenals.

(5) MISSILE TECHNOLOGY CONTROL REGIME.—The Senate urges the President to insist that the Republic of Belarus, the Republic of Kazakhstan, Ukraine, and the Russian Federation abide by the guidelines of the Missile Technology Control Regime (MTCR). For purposes of this paragraph, the term “Missile Technology Control Regime” means the policy statement between the United States, the United Kingdom, the Federal Republic of Germany, France, Italy, Canada, and Japan, announced April 16, 1987, to restrict sensitive missile relevant transfers based on the MTCR Annex, and any amendment thereto.

(6) FURTHER ARMS REDUCTION OBLIGATIONS.—The Senate declares its intention to consider for approval international agreements that would obligate the United States to reduce or limit the Armed Forces or armaments of the United States in a militarily significant manner only pursuant to the treaty power as set forth in Article II, Section 2, Clause 2 of the Constitution.

(7) TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in condition (1) of the resolution of ratification with respect to the INF Treaty. For purposes of this declaration, the term “INF Treaty” refers to the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter Range Missiles, together with the related memorandum of understanding and protocols, approved by the Senate on May 27, 1988.

Mr. PELL. Mr. President, the amendments the Senator from Indiana [Mr. LUGAR] and I will accept today, represent a bipartisan effort to reach a reasonable consensus in the committee and with regard to the floor action. In particular, I would note the effective and valuable role played in this process by the bipartisan Senate Arms Control Observer Group at the initiative of its administrative cochairman, the Senator from Alaska [Mr. STEVENS], who worked very closely with a number of the group’s members in the START II issue, including Senator LUGAR, Senator LEVIN, and myself.

The package also includes an amendment included on behalf of the Senate Select Committee on Intelligence requiring a Presidential certification that we have sufficient national technical means to verify Russian compliance. The amendment is a positive addition, and we accept it.

#### UNANIMOUS-CONSENT AGREEMENT

Mr. LUGAR. Mr. President, I further ask unanimous consent that when the Senate resumes executive session to consider the resolution of ratification,

there be 6 hours for debate, to be equally divided in the usual form, with unlimited additional time under the control of Senator THURMOND; and following the conclusion or yielding back of time, the Senate proceed to vote on adoption of the resolution of ratification, without further action or debate.

The PRESIDING OFFICER (Mr. SANTORUM). Without objection, it is so ordered.

Mr. STEVENS. Will the Senator yield?

Mr. PELL. Certainly.

Mr. STEVENS. I think we should show that Mira Baratta, working with Senator DOLE, has been very helpful in working with this group.

Mr. PELL. I concur in your thought.

Mr. LUGAR. A point of parliamentary clarification. Am I correct to assume that the report of the Foreign Relations Committee resolution ratification is before the body?

The PRESIDING OFFICER. That is the Chair’s understanding of the unanimous-consent propounded.

#### AMENDMENT NO. 3111

(Purpose: Regarding interpretation of the ABM Treaty)

Mr. LUGAR. The unanimous-consent request stated I would submit, as a manager, amendments. I have submitted those to the desk.

The PRESIDING OFFICER. For the information of the Senate, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Indiana [Mr. LUGAR], for himself and Mr. PELL, proposes amendments en bloc numbered 3111.

Mr. LUGAR. I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

In section 1(b)(2) of the resolution of ratification, insert “(A)” after “START II Treaty”.

In section 1(b)(2), before the period at the end, insert “, and (B) changes none of the rights of either Party with respect to the provisions of the ABM Treaty, in particular, Articles 13, 14, and 15”.

At the end of section 1(b) of the resolution of ratification, add the following new condition:

(7) IMPLEMENTATION ARRANGEMENTS.—(A) The START II Treaty shall not be binding on the United States until such time as the Duma of the Russian Federation has acted pursuant to its constitutional responsibilities and the START II Treaty enters into force in accordance with Article VI of the Treaty.

(B) If the START II Treaty does not enter into force pursuant to subparagraph (A), and if the President plans to implement reductions of United States strategic nuclear forces below those currently planned and consistent with the START Treaty, then the President shall—

(i) consult with the Senate regarding the effect of such reductions on the national security of the United States; and

(ii) take no action to reduce United States strategic nuclear forces below that currently planned and consistent with the START Treaty until he submits to the Senate his determination that such reductions are in the

national security interest of the United States.

In section 1(c)(2) of the resolution of ratification, insert "(A)" immediately after "REDUCTIONS.—".

At the end of section 1(c)(2), insert the following:

(B) Recognizing that instability could result from an imbalance in the levels of strategic offensive arms, the Senate calls upon the President to submit a report in unclassified form to the Committees on Foreign Relations and Armed Services of the Senate not later than January 31 of each year beginning with January 31, 1997, and continuing through such time as the reductions called for in the START II Treaty are completed by both parties, which report will provide—

(i) details on the progress of each party's reductions in strategic offensive arms during the previous year;

(ii) a certification that the Russian Federation is in compliance with the terms of the START II Treaty or specifies any act of noncompliance by the Russian Federation; and

(iii) an assessment of whether a strategic imbalance endangering the national security interests of the United States exists.

In section 1(c)(4) of the resolution of ratification—

(1) strike "the parties" and all that follows through "national security interests" and insert "the President to seek further strategic offensive arms reductions to the extent consistent with United States national security interests"; and

(2) strike "it is the sense of the Senate that" and insert in "and".

At the end of section 1(c) of the resolution of ratification, add the following new declarations:

(8) COMPLIANCE.—Concerned by the clear past pattern of Soviet noncompliance with arms control agreements and continued cases of noncompliance by the Russian Federation, the Senate declares that—

(A) the START II Treaty is in the interests of the United States only if both the United States and the Russian Federation are in strict compliance with the terms of the Treaty as presented to the Senate for its advice and consent to ratification, such compliance being measured by performance and not by efforts, intentions, or commitments to comply;

(B) the Senate expects the Russian Federation to be in strict compliance with its obligations under the terms of the START II Treaty as presented to the Senate for its advice and consent to ratification; and

(C) Given its concern about compliance issues, the Senate expects the Administration to offer regular briefings, but not less than four times per year, to the Committees on Foreign Relations and Armed Services on compliance issues related to the START II Treaty. Such briefings shall include a description of all U.S. efforts in U.S./Russian diplomatic channels and bilateral fora to resolve the compliance issues and shall include, but would not necessarily be limited to, the following:

i. Any compliance issues the United States plans to raise with the Russian Federation at the Bilateral Implementation Commission, in advance of such meetings;

ii. Any compliance issues raised at the Bilateral Implementation Commission, within thirty days of such meetings; and

iii. Any Presidential determination that the Russian Federation is in non-compliance with or is otherwise acting in a manner inconsistent with the object and purpose of the START II Treaty, within thirty days of such a determination, in which case the President shall also submit a written report, with an

unclassified summary, explaining why it is in the national security interests of the United States to continue as a party to the START II Treaty.

At the end of section 1(c) of the resolution of ratification, add the following new declaration:

(8) SUBMISSION OF FUTURE AGREEMENTS AS TREATIES.—The Senate declares that following Senate advice and consent to ratification of the START II Treaty, any agreement or understanding which in any material way modifies, amends, or reinterprets United States or Russian obligations under the START II Treaty, including the time frame for implementation of the Treaty, should be submitted to the Senate for its advice and consent to ratification.

At the end of section 1(c) of the resolution of ratification, add the following new declaration:

(8) NATURE OF DETERRENCE.—(A) On June 17, 1992, Presidents Bush and Yeltsin issued a Joint Understanding and a Joint Statement at the conclusion of their Washington Summit, the first of which became the foundation for the START II Treaty. The second, the Joint Statement on a Global Protection System, endorsed the cooperative development of a defensive system against ballistic missile attack and demonstrated the belief by the governments of the United States and the Russian Federation that strategic offensive reductions and certain defenses against ballistic missiles are stabilizing, compatible, and reinforcing.

(B) It is, therefore, the sense of the Senate that:

(i) The long-term perpetuation of deterrence based on mutual and severe offensive nuclear threats would be outdated in a strategic environment in which the United States and the Russian Federation are seeking to put aside their past adversarial relationship and instead build a relationship based upon trust rather than fear.

(ii) An offense-only form of deterrence cannot address by itself the emerging strategic environment in which, as Secretary of Defense Les Aspin said in January 1994, proliferators acquiring missiles and weapons of mass destruction "may have acquired such weapons for the express purpose of blackmail or terrorism and thus have a fundamentally different calculus not amenable to deterrence. . . . New deterrent approaches are needed as well as new strategies should deterrence fail."

(iii) Defenses against ballistic missiles are essential for new deterrent strategies and for new strategies should deterrence fail. Because deterrence may be inadequate to protect United States forces and allies abroad, theater missile defense is necessary, particularly the most capable systems of the United States such as THAAD, Navy Upper Tier, and the Space and Missile Tracking System. Similarly, because deterrence may be inadequate to protect the United States against long-range missile threats, missile defenses are a necessary part of new deterrent strategies. Such defenses also are wholly in consonance with the summit statements from June 1992 of the Presidents of the United States and the Russian Federation and the September 1994 statement by Secretary of Defense William J. Perry, who said, "We now have the opportunity to create a new relationship, based not on MAD, not on Mutual Assured Destruction, but rather on another acronym, MAS, or Mutual Assured Safety."

(iv) As the governments of the United States and Russia have built upon the June 17, 1992, Joint Understanding in agreeing to the START II Treaty, so too should these governments promptly undertake discussions based on the Joint Statement to move forward cooperatively in the development

and deployment of defenses against ballistic missiles.

At the end of section 1(c) of the resolution of ratification, add the following new declaration:

(8) REPORT ON USE OF FOREIGN EXCESS BALLISTIC MISSILES FOR LAUNCH SERVICES.—It is the sense of the Senate that the President should not issue licenses for the use of a foreign excess ballistic missile for launch services without first submitting a report to Congress, on a one-time basis, on the implications of the licensing approval on non-proliferation efforts under the Treaty and on the United States space launch industry.

At the end of section 1(c) of the resolution of ratification, add the following new declaration:

(8) UNITED STATES COMMITMENTS ENSURING THE SAFETY, RELIABILITY, AND PERFORMANCE OF ITS NUCLEAR FORCES.—The Senate declares that the United States is committed to ensuring the safety, reliability, and performance of its nuclear forces. To this end, the United States undertakes the following additional commitments:

(A) The United States is committed to proceeding with a robust stockpile stewardship program, and to maintaining nuclear weapons production capabilities and capacities, that will ensure the safety, reliability, and performance of the United States nuclear arsenal at the START II levels and meet requirements for hedging against possible international developments or technical problems, in conformance with United States policies and to underpin deterrence.

(B) The United States is committed to re-establishing and maintaining sufficient levels of production to support requirements for the safety, reliability, and performance of United States nuclear weapons and demonstrate and sustain production capabilities and capacities.

(C) The United States is committed to maintaining United States nuclear weapons laboratories and protecting the core nuclear weapons competencies therein.

(D) As tritium is essential to the performance of modern nuclear weapons, but decays radioactively at a relatively rapid rate, and the United States now has no meaningful tritium production capacity, the United States is committed to ensuring rapid access to a new production source of tritium within the next decade.

(E) As warhead design flaws or aging problems may occur that a robust stockpile stewardship program cannot solve, the United States reserves the right, consistent with United States law, to resume underground nuclear testing if that is necessary to maintain confidence in the nuclear weapons stockpile. The United States is committed to maintaining the Nevada Test Site at a level in which the United States will be able to resume testing, within one year, following a national decision to do so.

(F) The United States reserves the right to invoke the supreme national interest of the United States to withdraw from any future arms control agreement to limit underground nuclear testing.

#### CONDITION

(a) CONDITIONS.—The Senate's advice and consent to the ratification of the START II Treaty is subject to the following condition, which shall be binding upon the President:

(1) PRESIDENTIAL CERTIFICATION AND REPORT ON NATIONAL TECHNICAL MEANS.—Within ninety days after the United States deposits instruments of ratification of the START II Treaty, the President shall certify that U.S. National Technical Means are sufficient to ensure effective monitoring of Russian compliance with the provisions of the Treaty

governing the capabilities of strategic missile systems. This certification shall be accompanied by a report to the Senate of the United States indicating how U.S. National Technical Means, including collection, processing and analytic resources, will be marshalled to ensure effective monitoring. Such report may be supplemented by a classified annex, which shall be submitted to the Committee on Foreign Relations, the Committee on Appropriations, the Committee on Armed Services and the Select Committee on Intelligence of the Senate.

The PRESIDING OFFICER. The Chair would note that under the previous order those amendments are now agreed to.

So the amendment (No. 3111) was agreed to.

Mr. LUGAR. I thank the Chair.

Mr. STEVENS. Will the Senator yield?

Mr. LUGAR. I am happy to yield to the Senator.

Mr. STEVENS. Was there a summary of those amendments and an explanation along with the Senator's submission?

Mr. LUGAR. I respond to the distinguished Senator that a summary was not included with the text.

Mr. STEVENS. I ask unanimous consent that we be permitted to insert in the RECORD an explanation of each of the provisions within that amendment.

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

#### AMENDMENT SUMMARIES

Amendment No. 1: Nothing in START II changes the rights of either party to the Anti-Ballistic Missile (ABM) Treaty.

Amendment No. 2: Adds the condition that the U.S. shall not implement START II reductions until the Treaty has entered into force.

Amendment No. 3: Requires the President to report yearly on symmetrical nuclear weapons reductions.

Amendment No. 4: Calls upon the President to consider whether to seek only those strategic future reductions consistent with U.S. National Security interests.

Amendment No. 5: States the compliance expectations of the Senate and asks for periodic updates from the administration on compliance issues.

Amendment No. 6: States the requirement for Senate advice and consent to any possible future amendments to START II.

Amendment No. 7: Discusses the compatibility of offensive deterrence and defenses against ballistic missiles, and calls upon the United States and Russia to implement the Bush/Yeltsin Joint Statement on a Global Protection System.

Amendment No. 8: Requests that the President suspend licenses for the use of foreign excess ballistic missiles until he submits a report to the Congress on the implications of the licensing approval on the American space launch industry and on non-proliferation efforts.

Amendment No. 9: Declares the United States commitment to ensure the safety, reliability, and performance of its nuclear forces. This includes declaring support for a new production source of tritium and maintaining the capability of resuming underground nuclear testing if there is a national decision to do so.

Amendment No. 10: Reviews Intelligence Committee issues.

Mr. LUGAR. Mr. President, one more point of parliamentary inquiry. Is the

status now of the START II Treaty proceedings at a point at which no further amendments are in order and the next stage of activity will be when the Senate is next in executive session and this is called forward, that 6 hours of debate plus potential unlimited time allotted to Senator THURMOND would be in order at that time?

The PRESIDING OFFICER. The Senator is correct, to the Chair's understanding.

Mr. LUGAR. Followed by disposition of the treaty.

The PRESIDING OFFICER. That is the Chair's understanding.

Mr. LUGAR. I thank the Chair.

I ask my distinguished colleague if he has further comment?

Mr. PELL. No, no further suggestions. Just to congratulate you, Mr. Chairman, and Senator STEVENS, on guiding this legislation through. I thank my own staff, Bill Ashworth, very much indeed.

Mr. LUGAR. I join the distinguished Senator in thanking the minority staff. Of course I thank Kenny Myers and Lindon Brooks, who has been an able backup negotiator of this treaty.

In particular, my colleague from Alaska, Senator STEVENS, who, in his cochairmanship of the Arms Control Observer Group, did a remarkable job in pulling this together for four sessions, with many Senators from both sides of the aisle, to think through the implications of this treaty, to refine the language of the managers' amendment that has been submitted and adopted today.

Does Senator STEVENS have further comment?

Mr. STEVENS. No, Mr. President. I do not have. I am grateful for the comments of my two friends. I do have another statement if we are finished with this matter, though.

Mr. LUGAR. Is it relevant to START II?

Mr. STEVENS. No.

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

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

Mr. STEVENS. Let me ask the Chair, is it proper now to make statements on another matter?

The PRESIDING OFFICER. The Chair will inform the Senator the Senate is still in executive session.

#### LEGISLATIVE SESSION

Mr. STEVENS. I ask unanimous consent the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senate returns to legislative session.

Mr. DORGAN addressed the chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak for 10 minutes as if in morning business.

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

#### THE FURLOUGH OF GOVERNMENT WORKERS

Mr. DORGAN. Mr. President, I have always been enormously proud of serving in the U.S. Senate, and am proud today of my ability to be here to represent my constituents and to make judgments on the part of this country in the public sector and on public policy issues. But there are days when one shakes their head and wonders, what on Earth is this institution, or the institution of Congress, doing or thinking? How can we look as foolish as we look sometimes when the mix of different viewpoints in the House and the Senate between conservatives and liberals produces a gridlock that then produces a bizarre Byzantine result.

I am speaking today of the circumstance when about an hour or two ago, I was on the floor asking a question of the Republican whip. I just watched the other body vote for a resolution of adjournment, and they apparently have now left town and are having no further votes. There will be no additional rollcall votes in the Senate.

We have a circumstance where there will be a continuing resolution, or a funding bill, coming over from the House that provides sufficient funding so that veterans checks that have been written and are now sitting in a warehouse somewhere in this metropolitan area, will be able to be delivered—late, however, but, nonetheless, delivered—and a number of other payments that are important will be made despite the fact that the continuing resolution has not been passed to provide funding for all of the Government's activities.

So some things will get taken care of this afternoon, I assume, by a unanimous consent in the Senate to accept the limited funding resolution provided for by the U.S. House. But some things will not be taken care of. Let me describe what is left undone.

Today, there are 270,000 Federal workers who stayed at home. They stayed at home yesterday and the day before. They are prevented from coming to work. The law prevents them from coming to work because there is no funding for them. And, in fact, those who want to come to work are told they cannot come to work. Two hundred and seventy thousand people are at home today who should be working.

The Speaker of the House said they will be paid anyway as they were during previous shutdowns.

In addition to the 270,000 who are not working, you have another 500,000—one-half million—Federal workers who are working. All of these folks, nearly 800,000 people, get only one-half of a